

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 03-23427-CIV-(HOEVELER)

SIERRA CLUB, NATURAL RESOURCES
DEFENSE COUNCIL, NATIONAL PARKS
CONSERVATION ASSOCIATION,

Plaintiffs,

vs.

ROBERT B. FLOWERS, Chief of
Engineers, U.S. Army Corps of
Engineers, and STEVE WILLIAMS,
Director, U.S. Fish and Wildlife
Service; and MIAMI-DADE LIMESTONE
PRODUCTS ASSOCIATION, INC.,
VECELLIO & GROGAN, INC., TARMAC
AMERICA LLC, FLORIDA ROCK INDUSTRIES,
INC., SAWGRASS ROCK QUARRY, INC.,
APAC-FLORIDA, INC., and RINKER
MATERIALS OF FLORIDA, INC.,

Defendants/Defendant-Intervenors.

_____ /

MOTION OF THE STATE OF FLORIDA,
DEPARTMENT OF TRANSPORTATION,
FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE

The State of Florida, Department of Transportation ("Department"), by and through undersigned counsel, pursuant to Rule 7, Federal Rules of Civil Procedure, files its Motion for Leave to File Brief of Amicus Curiae and says as follows:

1. The Department seeks leave of the Court to file the attached Brief of Amicus Curiae ("Brief"). in this action.

2. By Order on Motions for Summary Judgment entered March

22, 2006, the Court set April 19, 2006, as the deadline to file briefs concerning the potential scope of an injunction that may issue relating to mining activities in the Lake Belt region authorized by the permits at issue in this matter.

3. The Department has a special interest in the remedy fashioned in this case by virtue of its dependence upon the Lake Belt mines as a source of material for a substantial number of public transportation projects.

4. The Department represents the public interest in the continuing maintenance and improvement of the state transportation system. This interest will not necessarily be represented by any of the parties and their respective specific commercial or environmental concerns.

5. The information provided in the Brief is timely and will be useful in providing the Court with an appreciation of the potential impact resulting from the determination of the scope of the injunctive relief provided herein.

6. The Department does not challenge the granting of the injunction and its sole interest is in assisting the Court to fashion injunctive relief that will enable the Court to give efficacy to its order without deleteriously impacting the public's interest in safe highways and the timely completion of much needed improvements and additions to the State's transportation infrastructure.

7. Counsel for the Plaintiffs, while not conceding the relevancy of the Department's Brief, do not object to the Department filing the Brief. Counsel for the Defendants and Defendant-Intervenors support the Department filing the Brief.

WHEREFORE, the State of Florida, Department of Transportation, respectfully requests this Honorable Court grant its motion for leave to file the accompanying Brief of Amicus Curiae.

Dated: April ____, 2006
Tallahassee, Florida

Respectfully submitted,

/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by United States Mail on all counsel or parties of record on the attached service list on the _____ day of April, 2006.

/s/ _____
ROGER B. WOOD

SERVICE LIST
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