



**US Army Corps
of Engineers®**
Jacksonville District

NEWS RELEASE

Release No.: 0939

For Release: 29 June 2009

P.O. Box 4970 Jacksonville, FL 32232-0019

Contact: Susan Jackson

Phone: (904) 232-1953

Email: Susan.j.jackson@usace.army.mil

FOR IMMEDIATE RELEASE

FOR IMMEDIATE RELEASE

Judge dismisses suit against Corps permit for Everglades restoration project

JACKSONVILLE, Fla. – A U.S. District Court judge late last week dismissed a lawsuit against the U.S. Army Corps of Engineers for issuing a permit in support of a key Everglades restoration project. Judge Donald Middlebrooks dismissed a suit brought by the Natural Resources Defense Council (NRDC) and two other environmental groups to stop construction of the Everglades Agricultural Area (EAA) water storage and treatment project, expedited under Florida’s Acceler8 program.

Citing evidence of a significantly improved Federal-State Everglades restoration partnership, as well as Florida’s ongoing effort to acquire land from the U.S. Sugar Corporation in the EAA, Middlebrooks determined that “judicial intervention” is no longer warranted. Because the state had halted work on the EAA storage project and is reconsidering which lands would be used for water storage, Middlebrooks found that “there is no longer a real ‘case’ or ‘controversy’ to decide, and continued litigation could interfere with the cooperative efforts of the political branches of government.”

“We’re pleased that the court so strongly supports Everglades restoration and took into account the effect of judicial action on our progress and partnerships,” said Col. Paul Grosskruger, commander of the Corps’ Jacksonville District. “Setting this issue aside while the State further develops the ‘River of Grass’ conceptual plan certainly relieves a lot of tension.”

The Corps’ 404 Clean Water Act permit authorized dredge and fill activities associated with construction of the EAA Storage Reservoir Phase I Project. The Plaintiffs – NRDC, National Wildlife Federation and the Sierra Club – alleged that issuance of the permit violated the Water Resources Development Act (WRDA) of 2000 and the National Environmental Policy Act because the South Florida Water Management District (SFWMD) began the Acceler8 project before other procedural requirements were met.

“We can all agree that for Everglades restoration to be successful, we’re going to need a huge amount of water storage and treatment in the EAA,” Grosskruger said. “The Corps is committed to working cooperatively



with the state and with all stakeholders to obtain crucial hydrological benefits from EAA lands. Our goal is to restore and protect the natural resources of the greater Everglades ecosystem. We will comply with the requirements of all laws and Congressional mandates to achieve that goal.”

The EAA A-I Project was originally authorized as part of the Comprehensive Everglades Restoration Plan (CERP), the framework for Everglades restoration approved by Congress in the WRDA 2000. In 2004, the state moved forward with the related Acceler8 Program, a collection of projects chosen for the “immediate benefits they can provide to the Everglades and the south Florida ecosystem.” Under Acceler8, the EAA A-I Project was slated to include a 190,000 acre-feet reservoir constructed on 16,700 acres of land situated between the Miami and North New River canals.

For more information on south Florida ecosystem restoration projects, visit www.saj.usace.army.mil or www.evergladesplan.org, or contact Corporate Communications’ Susan Jackson at (904) 232-1953.

###