

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 88-1886-CIV-MORENO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, *et al.*,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE STATE PARTIES' MOTION SEEKING
DECLARATION OF COMPLIANCE WITH SEPTEMBER 30, 2011 ORDER**

“Coming together is a beginning. Keeping together is progress. Working together is success.”

The words of Henry Ford fittingly describe what has been taking place in the name of Everglades restoration. The Court held this case in abeyance at the request of the Florida State Parties and the United States for a considerable time to allow the parties to engage in discussions and to develop a plan to restore the Everglades. Subsequent to the abeyance, on March 25, 2013, the Court held a hearing on all remaining pending issues. At the hearing, the State Parties advised the Court of ongoing matters in the legislative session that would be taking place in April and May of this year. On August 11, 2013, the Court adopted the largely uncontested Reports of the Special Master and noted it would rule separately on the State Parties' Motion Seeking Declaration of Compliance with the Court's September 30, 2011 Order and Withdrawal of Reference to the Special Master. At issue in that motion is whether the Court should formulate a remedial order in response to the November 2008 and June 2009 exceedances in violation of the Consent Decree's 10 ppb ambient water quality standard in the Loxahatchee Wildlife Refuge.


The Special Master has now filed a Supplemental Report on September 6, 2013 providing a description of the recent legislative session and the actions by Governor Rick Scott to fund the State's 12-year plan. The Special Master also reports that the United States does not agree that funding is "complete" for the agreed-upon projects. Rather than decide the pending motion based on information available at the time of filing and at the March 25, 2013 hearing, the Court requests the parties to provide new briefing on the necessity of a remedial order in view of the recent positive legislative session and the State Parties' current remedial plan. All parties may additionally file their responses to the Special Master's September 6, 2013 Report.

THIS CAUSE came before the Court upon the States Parties' Motion Seeking Declaration of Compliance with September 30, 2011 Order and Withdrawal of Reference to the Special Master (D.E. No. 2376) and the Report of the Special Master (September 6, 2013) as a Second Supplement to the Special Master's March 1, 2012 Report (D.E. No. 2414).

THE COURT has considered the motion, the response, oral argument, and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the State Parties' Motion Seeking a Declaration of Compliance and Withdrawal of the Reference to the Special Master is DENIED without prejudice with leave to re-file incorporating new information that has become available since the initial motion was filed.

DONE AND ORDERED in Chambers at Miami, Florida, this 16th day of September, 2013.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:
Counsel of Record