

## **Judge Gold Orders Fed Takeover of Florida Water Oversight: Governor Scott Appeals**

April 28, 2011 by [Rosa Schechter](#)

During the same week that history was made as the Chairman of the Federal Reserve gave the first press conference ever offered by the Fed (ever), [a federal district judge in Miami opened the doors for the federal government to take over the reins of water oversight in Florida](#) - particularly the Everglades - and did so in direct opposition to the economic realities of Florida's financial situation and the goals of Florida Governor Rick Scott to lessen the amount of regulation that the state government is currently required to maintain.

### ***Federal Judge Gold Fears for Everglades - Replaces Fed With State***

In an order issued Tuesday by [Alan Gold, presiding over the United States District Court for the Southern District of Florida](#), the judge was presented factually with the matter concerning the River of Glass and the amount of phosphorus flowing through it.

His ruling, an opinion over 75 pages long, arguably extends itself to the entirety of the Florida Everglades and squares the federal government off against the state in a power struggle over control of Florida's waters and wetlands. Specifically, the waters of Florida - including but not limited to the Everglades.

By doing so, [Judge Gold dissed the arguments of the South Florida Water Management District](#). SFWMD is the state agency that has the job of cleaning up and restoring the Everglades - and it was this agency that pled with Gold that the plan proposed by the EPA is simply too expensive given the current economy.

The South Florida Water Management District cannot find the money to finance the EPA plan with its \$1.5 billion proposed expansion of reservoirs and marshes into a correlated web of waterways that would absorb phosphorus coming into Florida waters from sugar farms, residential lawns, etc. The District filed its arguments before Judge Gold, to no avail.

### **From the Order:**

*Protection of the Everglades requires a major commitment which cannot be simply pushed aside in the face of financial hardships, political opposition, or other excuses .... These obstacles will always exist, but the Everglades will not — especially if the protracted pace of preservation efforts continues at the current pace.*

### ***What Federal Judge Gold Has Done***

District Judge Gold has exerted his power to take authority from the State of Florida to issue pollution discharge permits for Florida's web of marshes and place this authority with the EPA (Environmental Protection Agency).

His action can be seen as an easy springboard for the federal government to move Florida's state government aside in regards to all of Florida's waterways -- throughout the Everglades, as well as elsewhere in the state: lakes, streams, creeks ... even coastal waters.

The Scott administration, which has defended the state's oversight of Everglades cleanup and water pollution standards, said it was already "vigorously pursuing" an appeal filed earlier with the 11th Circuit Court in Atlanta.

### ***Show Us the Money***

Here in Florida, times are tough and getting tougher. It is one thing to opine that the Florida Everglades must be protected at all costs, and quite another to put pen to paper and find the funds to actually make that happen.

Where's the money, Judge Gold?