

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22896-JEM

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida,

Defendants.

**PLAINTIFFS' EXPEDITED MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Friends of the Everglades, Inc., and Center for Biological Diversity, Inc. ("Plaintiffs"), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 65(a) and (b), and S.D. Fla. L.R. 7.1(d), respectfully file this motion for expedited relief¹ seeking entry of a temporary restraining order ("TRO") by July 1, 2025, and preliminary injunction to maintain the

¹ Expedited relief is required under Southern District of Florida L.R. 7.1(d)(2) because, as set forth herein, Defendants have announced their intention to begin to detain noncitizens at the detention site described herein as soon July 1, 2025. Notice of this motion has been provided by electronic mail to the United States Attorneys' Office for the Southern District, the Florida Attorney General Office, and the Miami-Dade County Attorneys' Office.

status quo during the pendency of this action seeking declaratory and injunctive relief to enforce the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*; the Administrative Procedure Act (APA), 5 U.S.C. § 701; and state and local laws prohibiting the ongoing construction of an immigration detention center within the Big Cypress National Preserve in the Florida Everglades.

I. INTRODUCTION

With no notice to the public or opportunity for public input, the State of Florida’s Division of Emergency Management (the “Division”) has commenced construction of an immigrant detention center on property owned by Miami-Dade County and within the Greater Everglades ecosystem, pursuant to an undisclosed arrangement with the U.S. Department of Homeland Security (“DHS”) to detain immigrants for U.S. Immigration and Customs Enforcement (“ICE”). Florida officials have stated publicly that they expect to have infrastructure in place at the site to begin detaining individuals for federal immigration purposes by July 1, 2025. Florida’s governor has stated that construction of the detention center was “requested by the federal government” and that it “is fully funded by the federal government.” https://www.youtube.com/watch?v=gJfG7L9reHU&ab_channel=FOX35Orlando, (at 6:01 timemark), last visited June 27, 2025.

The site of this detention center is the Dade-Collier Training and Transition Airport (“TNT Site”), a limited-use pilot training facility within the Big Cypress National Preserve. The TNT Site is located within or directly adjacent to the Big Cypress National Preserve, a nationally and state protected and ecologically sensitive area that serves as habitat for the threatened wood stork, the endangered Florida panther and Florida bonneted bat, and numerous other wildlife species. The site is proximate to Everglades National Park and within the historic Everglades,

including near areas where billions of dollars in federal and state funds have been allocated towards restoration and preservation. State and federal officials have indicated that they intend to use the TNT Site not only as a detention center to detain anywhere from 1,000 to 5,000 individuals, but also to utilize the existing runways for deportation flights – a “one-stop shop” to carry out “mass deportation.” These activities necessarily require federal involvement since the State of Florida is not otherwise empowered to enforce federal immigration laws, and Florida law restricts immigration enforcement except under federal supervision and control.

Notably absent from the public statements of state and federal officials is any discussion of the significant environmental impacts that will inevitably result from the construction of a detention center within the Big Cypress National Preserve and on the edge of Everglades National Park. Given the *billions* of dollars the state and federal governments have devoted to preserving and restoring the Everglades and Big Cypress ecosystems – including the Western Everglades Restoration Project approved by Congress just six months ago – one would expect these government agencies to have seriously considered the potential environmental impacts from such an extraordinary project in arguably the most sensitive location in Florida.

In fact, federal law *demand*s exactly that. The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, requires federal agencies such as DHS to prepare an Environmental Impact Statement (EIS) for any major federal action significantly affecting the quality of the human environment. Major federal actions include any action that is subject to “substantial Federal control and responsibility.” 42 U.S.C. § 4336e(10)(A); *see also Sierra Club v. Van Antwerp*, 526 F.3d 1353, 1360 (11th Cir. 2008) (defining a “major federal action” as “an action significantly affecting the quality of the human environment”). The construction of an Everglades immigration detention center is a major federal action undertaken to implement a

federal statutory program or executive directive, since the State of Florida has no authority or jurisdiction to enforce federal immigration law. *See Arizona v. United States*, 567 U.S. 387 (2012) (holding federal law preempts state immigration law enforcement); *Florida Immigrant Coal. v. Uthmeier*, ---F. Supp. 3d---, No. 25-21524-CV, 2025 WL 1423357, at *7-10 (S.D. Fla. Apr. 29, 2025) (same); *Farmworker Ass’n of Fla., Inc. v. Moody*, 734 F. Supp. 3d 1311, 1332-37 (S.D. Fla. 2024) (same). Under Florida law, the state may not engage in noncitizen transport except “under the direct control and supervision of the United States Immigration and Customs Enforcement.” Fla. Stat. § 908.13(2)(c).

As the United States Supreme Court recently confirmed, for “certain infrastructure projects that are built, funded, or approved by the Federal Government, NEPA requires federal agencies to prepare an environmental impact statement, or EIS. The EIS must address the significant environmental effects of a proposed project and identify feasible alternatives that could mitigate those effects.” *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colorado*, 145 S. Ct. 1497, 1507 (2025). NEPA is a procedural statute that “requires federal agencies to prepare an environmental impact statement, or EIS, identifying significant environmental effects of the projects, as well as feasible alternatives. The law ensures that the agency and the public are aware of the environmental consequences of proposed projects. Properly applied, NEPA helps agencies to make better decisions and to ensure good project management.” *Id.* at 1510.

To ensure compliance with NEPA, courts grant preliminary or permanent injunctive relief that requires federal agencies to prepare an adequate EIS before taking further action. *See, e.g., Miccosukee Tribe of Indians of Florida v. United States*, No. 08-21747-CIV, 2008 WL 11332080, at *10 (S.D. Fla. Nov. 14, 2008); *Florida Wildlife Fed’n v. U.S. Army Corps of Engineers*, 404 F. Supp. 2d 1352, 1366-67 (S.D. Fla. 2005). This is because a “fundamental

purpose of NEPA is to ensure that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.” *Florida Wildlife Fed’n*, 404 F. Supp. 2d at 1362 (citing *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) & *North Buckhead Civic Ass’n v. Skinner*, 903 F.2d 1533, 1540 (11th Cir. 1990)).

At the request of the federal government, Florida officials, with notice to the public or opportunity for public comment, have commenced construction of the detention center, and DHS and ICE are expected to transport detained individuals to the TNT Site as early as July 1, 2025. Already housing units, sanitation and food services systems, lighting infrastructure, diesel power generators, substantial fill material, restroom facilities and other infrastructure have been moved on site. *See* Decl. of Eve Samples, attached hereto as Exhibit A, ¶ 16. Given the ongoing construction at the Site without NEPA review of potential environmental impacts, as required by law, immediate injunctive relief is particularly appropriate here. “If construction is not enjoined, these as yet unexamined effects would begin to take place, and no amount of subsequent environmental analysis would undo them.” *Florida Wildlife Fed’n*, 404 F. Supp. 2d at 1362.

Accordingly, Plaintiffs respectfully request a temporary restraining order and preliminary injunction to prevent further irreparable harm to Plaintiffs and the fragile area where Defendants are building this detention center. Indeed, given the urgency of this Motion and the flagrancy with which Defendants have flouted NEPA, Plaintiffs request that the Court enter a temporary restraining order immediately without further notice to Defendants, to maintain the status quo until the Court can hold a preliminary injunction hearing.

II. ARGUMENT

To obtain a temporary restraining order, a party must demonstrate “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest.” *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005). These same elements must be established to obtain a preliminary injunction. *Keister v. Bell*, 879 F.3d 1282, 1287 (11th Cir. 2018). “The purpose of a temporary restraining order, like a preliminary injunction, is to protect against irreparable injury and preserve the status quo until the district court renders a meaningful decision on the merits.” *Schiavo*, 403 F.3d at 1231.

Applying these factors, Plaintiffs are entitled to a temporary restraining order and a preliminary injunction to halt the construction of the detention center and all related activity unless and until the DHS and its agents comply with NEPA.

A. Plaintiffs Are Likely to Succeed on the Merits.

NEPA unambiguously requires all federal agencies, including DHS, to prepare an Environmental Impact Statement (EIS) for any major federal action significantly affecting the quality of the human environment. Major federal actions include any action that is subject to “substantial Federal control and responsibility.” 42 U.S.C. § 4336e(10)(A); *see also Van Antwerp*, 526 F.3d at 1360 (defining a “major federal action” as “an action significantly affecting the quality of the human environment”). The construction of a 1,000- to 5,000-person mass detention center under the direct control and supervision of DHS to detain individuals for ICE prior to their deportation by the federal government is a major federal action undertaken to

implement a federal statutory program or executive directive – namely, the current administration’s mass deportation initiative.

The significant effect of this project on the environment is undeniable: The TNT Site is encompassed by Big Cypress National Preserve, which was established expressly to “assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for enhancement and enjoyment thereof.” 16 U.S.C. § 698f. The construction of a detention center and accompanying airport facility entails heavy construction traffic, artificial lighting, the use of massive generators, and the creation of significant , which will undoubtedly significantly impact the quality of the environment on the Site and the surrounding environment. *See* Ex. A ¶ 15. Tierra Curry, a biologist at the Center for Biological Diversity, has concluded that the ongoing construction and proposed detention center will have “numerous negative environmental effects,” and will likely cause harm to endangered Florida panthers, bonneted bats and Everglades snail kites, as well as threatened wood storks and Eastern indigo snakes. Decl. of Tierra Curry, attached as Exhibit B, at ¶ 12-20.

