

U.S. Attorney Files Environmental Suit

A lawsuit was filed Oct. 11, 1988 by Attorney Dexter Lehtinen of Miami, Fla., against two state agencies, Florida Department of Environmental Regulations and South Florida Water Management District. The complaint alleges that the State failed to enforce State law and protect Everglades NP and Loxahatchee National Wildlife Refuge from damage.

While the Department of the Interior (DI) did not request the lawsuit, DI has repeatedly expressed concern about this issue in the administrative record to these two agencies. DI has stated in testimony and in the print and broadcast media for years that nutrient-induced biological changes have been destroying native Everglades habitat in Loxahatchee, and that without long-term control of nutrient loading into the Everglades, the ecological integrity of Everglades NP is *seriously* and irreparably threatened. This suit is in the DI's interest and should be expanded to embrace the Endangered Species Act and Wilderness Act, according to the Departmental position set forth in the lawsuit.

Issues Background

The Everglades NP resource is dependent upon water delivered from an intensively managed system of upstream canals, levees, and structures. The Everglades wetlands are known to require *pristine* water for their ecological integrity to remain intact. Highly polluted nutrient-rich water originating from a 500,000 acre agricultural area has been pumped for years into the adjacent Everglades system through structures operated by the State of Florida. The result has been severe changes to the Everglades system in Loxahatchee and adjacent marshes, including but not limited to, major changes in the algal community, which is at the base of the aquatic food web, the loss of more than 25,000 acres of native plant communities, and the loss of water dissolved oxygen, which directly supports fisheries and other fauna and indirectly supports Everglades wading birds.

The State of Florida to date has not regulated the agricultural industry, including the quality or quantity of polluted water pumped from the agricultural area to the Everglades via state canals and structures. The state does have regulatory means to solve the problem. The State of Florida has convened numerous committees and technical groups to address the issue, but to date no comprehensive permanent solution is proposed and no action has been taken to reduce the quantity of nutrients that continue to destroy Federal property and ultimately will destroy Everglades NP.