

Everglades restoration deadline debated

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MIAMI - Lawyers for the state Department of Environmental Protection and South Florida water managers urged a federal judge Monday not to issue an order imposing deadlines for Everglades restoration work, contending it is both illegal and unnecessary.

Charles Demonaco, attorney for the state agency, told U.S. District Judge Federico Moreno that a federal court has no business imposing its will on how a state follows its own laws. Demonaco said a cleanup plan meeting court approval for the Everglades is already enshrined in state law, making a court order unneeded. "There is a long-term plan that is in effect," Demonaco said at a hearing. "A federal court would be intruding in the daily activities of a state. That would be an unlawful order."

But Dexter Lehtinen, attorney for the Miccosukee Tribe of Indians of Florida, said court orders are the only way to ensure that Florida agencies continue to meet the terms of a settlement reached over a decade ago to restore the Everglades and reduce phosphorus-laden runoff.

Lehtinen, a former U.S. attorney, said without such court supervision Florida officials could modify their restoration plan unilaterally. The Miccosukees consider the Everglades their ancestral home and have joined the case to ensure enforcement of water quality goals.

"It's a question of ordering them to do what they have promised you they would do," Lehtinen told Moreno. "The long-term plan means nothing without your court order."

Moreno appeared skeptical of claims by the state and South Florida Water Management District that he should do nothing but "monitor" compliance, noting that the state's power to act alone was "a big hole" in dealing with any future violations of the original cleanup settlement.

"They just don't want an order. I'm not understanding quite why they don't," Moreno said.

Edward Geldermann, a U.S. Justice Department attorney representing the federal side of the agreement, said because the state is doing a great deal of work as promised a new court order from Moreno would be "unnecessary." But Geldermann stopped short of saying Moreno had no authority to do so.