For “certain infrastructure projects that are built, funded, or approved by the Federal Government, NEPA *requires* federal agencies to prepare an environmental impact statement, or EIS. The EIS must address the significant environmental effects of a proposed project and identify feasible alternatives that could mitigate those effects.” *Seven Cnty. Infrastructure Coal.*, 145 S. Ct. at 1507 (emphasis added). Here, Defendants have not prepared an environmental impact statement *at all*, despite the unambiguous requirements of 42 U.S.C. § 4332(C).

Significantly, NEPA contains no exceptions for “emergency” actions, such as the one at issue here. Here, there is no emergency and, even if there were, no alternative arrangements have

been implemented. In short, there is no excuse for Defendants' failure to prepare an EIS as required under NEPA.

Plaintiffs' likelihood of success on its claims is patent.

B. Plaintiffs Will Suffer Irreparable Harm Absent Injunctive Relief.

The irreparable harm to Plaintiffs and their members if construction of the detention center is not enjoined is also patent. *Ferrero v. Assoc. Materials Inc.*, 923 F.2d 1441, 1449 (11th Cir. 1991) (an injury is "irreparable" if it cannot be undone through monetary remedies).

Plaintiff Friends of the Everglades, Inc. ("Friends"), is a Florida non-profit organization with members and offices in Miami-Dade County. Its mission includes protecting and restoring the Greater Everglades ecosystem, including the Big Cypress National Preserve. *See* Ex. A. Friends' members regularly visit and use the Big Cypress National Preserve for recreational, aesthetic, scientific, and spiritual purposes and will suffer irreparable harm if the detention facility is constructed and operated at the TNT Site. *Id.* Over 18,000 Friends supporters have voiced their opposition to the project. *Id.*

Plaintiff Center for Biological Diversity (the "Center") is a national, nonprofit conservation organization that works through science, law, and policy to protect all species—great and small—hovering on the brink of extinction. *See* Exhibit B. The Center has offices throughout the United States, including in Florida, and more than 93,000 active members across the country. *Id.* The Center's members and staff derive ecological, recreational, aesthetic, educational, scientific, professional, and other benefits from visiting Big Cypress National Preserve and observing the ecosystems and species who live there. *Id.* The Center's members and staff live near or regularly visit Big Cypress National Preserve and the Greater Everglades Ecosystem. *Id.*

For example, Center member Amber Crooks regularly visits Big Cypress multiple times each year to enjoy the quiet peacefulness of being in a truly natural place where she can observe wildlife and gaze up at the night sky in one of the darkest places east of the Mississippi River. *See* Decl. of Amber Crooks, attached as Exhibit C, at ¶¶ 5-20. She has plans to continue visiting the preserve, with her most immediate plans this Saturday and longer-range plans to visit this fall for hiking, wildlife observation, and photography. *Id.* ¶¶ 6-8.

The Big Cypress area, including the TNT Site, is utilized by Plaintiffs' members to observe the flora and fauna that are found there, including critically endangered Florida panthers and Florida bonneted bats. *Id.* ¶¶ 12-19; Ex. B ¶ 14. Indeed, radio telemetry data shows the presence of Florida panthers (which have large home ranges) in and around the TNT Site. Ex. B ¶¶ 14-15. *See also* Ex. A at Ex. 1. The area's preserved wetlands, immediately adjacent to the Site, are also essential to maintaining South Florida's drinking water supply and provide hurricane resilience. Transportation, construction, and detention infrastructure for up to 5,000 individuals pose a grave risk to this ecosystem and the wildlife that rely on it. Exs. A & C.

These facts establish that Plaintiffs will at a minimum suffer aesthetic and recreational injuries as a result of the construction of the detention center, and they have suffered a procedural injuries, because there has been no opportunity for public notice, comment or environmental review as Congress intended. Ex. A ¶ 19; Ex. B ¶ 21; Ex. C ¶ 22. If DHS had sought and obtained an EIS as NEPA requires, the Site would have been found unsuitable for this purpose, given the proximity to a national preserve and a national park, the potential harmful effects on multiple endangered species, and the billions of public dollars that have been devoted to preserving and restoring the Everglades ecosystem. *Id.* Based on these facts, Plaintiffs clearly have a concrete and redressable injury. *See Ctr. for a Sustainable Coast v. U.S. Army Corps of*

Eng'rs, 100 F.4th 1349, 1356-57 (11th Cir. 2024); *see also Miccosukee Tribe*, 2008 WL 11332080 at *11 (“the risk implied by a violation of NEPA is that real environmental harm will occur through inadequate foresight and deliberation”) (quoting *Sierra Club v. Marsh*, 872 F.2d 497, 504 (1st Cir. 1989)). NEPA creates a procedural right. *Ouachita Watch League v. Jacobs*, 463 F.3d 1163, 1173 (11th Cir. 2006) (“the plaintiffs were harmed when their procedural rights under NEPA were violated”); *Ctr. for a Sustainable Coast*, 100 F.4th at 1356-57 (same). “For procedural rights cases, though injury in fact remains a firm requirement, standards for both causation and redressability are relaxed. So long as a plaintiff alleges that the challenged (or omitted) procedure protects a concrete interest, causation and redressability typically follow—even though we can't know whether that procedure, correctly performed, would have resulted in the substantive outcome that the plaintiff desires.” *Ctr. for a Sustainable Coast*, 100 F.4th at 1353 (11th Cir. 2024). Plaintiffs have done that here. *See* Exs. A-C.

Moreover, Plaintiffs’ injuries are irreparable. Indeed, it is well established that “[i]rreparable harm results where environmental concerns have not been addressed by the NEPA process.” *Miccosukee Tribe*, 2008 WL 11332080 at *11 (citing *Protect Key West, Inc. v. Cheney*, 795 F.Supp. 1552, 1563 (S.D. Fla. 1992)). “[W]hen a decision to which NEPA obligations attach is made without the informed environmental consideration that NEPA requires, the harm that NEPA intends to prevent has been suffered.” *Marsh*, 872 F.2d at 500. A NEPA violation necessarily causes irreparable harm because once a federal agency decides to go forward with a major action without a NEPA-required environmental analysis, it is unlikely to change course later, even with the benefit of an EIS. *Id.* (“[o]nce large bureaucracies are committed to a course of action, it is difficult to change that course...it is this type of harm that plaintiffs seek to avoid, and it is the presence of this type of harm that courts have said can merit an injunction in an

appropriate case”). The very purpose of NEPA is to ensure that a government agency takes a “hard look at the environmental consequences of the proposed action,” *Sierra Club v. U.S. Army Corps of Engineers*, 295 F.3d 1209, 1216 (11th Cir. 2002), and the Defendants’ failure to do so cannot be remedied without preliminary injunctive relief.

C. The Remaining Factors Weigh in Favor of Injunctive Relief.

Where the government is the opposing party, the balance of equities and public interest factors merge. *Florida Immigrant Coal.*, 2025 WL 1423357 at *13; *Farmworker Ass’n of Fla.*, 734 F.Supp.3d at 1342. As the United States Supreme Court has recognized, “[e]nvironmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, *i.e.*, irreparable. If such injury is sufficiently likely, therefore, the balance of harms will usually favor the issuance of an injunction to protect the environment.” *Amoco Prod. Co. v. Vill. of Gambell, AK*, 480 U.S. 531, 545 (1987). The balance of harms weighs in Plaintiffs’ favor here.

In contrast to the significant environmental harms that will result from the construction of a detention center/airport in the middle of a national preserve, and the procedural harm from failing to comply with law requiring an assessment of such harms before proceeding, any harm Defendants may shoulder if enjoined would be minimal at best. DHS already has and contracts with multiple detention centers in Florida and across the United States. To the extent that DHS claims to have insufficient capacity to detain people in response to its own initiative to ramp up apprehensions, that lack of planning does not require or justify bypassing federal laws to develop a new facility within a national preserve and next to a national park. Indeed, part of the NEPA process requires federal agencies to review and consider all reasonable alternatives. *See* 42

U.S.C. § 4332(C). DHS and the State have evidently failed to consider other potential sites without such devastating environmental impacts, despite NEPA's mandate that they do so.

Defendants no doubt will invoke their interest in enforcement of immigration laws to oppose injunctive relief. In taking control of the TNT Site, the State of Florida has invoked its “emergency” powers under a 2023 executive order of the Governor declaring immigration an “emergency” – an “emergency” now in its third year, with no discernible effort to develop a mass detention facility in the intervening years. Putting aside whether intractable political gridlock over immigration reform constitutes an “emergency,” it does not give license to the state and federal governments to simply disregard the laws that govern federal projects affecting environmentally sensitive lands, essential waterways, national parks and preserves, and endangered species. “[E]ven a ‘legitimate’ governmental interest can be outweighed by the harm” to a plaintiff arising from government actions in service of that interest, as in this case. *Farmworker Ass’n of Fla.*, 734 F.Supp.3d at 1342 (enjoining enforcement of state law aimed at immigration).

