

PLAINTIFFS' EXHIBIT 3
To Plaintiffs' Motion for Reconsideration
Or Alternatively Partial Reconsideration
Civ. No. 03-2006 (EGS/JMF)

No. 05-13683-HH

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**ATLANTIC GREEN SEA TURTLE, et al.
Plaintiffs/Appellants**

v.

**COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, et al.
Defendants/Appellees**

**APPEAL FROM THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

APPELLANTS' PRINCIPAL BRIEF

Ross Stafford Burnaman
Fla. Bar No. 397784
Ross Stafford Burnaman Attorney at Law
1018 Holland Drive
Tallahassee, Florida 32301
(850) 942-1474

Eric Glitzenstein (of Counsel)
Meyer, Glitzenstein & Crystal
1601 Connecticut Ave. N.W.
Suite 700
Washington, D.C. 20009
(202) 588-5206

**COUNSEL FOR APPELLANTS ATLANTIC GREEN SEA TURTLE,
LEATHERBACK SEA TURTLE, LOGGERHEAD TURTLE,
KEMP'S RIDLEY SEA TURTLE, PIPING PLOVER,
SHIRLEY A. REYNOLDS and ROBERT H. GODWIN**

STATEMENT OF THE ISSUES

1. Whether the district court properly dismissed with prejudice Count II of the Amended Complaint based upon the conclusion that the County timely and appropriately filed an application for renewal the incidental take permit.

2. Whether the district court properly dismissed with prejudice Counts V and VI of the Amended Complaint based upon the determination that no citizen suit under the Endangered Species Act can be brought to remedy violations of Federal regulations pertaining to a permittee's compliance with the terms and conditions of an incidental take permit issued under the Endangered Species Act or to enforce the ESA mandatory permit revocation provision.