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1993

NONPROFIT CATEGORY

Jan Goldman-Carter

Independent Consultant
Westchester, Pennsylvania

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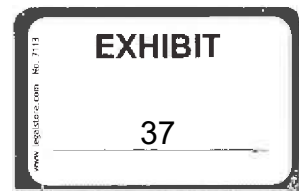
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As counsel to National Wildlife Federation's (NWF) Fisheries & Wildlife Division and, subsequently, as an independent consultant, pro bono advisor, and a widely published author, Janice L. Goldman-Carter, an award winner in the nonprofit category, has tackled some of the most pressing and difficult issues in wetlands protection.

For example, in 1990, when Goldman-Carter was an attorney at NWF her outrage at the loss of thousands of acres of wetlands a year through purposeful evasion of the wetlands regulations prompted her to initiate a lawsuit (North Carolina Wildlife Federation v. Tulloch) to stop this abuse. Under the existing regulatory definition of "discharge of dredged material," some small discharges of dredged material have been allowed without Clean Water Act §404 permits even though these discharges were associated with tremendously devastating impacts to wetlands. In the Tulloch case, Goldman-Carter sued two developers in North Carolina that had ditched and drained hundreds of acres of wetlands without a §404 permit. She argued that the developers should have obtained permits because small amounts of dredged material had fallen back into the wetlands during the ditching. In addition, she sued EPA and the Corps for failing to require permits, and because the Corps seemed to be advising the developers as to how to avoid §404 regulation. As a result of the Tulloch settlement in 1992, EPA and the Corps proposed a regulation which would clarify the requirement for §404 permits when ditching, draining, excavating, and channelizing wetlands because these activities entail discharges of dredged or fill material. If this proposed regulation is finalized without significant alteration, it will close the loophole in the regulations and staunch the loss of thousands of acres of wetlands.

Goldman-Carter's accomplishments in wetlands regulation extend well beyond the courtroom. As an independent consultant, Goldman-Carter has spent the past year aiding environmental groups and government agencies on a wide array of legislative and regulatory issues. A particularly notable project



was the work she did with World Wildlife Fund (WWF) to advise the state of California in developing a state wetlands conservation plan. Goldman-Carter advised California on regulatory options for protecting its wetlands, including §404 state water quality certification programs, state programmatic general permits (SPGPs), and state regulatory programs that are not linked to the federal §404 program. The reports she wrote on these issues have been widely influential. The state of Indiana, various Corps district offices, and environmental groups have used this report to formulate §401, SPCP, and state wetland legislative strategies. Pro bono activities have also demanded a lot of Goldman-Carter's time. In 1992, she was a board member of the Indiana Wildlife Federation, taking a leadership role on state wetlands and water quality issues.

Finally, Goldman-Carter has put her biology and law degrees to good use as a thoughtful and prolific author. Goldman-Carter just finished writing a law review article on takings — "Protecting Wetlands and Reasonable Investment-Backed Expectations in the Wake of *Lucas v. South Carolina Coastal Comm'n*" — which will appear in the University of Wyoming's Land & Water Law Review. She has also recently written on such topics as wetlands classification, Nationwide Permit 26, and the Bush Administration's no-net-loss implementation plan.

Goldman-Carter exemplifies achievement in wetlands protection. In an ever changing and controversial area, she has demonstrated the versatility to influence the wetlands debate on the state, local, and national levels.

— *Terry Schley, Counsel, Fisheries & Wildlife Division, National Wildlife Federation*

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