Moreover, “[t]here is generally no public interest in the perpetuation of unlawful agency action.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (internal citations omitted). “To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *Id.* The federal immigration laws enjoy no privilege over NEPA, the APA, the Endangered Species Act, the National Park Service Organic Act, or the Big Cypress enabling statute. It is not too much to ask that the federal and state governments comply with the law – *all* laws – while fulfilling their duties. As the Supreme Court has said, “our system does not permit agencies to

act unlawfully even in pursuit of desirable ends.” *Alabama Ass’n of Realtors v. Dep’t of Health & Human Servs.*, 594 U.S. 758, 766 (2021).

The harm to Plaintiffs and to the environment that NEPA is designed to protect far outweighs the Defendants’ interests in constructing a mass detention facility in a national preserve without the required environmental reviews. The public interest factors weigh in favor of injunctive relief.

CONCLUSION

The facts contained in this Motion, the attached declarations, and the Complaint confirm that Plaintiffs will be irreparably harmed without immediate injunctive relief, particularly given the ongoing construction of the detention center on the Site and Defendants’ intent to begin detaining individuals on the Site by July 1, 2025. Accordingly, Plaintiffs respectfully request that a temporary restraining order be entered by no later than July 1, 2025, pursuant to Rule 65(b) and Local Rule 7.1(d). Moreover, for the reasons stated herein, Plaintiffs respectfully request that the Court subsequently enter a preliminary injunction.

Plaintiffs also request that the Court’s orders granting injunctive relief require a nominal bond of \$100. *See BellSouth Telecomm., Inc. v. MCI Metro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (internal citations omitted) (“the amount of security required by the rule is a matter within the discretion of the trial court...and the court may elect to require no security at all”).

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Temporarily restrain and enjoin Defendants Noem, Lyons and Guthrie any of their officers, agents, servants, employees, attorneys and any other persons who are in active concert or participation with any of the Defendants from engaging in any pre-construction

activities, construction, conversion, or use of the TNT Site for purposes of immigration detention unless and until Defendants comply with NEPA and the APA;

B. Temporarily restrain and enjoin Defendants Noem, Lyons and Guthrie and any of their officers, agents, servants, employees, attorneys and any other persons who are in active concert or participation with any of the Defendants from authorizing or permitting further development or use of the TNT Site for purposes related to a noncitizen detention center;

C. Temporarily restrain and enjoin Miami-Dade County and any of its officers, agents, servants, employees, attorneys and any other persons who are in active concert or participation with any of the Defendants from authorizing or otherwise allowing the use of the TNT Site limited to aviation activities as a detainment center for noncitizens or related activities.

D. Grant such other relief as the Court deems just and proper.

Pursuant to S.D. Fla. L.R. 7.1(a)(2), a proposed order as been filed and served via email to the Court in Word version.

Dated: June 27, 2025

Respectfully submitted,

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REQUEST FOR HEARING

Pursuant to S.D. Fla. L.R. 7.1(b)(2), Plaintiffs respectfully request a hearing on this motion, which will assist the Court in considering the facts and legal issues raised in this case, which involves an issue of public importance.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 27, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF.

/s/ Paul J. Schwiep
Paul J. Schwiep

DECLARATION OF EVE SAMPLES

1. My name is Eve Samples and I serve as the Executive Director of the Friends of the Everglades, Inc. (“Friends”), a position I have held since early 2020. Prior to that time, I worked as a journalist covering Florida environmental issues.

2. Friends of the Everglades was founded in 1969 by the journalist, author, and environmental activist Marjory Stoneman Douglas. Friends is a 501(c)(3) nonprofit organization and is dedicated to preserving America’s Everglades and its interconnected ecosystems. The impetus for Marjory Stoneman Douglas founding Friends was a proposal in the late 1960s to build a jetport in the Everglades on the site that is now being developed as a detention facility for noncitizens. Friends worked to prevent the area, which is in the heart of the Big Cypress National Preserve, from being developed into a commercial airport.

3. The same exact site is now threatened again for development into a noncitizen detention center. State and Federal officials have dubbed the facility, which is under active construction, “Alligator Alcatraz.”

4. Big Cypress National Preserve is the nation’s first national preserve, spanning over 700,000 acres. It is a continuous freshwater ecosystem comprised of five habitats that are connected by the water that flows through them. The water flows from the hardwood hammocks to the pinelands, across the prairies, into the cypress swamps, and then into the estuaries that flow to the Gulf.

5. The freshwaters of Big Cypress are crucial to the health of the neighboring Everglades and the wildlife that inhabit it. Big Cypress provides habitat for various listed species and has the largest contiguous acreage of habitat for the endangered Florida panther in South Florida.

6. Because Big Cypress is a continuous ecosystem, any disruption to the flow of freshwater would lead to still or stagnant water upstream or downstream of the site, disrupting the surrounding natural environment on which species depend. Threat of pollution and degradation of water quality will harm surrounding wetland ecosystem and directly harm species.

7. Big Cypress National Preserve is a designated International Dark Sky Place based on outdoor lighting guidelines that specify where outdoor lighting is needed. The preserve achieved this designation in part because this protection is important for the Florida panther and other nocturnal species.

8. Friends is a member-based organization, and its members recreate, visit, fish and enjoy the nature, flora and fauna in the Big Cypress National Preserve including in the area of the proposed detention center. I personally have visited the site and I am familiar with the area.

9. Friends' members enjoy recreating in the Everglades and Big Cypress area, including in Panther habitat. They enjoy hiking, camping, kayaking, canoeing, birdwatching, and viewing and photographing nature and wildlife.

10. Since the proposal to build a detention facility in the Big Cypress National Preserve first surfaced, more than 18,000 supporters of Friends have voiced their opposition to the plan. This opposition springs from a desire to preserve and protect the Everglades, and the Big Cypress National Preserve specifically, including among Friends' members who use, fish, recreate, observe wildlife or otherwise enjoy the area.

11. I am aware that site on which the detention center is being built is in an area that serves as habitat for endangered and threatened species like the Florida panther, Florida bonneted bat, Everglades Snail kite, wood stork, and numerous other species. I have reviewed tracking data

collected by the U.S. Fish and Wildlife Service that has geolocated Florida panther on the site, a copy of which is attached hereto as Exhibit 1.

12. I personally visited the site on June 22, 2025, however gates leading into the property were locked, blocking public access. The following day, June 23, 2025, aerial and ground-level video footage confirmed substantial construction activities, including the placement of restroom facilities, detention tents, trailers, trucks, and the movement of heavy equipment on-site.

13. The ongoing construction of the detention center and the resulting structures and activities placed on the site will harm my aesthetic interests, and aesthetic interests of Friends' members who frequent the area. Particularly after dark when night sky conditions above the Everglades are spectacular, and appreciated in the serenity of the Everglades, the sound and artificial light from the detention center will degrade this experience.

14. The increased traffic in and out of the area to transport people, supplies, airport operations, and operations of the detention facility will harm both wildlife and Friends' members ability to enjoy that wildlife.

15. The planned use of the TNT Site includes the installation of prefabricated housing, water and sewage infrastructure, security fencing, and other temporary or semi-permanent structures, the construction and operation of which could impact water quality and flow both on and off site.

16. Construction on the detention center has already begun. Portable kitchens, restrooms, housing facilities, portable lighting, and other infrastructure have been positioned on site, and heavy vehicular traffic on and out of the site has occurred. On June 26, 2025, Friends

received reports of dump trucks carrying fill entering the Site. State officials have publicly stated that they expect to begin detaining people at the TNT Site by July 1, 2025.

17. In my capacity as Executive Director of Friends, I have directed the organization to request from state officials any environmental analyses or studies that have been done to evaluate resealable environmental impacts from the construction of detention center in the Big Cypress National Preserve. As I understand it, no such analyses or studies have been conducted whatsoever.

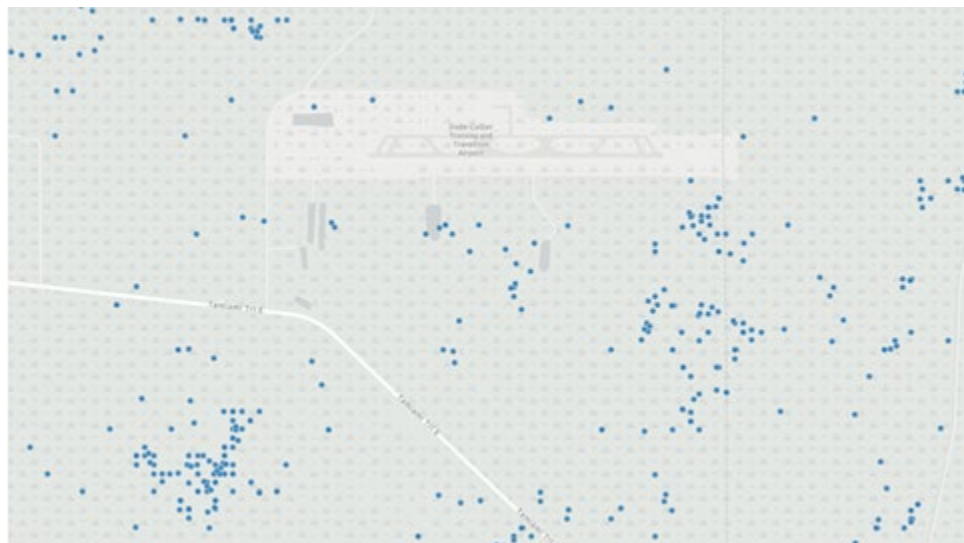
18. The only planning document I have been provided for the detention center is a “Waste Management Plan Overview,” a copy of which is attached, which states: “This plan if [sic] for the initial waste management of the temporary detention facility and will be expanded as site build out allows for more comprehensive permanent solutions to be implemented.” Ex. 2 at 1. The waste management plan contemplates that the detention center will generate biohazardous and infectious waste in connection with its operations. Beyond this, there has been no effort to evaluate the environmental impacts from the construction and operation of the detention camp.

19. Had the Department of Homeland Security, Immigration and Customs Enforcement and the Florida Division of Emergency Management prepared an Environmental Impact Statement (EIS) as required under the National Environmental Policy Act (NEPA), Friends and would have received notice and an opportunity to review the EIS and provide input as the law provides. Friends was denied this opportunity. Moreover, given the Site’s location within Big Cypress National Preserve and Everglades National Park, an EIS would have found that this Site is unsuitable for a detention center, and that better alternatives are available without harming sensitive environmental lands or endangered species.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 26, 2025.

A handwritten signature in black ink, appearing to read "Eve Samples", is written above a horizontal line.

Eve Samples



Source: <https://gis-fws.opendata.arcgis.com/datasets/fws::florida-panther-telemetry/explore?location=25.850665%2C-80.898916%2C13.00>



TDF Waste Management Plan Overview



Overview

This plan is for the initial waste management of the temporary detention facility and will be expanded as site build out allows for more comprehensive permanent solutions to be implemented. The goal of the Division and contracted vendors is to ensure a robust, proactive logistics and installation plan that fully eliminates the potential for environmental issues related to waste production, solid waste management, recycling, construction and demolition debris, and potable water management for all on-site restroom, shower, and laundry trailers by integrating high-capacity containment, secure plumbing, secondary spill containment, solid waste management, recycling, construction and demolition debris handling, and robust monitoring, this plan addresses and eliminates environmental risks, ensuring compliance and safe conditions for site occupants.

Monitoring, Evaluation and Compliance

On-site personnel will monitor biowaste and solid waste storage, potable water systems, dumpster, recycling, and C&D debris areas for leaks, spills, overflow, or contamination. Preventive maintenance schedules will be followed, including pump-outs of frac tanks and timely waste, recycling, and debris hauling. All procedures will comply with federal, state, and local environmental regulations.

Wastewater and Potable Water

Wastewater

Shower, restroom, and laundry units, as well as administrative and billeting trailers produce graywater, blackwater, and lint waste. Each waste-producing trailer will be hard-plumbed directly to designated 22,000-gallon frac tanks, reducing frequency of tank exchanges and minimizing transfer points. Frac tanks will be maintained at less than 50% of capacity. To secure connection points, all waste discharge lines will utilize 2-inch camlock connections. All connection points, hoses, and storage tanks will be within containment trays for spill protection. A trained team will inspect all plumbing and containment systems daily to maintain zero environmental impact.

Potable Water

Potable water will be delivered by 2,000-gallon and 6,000-gallon tanker trucks and transferred via secure plumbing to ensure safe transport and storage. To provide sealed connections, all potable water hookups will use 2-inch camlock fittings for a closed system. Water tanks will be sanitized, flushed, and water quality tested regularly.

Solid Waste

Appropriately sized roll-off dumpsters will be strategically placed throughout the site to handle all solid waste generated by operations and personnel. All dumpsters will be equipped with lids or tarps to prevent littering, wind dispersal, and animal intrusion. Dumpsters will be placed on stable ground with adequate clearance for truck access. A daily swap schedule for removal and replacement will be maintained to prevent overflow and ensure site cleanliness. Waste haulers will be responsible for safe transport and disposal at permitted facilities.

Recycling

Clearly marked recycling containers will be placed next to general waste dumpsters and throughout common areas to encourage source separation of recyclable materials. Materials such as cardboard, plastic, metal, and paper will be collected separately to reduce contamination and maximize recycling efficiency. A dedicated recycling hauler will collect and transport recyclable materials to an approved recycling facility on a routine schedule.

C&D Debris Management

Dedicated roll-off containers will be provided specifically for construction and demolition debris to avoid mixing with general waste and recyclables. Materials such as wood, metal, concrete, and drywall will be separated where practical to facilitate recycling and reuse opportunities. All C&D debris will be removed by licensed haulers and transported to permitted disposal or recycling facilities in compliance with local regulations.

Biowaste

Health and Medical vendor will ensure biohazard waste management involves proper containment, labeling, segregation, and disposal to prevent the spread of infection and environmental contamination. This includes using designated leak-proof, puncture-resistant containers, ensuring proper labeling with the biohazard symbol, and following specific disposal protocols for different types of biohazardous materials, such as sharps and liquid waste.

Containment

Biohazard waste will be placed in sturdy, leak-proof containers that are resistant to punctures. Sharps will be disposed of in designated sharps containers.

Labeling

All containers must be clearly labeled with the universal biohazard symbol and appropriate warnings, such as "Biohazardous Waste" or "Infectious Waste".

Segregation

Different types of biohazardous waste (e.g., sharps, liquid waste, pathological waste) will be segregated into separate containers to minimize risks and facilitate proper treatment.

Disposal

Biohazard waste from the site will be picked up by a certified and registered Biohazard disposal company and disposed of in accordance with Florida regulations.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. _____

FRIENDS OF THE EVERGLADES, INC., a
Florida 501(c)(3) not-for-profit corporation, and
CENTER FOR BIOLOGICAL DIVERSITY, a
501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity
as Secretary of the UNITED STATES
DEPARTMENT OF HOMELAND SECURITY;
TODD LYONS, in his official capacity as Acting
Director of the UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT; KEVIN GUTHRIE, in his
official capacity as Executive Director of the
Florida Division of Emergency Management; and
MIAMI-DADE COUNTY, a political subdivision
of the State of Florida,

Defendants.

DECLARATION OF TIERRA CURRY

I, Tierra Curry, state and declare as follows:

1. I am a resident of Somerset, Kentucky. The following facts are personally known to me and if called as a witness I could and would truthfully testify to these facts.
2. I have been a member of and biologist at the Center for Biological Diversity (Center) for 17 years.
3. The Center is a national, nonprofit organization whose mission is to secure a future for all species, great and small, hovering on the brink of extinction. The Center does this

through science, law, and creative media, with a focus on protecting the lands, waters, and climate that species need to survive.

4. I joined the Center because I wanted to fight human-caused extinction of wild animals and plants. As a Senior Scientist and Director of the Center's Endangered Species Program, I advocate for the protection of species and ecosystems. This includes identifying imperiled species in need of protection under the Endangered Species Act and reviewing the status of species and ecosystems, including, the Florida panther (*Puma concolor coryi*), Florida bonneted bat (*Eumops floridanus*), Everglade snail kite (*Rostrhamus sociabilis plumbeus*), Wood stork (*Mycteria americana*), and Eastern indigo snake (*Drymarchon couperi*).

5. Before joining the Center in 2007, I worked as an environmental educator and field biologist focused on the restoration and management of freshwater ecosystems in Oregon and Washington. I have more than 20 years of experience conducting wildlife surveys.

6. I have a Bachelor of Arts degree in English from Berea College in Berea, Kentucky, and a Master of Science degree in Biology from Portland State University. My graduate research focused on the management of freshwater habitats in relation to the reproductive success of imperiled amphibians.

7. The Center has more than 93,000 members dedicated to preserving, protecting, and restoring biodiversity of native species and ecosystems. These members have educational, scientific, moral, spiritual, and aesthetic interests in the health of the natural environment. Many of the Center's members live, work, or recreate in or near Big Cypress National Preserve (Big Cypress) and Everglades National Park.

8. Our Florida and Caribbean Program has worked for over a decade to strengthen protections for threatened and endangered species and defend wild places in the state, including

advocating to federal decisionmakers and filing lawsuits to defend sensitive areas of Big Cypress National Preserve from destructive activities like oil exploration and drilling and off-road vehicle use; reviewing and providing detailed scientific and legal comments on agency permits that would harm Florida panthers and other endangered species during National Environmental Policy Act public comment periods, and to strengthen habitat protections endangered Florida bonneted bat and advocating to protect Florida panthers conservation to be considered by the U.S. Fish & Wildlife Service (“Service”) and U.S. Army Corps of Engineers in permitting decisions.

9. The Center brings this case before the Court as part of its ongoing work to ensure that Defendants follow their legal obligations under the National Environmental Policy Act (NEPA) to undertake an assessment of the impacts to environmental quality that would result from the use of the Dade-Collier Training and Transition Airport as an immigrant detention center. This action will ensure transparency and provide the public, including the Center and its members, an opportunity to participate in the decision-making process.

10. The Center and its members will be adversely affected by Defendants’ approval, funding, construction, and operation of Dade-Collier Training and Transition Airport site as an immigrant detention center and by the Defendants’ failure to abide by their obligations under NEPA.

11. I will also personally be harmed, as I plan to visit Big Cypress National Preserve this November 2025, where I intend to enjoy the preserve’s recreational and aesthetic value provided by the wildlife viewing, hiking trails, and canoe/kayak paddling trails. The wetland wildlife and ecosystems of Florida hold a special place in my heart because they are so interesting, and of global significance in terms of unparalleled biodiversity. I first visited

Everglades National Park as a teenager and have returned several times over the years to appreciate the area's unique wildlife. I have been looking forward to visiting Big Cypress in particular for the first time later this year but now I am concerned because my opportunities to view wildlife and to observe threatened and endangered species in particular are reduced because of the impacts of this ill-planned project.

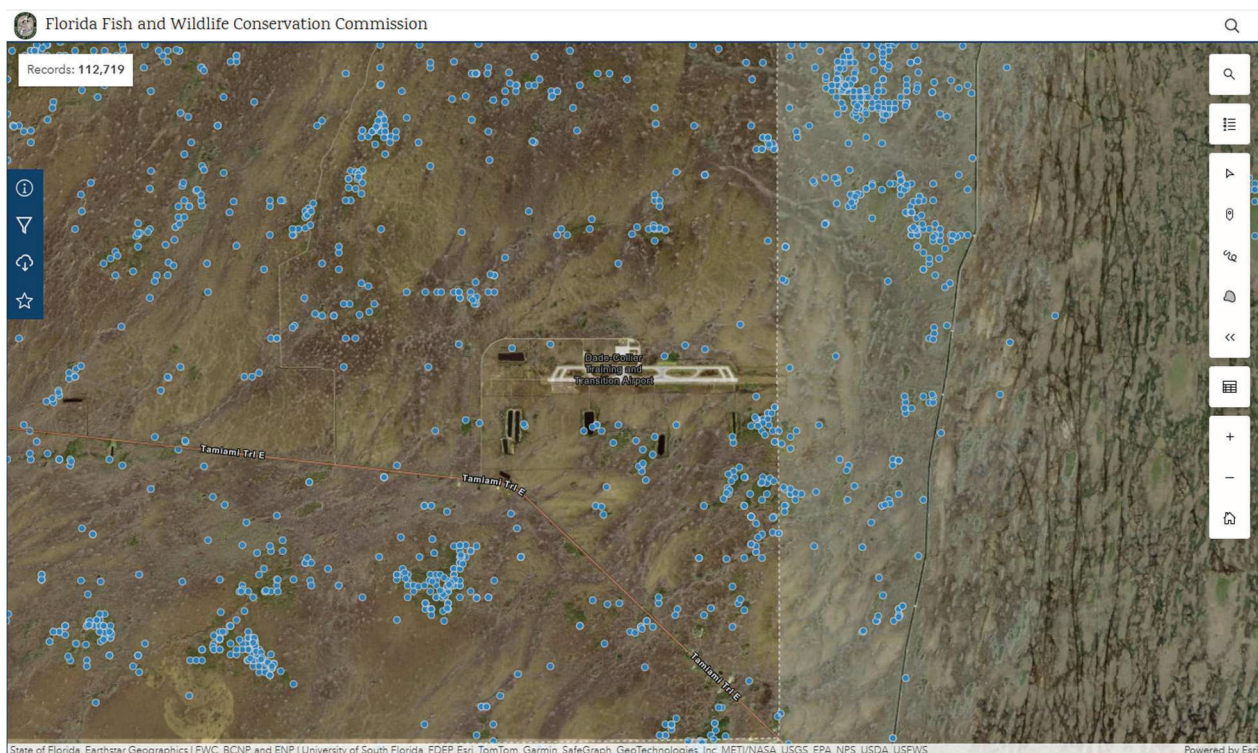
12. Without proper assessment and public notice as required by NEPA, the Center and its members are unable to provide informed comments or participate in the public comment process. Based on my understanding of the proposed detention center, the project is certain to increase vehicle traffic to the area; cause light, water, and noise pollution; and degrade wildlife habitat, all of which will negatively impact the endangered and threatened species inhabiting the area in and around Big Cypress and the Florida Everglades. The Defendants are required to undertake and publish their findings regarding such impacts. The Center and its members are entitled to an opportunity to comment on those findings.

13. Based on my understanding of the project, I anticipate the conversion of the Dade-Collier Training and Transition Airport to an immigrant detention center will have numerous negative environmental effects.¹ Among the detrimental environmental impacts of the proposed project, I anticipate that the use of the site to detain 1,000 or more people will cause light, water, and noise pollution, increased vehicular traffic, wildlife habitat degradation, and waste management issues, all of which are highly destructive to the entirety of Big Cypress and

¹ Michael Hoffman, *'Alligator Alcatraz' Approved: Florida's Everglades Immigration Detention Plan Draws Backlash*, WPTV (June 24, 2025), <https://www.wptv.com/news/state/miami-dade/alligator-alcatraz-approved-floridas-everglades-immigration-detention-plan-draws-backlash>; Bill Hutchinson, *Florida AG Proposes 'Alligator Alcatraz' Migrant Detention Center in Everglades*, ABC News (June 25, 2025), <https://abcnews.go.com/US/florida-attorney-general-proposes-alligator-alcatraz-migrant-detention/story?id=123149898>.

the Florida Everglades ecosystems.² I believe the aforementioned environmental effects will also negatively impact the survival and recovery of federally endangered and threatened species within Big Cypress and the Florida Everglades.

14. I understand that Florida panthers, a federally endangered species, have frequented the Dade-Collier Training and Transition Airport site and the surrounding area.³ The image below is a screenshot of the Florida Fish and Wildlife Conservation Commission's map of panther telemetry data around the Dade-Collier Training and Transition Airport, which shows that radio-collared panthers have used the area (the blue dots). Not all panthers are collared, so it's likely even more have traveled on and around the site.



² Ted Hesson, *Florida Plans 'Alligator Alcatraz' Migrant Detention Center*, Reuters (June 24, 2025), <https://www.reuters.com/world/us/florida-plans-alligator-alcatraz-migrant-detention-center-2025-06-24/>; Gary Fineout and Bruce Ritchie, *Florida sprints ahead with 'Alligator Alcatraz' immigration detention center project*, Politico (June 24, 2025), <https://www.politico.com/news/2025/06/24/florida-alligator-alcatraz-immigration-facility-everglades-00422203>.

³ Fish and Wildlife Conservation Commission Fish and Wildlife Research Institute, *Florida Panther Telemetry Locations* (last updated August 19, 2024), <https://geodata.myfwc.com/datasets/myfwc::florida-panther-telemetry/explore?location=25.857852%2C-80.888174%2C13.96>.

15. I expect that use of the site for a detention center will increase traffic to the site, therefore, increasing the risk of panther vehicle strikes, which is currently the leading documented cause of panther deaths annually and a serious obstacle for the panther's recovery.⁴ In addition to vehicle traffic, increased human presence and other impacts of the site's use are likely to cause avoidance amongst panthers that currently use the area as habitat.⁵ Panthers once roamed across the Southeast but are now limited to Southwest Florida. Because development continues to destroy more of their limited habitat, they depend on public lands in Big Cypress and Everglades for their survival. Activities at the site may also cause panthers to avoid the area, potentially cutting into individual panthers' home ranges and displacing them into other panthers' territories. This could increase the risk of intraspecific aggression, when panthers fight and kill one another over territory, which is the second leading cause of Florida panther mortality.⁶

16. Use of the Dade-Collier Training and Transition Airport site as an immigrant detention center also poses risks to the federally endangered Florida bonneted bat.⁷ The species has been documented in Big Cypress, and the Service has designated critical habitat for the bat within Big Cypress.⁸ The map below shows the location of the Dade-Collier Training and Transition Airport site in relation to Florida bonneted bat critical habitat.

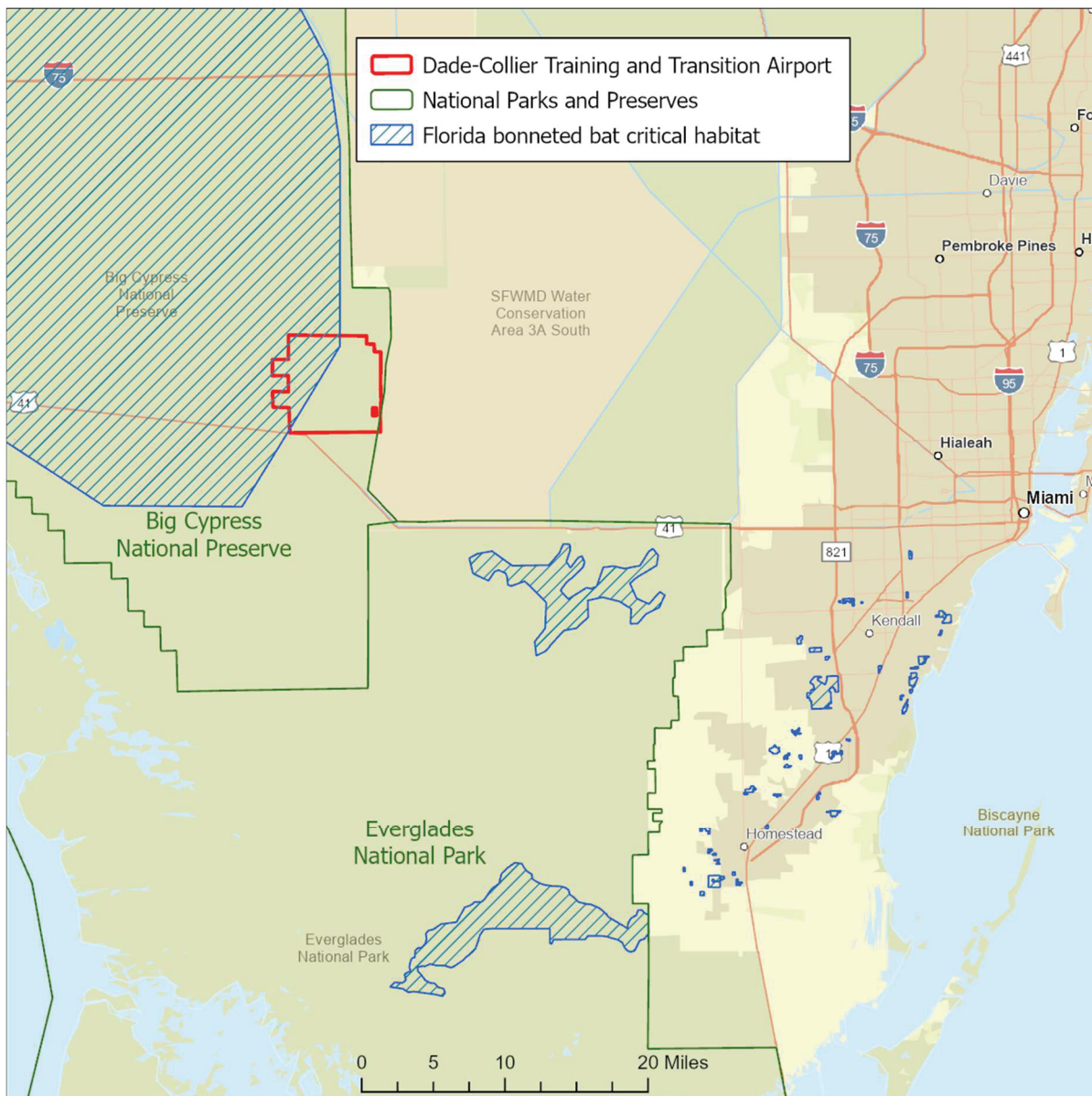
⁴ U.S. Fish & Wildlife Serv., *Species Profile: Florida Panther*, Environmental Conservation Online System (ECOS) (accessed June 26, 2025), <https://ecos.fws.gov/ecp/species/1763>.

⁵ Florida Fish & Wildlife Conservation Comm'n, *Panther Biology* (accessed June 26, 2025), <https://myfwc.com/wildlifehabitats/wildlife/panther/biology/>.

⁶ Florida Fish & Wildlife Conservation Comm'n, *Panther Biology* (accessed June 26, 2025), <https://myfwc.com/wildlifehabitats/wildlife/panther/biology/>.

⁷ U.S. Fish & Wildlife Serv., *Florida Bonneted Bat (Eumops floridanus)* (accessed June 26, 2025), <https://ecos.fws.gov/ecp/species/8630>.

⁸ 78 Fed. Reg. 61004, 61008, 61011 (Oct. 2, 2013) (finding that Florida bonneted bat have been documented in Big Cypress National Preserve)



17. I believe the construction and operation of the immigration detention center will threaten the integrity of the bat's habitat by using artificial lights, which could cause the bats to avoid the site and surrounding areas of habitat for feeding, breeding, and other important behaviors.⁹ The potential for use of pesticides, like mosquito spraying, could harm the bat's insect food-base.¹⁰

⁹ Designation of Critical Habitat for Endangered Florida Bonneted Bat, 89 Fed. Reg. 16624, 16642 (Mar. 7, 2024).

¹⁰ *Id.* at 16645.

18. The Everglade snail kite, which is federally endangered, also inhabits Big Cypress and relies on the health of the preserve's aquatic ecosystem for survival.¹¹ The snail kite's diet is almost exclusively comprised of freshwater apple snails, making the species more vulnerable to any pollution caused by the detention center's waste, wastewater, and runoff that would harm this critical food source and risk the survival and recovery of the species.¹²

19. I believe the proposed detention center could also harm the wood stork, a federally threatened species that lives in the Everglades and Big Cypress.¹³ As explained by the National Park Service,

“The feeding behavior of Wood Storks has evolved over many thousands of years to reflect the natural conditions of the Everglades. When the natural hydrologic cycle is upset by human-controlled water-management activities, Wood Storks fail to feed and nest successfully because a breeding pair of Wood Storks will not attempt to nest if sufficient food is not available.”¹⁴

Any impacts to the natural hydrology near the Dade-Collier Training and Transition Airport by constructing and operating the immigration detention center poses a risk to the stork's habitat and the continued recovery of the species.

20. The Eastern indigo snake, also a federally threatened species, will be impacted by the proposed project as well. The snake's habitat includes moist hammocks around cypress swamps.¹⁵ According to the Florida Fish and Wildlife Conservation Commission, the species loses 5% of its habitat in the state annually, primarily due to development and the associated

¹¹ Nat'l Park Serv., Big Cypress National Preserve Foundation Document Overview (accessed June 26, 2025), <https://www.nps.gov/bicy/learn/management/foundation-overview.htm>.

¹² U.S. Fish & Wildlife Serv., *Everglade Snail Kite (Rostrhamus sociabilis plumbeus)* (accessed June 26, 2025), <https://ecos.fws.gov/ecp/species/7713>.

¹³ Nat'l Park Serv., Big Cypress National Preserve Foundation Document Overview (accessed June 26, 2025), <https://www.nps.gov/bicy/learn/management/foundation-overview.htm>; Nat'l Park Serv., Wood Stork: Species Profile (accessed June 26, 2025), <https://www.nps.gov/ever/learn/nature/woodstork.htm>.

¹⁴ *Id.*

¹⁵ Fla. Fish and Wildlife Conserv. Comm'n, Eastern Indigo Snake (*Drymarchon couperi*) (last accessed June 26, 2025), <https://myfwc.com/wildlifehabitats/profiles/reptiles/snakes/eastern-indigo-snake/>.

habitat loss, habitat fragmentation, pollution, and vehicle strikes.¹⁶ Development of the Dade-Collier Training and Transition Airport to a detention center housing 1,000 to 5,000 detainees is certain to result in many of the aforementioned threats to the species.

21. The Defendants' failure to fulfill their obligations under NEPA for the immigration detention center at Dade-Collier Training and Transition Airport deprives the Center and its members of important environmental information to pursue their mission to prevent species extinction, as well as the opportunity to meaningfully participate in the public notice and comment process required by law. A court order requiring this review would address that harm.

22. Furthermore, an injunction preventing the irreparable environmental degradation that I believe will result from construction and operation of the immigration detention center until appropriate environmental reviews can be completed will enhance my upcoming experience at Big Cypress by protecting the opportunity to view wildlife while hiking and paddling in and around the preserve. It will also prevent degradation of federally endangered and threatened species' habitat and prevent threats to those species' survival and recovery.

I declare under penalty of perjury that the foregoing is true and correct and was executed on June 27, 2025, in Somerset, Kentucky.



Tierra
Curry

Digitally signed by Tierra Curry
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Tierra Curry

¹⁶ *Id.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

FRIENDS OF THE EVERGLADES, INC., a Florida
not-for-profit corporation, and CENTER FOR
BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit
organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity
as Secretary of the UNITED STATES
DEPARTMENT OF HOMELAND SECURITY;
TODD LYONS, in his official capacity as Acting
Director of the UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT; KEVIN
GUTHRIE, in his official capacity as Executive
Director of the Florida Division of Emergency
Management; and MIAMI-DADE COUNTY, a
political subdivision of the State of Florida;

Defendants.

DECLARATION OF AMBER CROOKS

I, Amber Crooks, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify to those facts under oath. As to those matters that reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am a member of the Center for Biological Diversity (“Center”) and have been for eight years, since March 2017. I receive action alerts, respond to online petitions, and help with anything I can for the wider efforts of the Center. I rely on the Center to represent my

interests in conserving endangered species and their habitats, including species like the Florida panther, Florida bonneted bat, wood stork, Everglade snail kite, red cockaded woodpecker, eastern indigo snake, and places like Big Cypress National Preserve and Everglades National Park.

3. My entire career has also been deeply tied to conservation. I have a master's degree in public administration with a concentration in Environmental Policy from Florida Gulf Coast University. I have advocated for the protection of the Big Cypress National Preserve and many endangered and threatened species. For example, I have advocated for stronger habitat protections for Florida bonneted bats and worked for decades to protect Florida panthers from poorly sited development projects that destroy their habitat and contribute to increased panther-vehicle mortality (deaths by car crash).

4. In the past, I volunteered with the Florida Panther National Wildlife Refuge for about 10 years. The Refuge is part of the Greater Everglades Ecosystem and shares a boundary with the Big Cypress National Preserve. While volunteering at the Refuge, I helped with projects regarding imperiled species in the area, including the Florida bonneted bat research, Florida panther habitat management, swallowtail kite monitoring, red cockaded woodpecker habitat improvement, and ghost orchid and other native species education. I also volunteered for the Friends of the Florida Panther Refuge ("Friends"), serving as a board member from 2010–2020. I am still a member of the group.

5. I love visiting Big Cypress National Preserve and regularly visit it, about once every season. My goal is to visit each and every one of the Preserve's main access points, and I still have to visit the Mile Marker 51 recreational area and Midway campground.

6. In fact, I plan to visit Big Cypress this Saturday, to join others in defense of the Preserve at the entrance of the site where the detention center is being constructed. While I'm in the area, I also plan to try to take a moment to do something fun in the Preserve.

7. Next week I also plan to visit Shark Valley at Everglades National Park for a day trip, which is close to the location of the detention center.

8. I also plan to visit in the fall, and while I'm there I intend to enjoy hiking, looking for wildlife, and taking photographs. I have attended Preserve-led astronomy programs in the past, and hope to go again this fall/winter.

9. Big Cypress is a special place to me. It is one of our cherished public lands and a natural marvel. Its waters feed aquifers (or drinking water) and much of Everglades National Park. It also safeguards over 350 wildlife species, making it incredibly fascinating and biodiverse. When you're in Big Cypress, you can feel the quiet peacefulness of being in a truly natural place.

10. On one of my first visits to Big Cypress, I volunteered to survey imperiled Big Cypress fox squirrels. The site I was surveying was in a cypress dome not far from the site where the detention center is now being constructed. While I was working, I felt as if eyes were on me, and I turned to see a barred owl peacefully watching me. It was then that I was hooked.

11. I also saw my first endangered red cockaded woodpecker at Big Cypress, which is an important area for their recovery. During a special agency-led field trip to the red cockaded woodpecker site, we observed the birds coming home to roost at sunset with a rising moon in the background. On a separate occasion, I had the ability to volunteer in the Big Cypress and help monitor red cockaded woodpeckers at a different part of the Preserve in an effort to gather data about this important population.

12. I have spent many wonderful visits at Big Cypress, from watching sunrises over Deep Lake while hoping to spot a Florida panther, to bicycling Bear Island, to kayaking Turner River, to late-night visits to wonder at the starry skies with my friends.

13. The lands and waters in Big Cypress have always held adventure and joy for me and have been the backdrop of many core memories in my lifetime.

14. I have engaged in volunteering activities in the Big Cypress, such as wetland restoration plantings, as well as invasive species eradication days on adjoining properties.

15. In addition to the preserve itself, I also care deeply about the species who live there. For example, endangered Florida panthers once ranged across much of the southeastern United States, but now they are only found in southwest Florida. Their numbers have reduced because of habitat destruction and being hit by cars. There are an estimated 120–230 panthers in the wild, and most years, between 20–30 are hit by cars. Big Cypress is one of a handful of truly protected places within their occupied breeding range.

16. I look for panthers everywhere I go when I'm exploring southwest Florida. Every time I'm in the Big Cypress, whether camping, hiking, or driving down the road, I'm looking for wildlife, including Florida panthers.

17. I also have an appreciation for the Florida bonneted bat, which lives in Big Cypress. It is exceedingly rare, and its habitat is threatened by development and increasingly stronger hurricanes. Thousands of acres have been approved for development in recent years in south Florida, and a fair portion of those areas are within the bat's range. Furthermore, thousands of acres more are at risk from pending development applications. With the growing threat from development, protected public lands like Big Cypress National Preserve are an important part of preventing the bat's extinction and facilitating its recovery.

18. I have been to a Florida bonneted bat roost in the Florida Panther National Wildlife Refuge as a volunteer. I was able to assist with data collection at one of only two known natural roosts at the time. The roost tree was in a sheltered and secluded area, and it felt like we were looking for a pirate's treasure to find that one specific tree in a forest of lookalikes. It was an amazing experience. When the bats come out of the roost, they must drop down before they can fly. There is almost a feeling that they are falling on top of you, and it was exciting to hear their calls and the sound of their wings flapping.

19. I have sought out opportunities to see the bat in its natural habitat. I enjoy hiking, camping, kayaking, and birdwatching in Florida bonneted bat habitat, including Big Cypress National Preserve. Part of my enjoyment of the experience is knowing that I am in this endangered bat's habitat and that I might see one.

20. I also enjoy observing native birds like endangered red-cockaded woodpeckers, threatened wood storks and other wading birds, threatened crested caracara, and rare migratory songbirds.

21. I understand that Florida and the federal government are working together to construct and operate an immigration detention center on an area known as Dade-Collier Training and Transition Airport, a training airstrip for pilots.

22. Because of how rushed the construction of the detention center has been, I understand there has been no public process: no publicly available permit materials or plans for members of the public to further understand what is envisioned, what the full environmental impacts will be, and how those impacts will be avoided or offset. If I was aware of such publicly available information, opportunities for public comment, or attendance at a meeting, I would certainly participate in the decision-making process, however the project is already

under way without such opportunities. So I had no opportunity to represent my interests in conserving and protecting Big Cypress.

23. Despite that lack of information, it is clear that intensification of use in this area (more people with their associated vehicles, waste, and water consumption) is a great cause for concern for the delicate ecosystems in Big Cypress. I believe it could harm many of the qualities that make Big Cypress so special to me.

24. I understand that this center could detain 1,000 or more people in an area with no known existing water or wastewater infrastructure. It logically follows that even more people will need to be on the site as guards, administrators, facilities support, and more. These people will create waste—gray water, solid waste, and human refuse. The scale of sanitation and handling wastewater from showering and daily needs is a concern. I understand that fuel may be needed to run generators on site. Transporting in all these pollutants risks contaminating Big Cypress, if it is not handled appropriately.

25. All the activity anticipated with building a detention center—light, noise, and the presence of humans—is likely to impact wildlife that use the area. For example, I believe there's a real risk that panthers will decrease their use of the area,¹ even though I know (based on publicly available telemetry data) that they have been documented on the site and surrounding areas.

26. I believe this project may require artificial lighting, which will likely affect wildlife and Big Cypress's famously dark skies. I heard from a park ranger that Big Cypress

¹ Frakes, R.A., Belden, R.C., Wood, B.E. and James, F.E., 2015. Landscape analysis of adult Florida panther habitat. *PLoS One*, 10(7), p.e0133044 (describing how, in a habitat model for Florida panthers, “[s]mall increases in human density were predicted to have a pronounced negative effect on the probability of panther presence”).

has the darkest skies east of the Mississippi. In 2016, the Big Cypress was designated as an International Dark Sky Place. I understand that only about 200 other places around the world have such a designation, so this issue stands out to me as very pressing and concerning. The likely need to add more lighting stands out to me as a big problem.

27. The risk posed by these impacts harms my ability to enjoy recreating and beholding the beauty of Big Cypress. For example, I went to an event a while ago where I took a bicycle ride by moonlight at Shark Valley in Everglades National Park, enjoying the starry skies. I would like to do it again. I also enjoy camping in Big Cypress. But I believe that light pollution will harm my enjoyment of the night sky when I'm in areas near the detention center.

28. I also believe the intensification and potential for increased traffic would harm my enjoyment of panthers in Big Cypress. There are a number of panthers who have been struck by vehicles within a few miles of the site. With more vehicles coming to the site, I believe the risk of panthers being hit by cars will increase. This would mean fewer opportunities to see panthers, and also it would hurt my enjoyment of them knowing they could be at greater risk.

29. If the federal agencies involved had completed their obligations under the National Environmental Policy Act, I and the rest of the public would have a better understanding of this project, and we can be better informed about what is being proposed in lands that I and many people care deeply about. We would also have the assurance that the full environmental impact of the construction and operation of the detention center, and less harmful alternatives, were considered.

I declare under penalty of perjury that the foregoing is true and correct and was executed on June 27, 2025, in Fort Myers, Florida.



Amber Crooks

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22896-JEM

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida,

Defendants.

[PROPOSED] ORDER GRANTING TEMPORARY RESTRAINING ORDER

THIS MATTER is before the Court on Plaintiffs' Expedited Motion for Temporary Restraining Order (the "Motion," ECF No. ____). Having reviewed the Motion and its exhibits and the Complaint, and being otherwise duly advised in the premises, it is ORDERED AND ADJUDGED that the Motion is GRANTED for the reasons stated below:

BACKGROUND

On or about June 23, 2025, the State of Florida's Division of Emergency Management (the "Division") commenced construction of an immigrant detention center at the Dade-Collier

Training and Transition Airport (“TNT Site”), a limited-use pilot training facility owned by Miami-Dade County and within the Big Cypress National Preserve and the Everglades ecosystem. According to the Complaint and Motion, this work commenced with no public notice. Florida officials, including Governor DeSantis, have publicly stated that the construction of this immigration detention center was specifically requested by the federal government, that it will be “fully funded” by the federal government, and that the facility is to be used to detain individuals in the custody of United States Immigration and Customs Enforcement (ICE). Kristi Noem, the Secretary of the United States Department of Homeland Security (DHS), has also stated that the facility will be funded with federal funds.

Plaintiffs Friends of the Everglades, Inc., and Center for Biological Diversity, Inc. (“Plaintiffs”) are nonprofit environmental conservation organizations whose members visit and use the Big Cypress National Preserve and the surrounding Everglades area for aesthetic and recreational purposes. The Preserve was created “in order to assure the preservation, conservation and protection of the natural, scenic, hydrologic, floral and faunal and recreational values in the Big Cypress Watershed.” Pub. L. No. 93-440(a). The Preserve is managed as a unit of the National Park System “in a manner which will assure their natural and ecological integrity in perpetuity” in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.” Pub. L. No. 100-301 § 4(a), Big Cypress National Preserve Addition Act of 1988. The Big Cypress National Preserve provides habitat for numerous threatened and endangered species including the Florida Bonneted Bat, the Florida Panther, wood stork, Everglades snail kite, and others.

In Count I of the Complaint, Plaintiffs seek a declaratory judgment that Defendants Noem, Lyons and Guthrie commenced construction of the immigration detention center without first

preparing and publishing an Environmental Impact Statement (EIS) as required under the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.* Plaintiffs also seek preliminary and permanent injunctive relief, and they have requested an expedited temporary restraining order to maintain the status quo until the Court may consider their motion for a preliminary injunction.

The Court finds that a temporary restraining order is appropriate in this case, for the following reasons:

First, the Court finds that Plaintiffs have established that they are likely to succeed on the merits of Count I of the Complaint. “NEPA requires that federal agencies consider in an EIS the environmental effects of proposed major actions.” *Okeelanta Corp. v. United States Army Corps of Engineers*, 132 F.4th 1320, 1344 (11th Cir. 2025) (citing 42 U.S.C. § 4332(2)(C)). Based on the exhibits attached to the Motion, and given the speed with which Defendant Guthrie has commenced construction of the detention center, it appears that Plaintiffs are likely to prove that the Defendants did not prepare an EIS considering the environmental impacts of the detention center, as NEPA requires. A “fundamental purpose of NEPA is to ensure that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.” *Florida Wildlife Fed’n v. U.S. Army Corps of Engineers*, 404 F.Supp.2d 1352, 1366-67 (S.D. Fla. 2005).

The Court further finds that Plaintiffs are likely to succeed in demonstrating that the construction of the detention center constitutes a major federal action. Major federal actions include any action that is subject to “substantial Federal control and responsibility.” 42 U.S.C. § 4336e(10)(A). *See also Sierra Club v. Van Antwerp*, 526 F.3d 1353, 1360 (11th Cir. 2008) (defining a “major federal action” as “an action significantly affecting the quality of the human environment”). Florida officials have publicly confirmed that the detention center project was

requested by federal officials and that it will be funded by the federal government. Moreover, any detention of individuals for purported violations of federal immigration law must necessarily be undertaken at the direction of ICE or other federal agencies. *See Arizona v. United States*, 567 U.S. 387 (2012) (holding federal law preempts state immigration law enforcement); *Florida Immigrant Coal. v. Uthmeier*, ---F. Supp. 3d---, No. 25-21524-CV, 2025 WL 1423357, at *7-10 (S.D. Fla. Apr. 29, 2025) (same); *Farmworker Ass’n of Fla., Inc. v. Moody*, 734 F.Supp.3d 1311, 1332-37 (S.D. Fla. 2024) (same). *See also* Fla. Stat. § 908.13(2)(c) (state may not engage in noncitizen transport except “under the direct control and supervision of the United States Immigration and Customs Enforcement”).

The Court also finds that Plaintiffs will suffer irreparable harm in the absence of a temporary restraining order. An injury is irreparable if it cannot be remedied through monetary damages. *Ferrero v. Assoc. Materials Inc.*, 923 F.2d 1441, 1449 (11th Cir. 1991). “[W]hen a decision to which NEPA obligations attach is made without the informed environmental consideration that NEPA requires, the harm that NEPA intends to prevent has been suffered.” *Sierra Club v. Marsh*, 872 F.2d 497, 500 (1st Cir. 1989).

A violation of NEPA is an injury to a party’s procedural rights. *Ouachita Watch League v. Jacobs*, 463 F.3d 1163, 1173 (11th Cir. 2006) (“the plaintiffs were harmed when their procedural rights under NEPA were violated”); *Ctr. for a Sustainable Coast v. U.S. Army Corps of Eng’rs*, 100 F.4th 1349, 1356-57 (11th Cir. 2024) (same). “For procedural rights cases, though injury in fact remains a firm requirement, standards for both causation and redressability are relaxed. So long as a plaintiff alleges that the challenged (or omitted) procedure protects a concrete interest, causation and redressability typically follow.” *Ctr. for a Sustainable Coast*, 100 F.4th at 1353. Plaintiffs have stated that, had the Defendants prepared an EIS, they would have taken the

opportunity to participate in the process and comment on the EIS. Plaintiffs have also adequately shown that, had Defendants sought and obtained an EIS as NEPA requires, the Site would have been found unsuitable for this purpose, given its location within Big Cypress National Preserve, its proximity to Everglades National Park, the potential harmful effects on multiple endangered species, and the billions of public dollars that have been devoted to preserving and restoring the Everglades ecosystem. These facts are sufficient to show that Plaintiffs have a concrete and redressable injury. *See Ctr. for a Sustainable Coast v. U.S. Army Corps of Eng'rs*, 100 F.4th 1349, 1356-57 (11th Cir. 2024); *see also Miccosukee Tribe of Indians of Florida v. United States*, No. 08-21747-CIV, 2008 WL 11332080, at *11 (S.D. Fla. Nov. 14, 2008) (“the risk implied by a violation of NEPA is that real environmental harm will occur through inadequate foresight and deliberation”). Plaintiffs’ injuries are also irreparable absent injunctive relief. *Miccosukee Tribe*, 2008 WL 11332080 at *11 (“[i]rreparable harm results where environmental concerns have not been addressed by the NEPA process”); *Protect Key West, Inc. v. Cheney*, 795 F. Supp. 1552, 1563 (S.D. Fla. 1992) (same).

The balance of equities and the public interest also weigh in favor of a temporary restraining order. “Environmental injury, by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, *i.e.*, irreparable. If such injury is sufficiently likely, therefore, the balance of harms will usually favor the issuance of an injunction to protect the environment.” *Amoco Prod. Co. v. Vill. of Gambell, AK*, 480 U.S. 531, 545 (1987). Moreover, a “fundamental purpose of NEPA is to ensure that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.” *Florida Wildlife Fed’n*, 404 F.Supp.2d at 1366-67. Absent injunctive relief, this purpose will be undermined.

“There is generally no public interest in the perpetuation of unlawful agency action.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (internal citations omitted). “To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *Id.* Given that Plaintiffs’ have established a likelihood of success in establishing that Defendants have violated NEPA – and likelihood of success “is generally the most important factor” in considering preliminary injunctive relief, *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1232 (11th Cir. 2005) – the Court finds that a temporary restraining order would serve the public interest.

Accordingly, Plaintiffs’ Motion for a Temporary Restraining Order is GRANTED as follows:

1. Defendants Noem, Lyons, and Guthrie and any of their officers, agents, servants, employees, attorneys and any other persons who are in active concert or participation with any of the Defendants are hereby restrained and enjoined from engaging in any pre-construction activities, construction, conversion, or use of the TNT Site;
2. Defendants Noem, Lyons, and Guthrie and any of their officers, agents, servants, employees, attorneys, and any other persons who are in active concert or participation with any of the Defendants are hereby restrained and enjoined from authorizing or permitting further development or use of the TNT Site; and
3. Defendant Miami-Dade County and any of its officers, agents, servants, employees, attorneys, and any other persons who are in active concert or participation with any of the Defendants are hereby restrained and enjoined from acquiescing in the use of the TNT Site for any purpose other than the limited-use pilot training for which the Site was used prior to June 23, 2025.

Rule 65(c) of the Federal Rules of Civil Procedure provides that a court “may issue a preliminary injunction ... only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c). “[T]he amount of security required by the rule is a matter within the discretion of the trial court...and the court may elect to require no security at all.” *BellSouth Telecomm., Inc. v. MCI Metro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (internal citations omitted). The Court finds it appropriate to require Plaintiffs to post a nominal \$100 bond.

Plaintiffs’ Motion for Preliminary Injunction shall be scheduled for hearing upon further order of the Court.

Plaintiffs shall serve this Order upon all Defendants within 24 hours of entry of this Order.

DONE AND ORDERED in Chambers in Miami, Florida, at _____ p.m., this ____ day of _____ 2025.

Honorable Jose E. Martinez
United States District Court Judge

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