

Plan to pump sand for beach widening get court approval

"It's not surprising . . . yet there's no substitute for certainty."

The environmentalists filed suit in federal court after failing to persuade state and federal agencies to reject the plan.

"We really made our best effort to stop this enormous waste of taxpayers' money, which will greatly harm the environment," said Kenneth Lipman, an attorney for the coalition. "We knew it was a very difficult case."

Roettger's decision can be appealed to the 11th Circuit Court of Appeals in Atlanta, Lipman said. The court would have to take the unusual step of granting an emergency injunction if the city is to be stopped, he said.

Lipman and Sierra Club attorney Howard Fox said they would not determine whether to appeal Roettger's ruling until they saw the order.

That the judge took more than a

week to render a decision has given hope to some of the environmentalists protesting the project.

"It was not a snap judgment. I would like to think it was a hard decision for him to make," said Judy Schrafft, who has been battling Boca Raton for three years. "The fight is not over."

Meanwhile, the city is rushing to begin the project, which must be completed by Aug. 31, the city manager said. The weather and water turn rougher after then, he said.

Rutherford said he issued an order to proceed before receiving the judge's decision because the contractor was set to begin another job and would not have been able to start the city project until July.

"I feel great," Rutherford said. "Obviously, I was concerned, but I felt I had to make the decision."

Malefatto said the decision to start was not announced because "we did not want to make it appear we were putting pressure on the judge."

No sand has been moved yet. The first work included moving equipment.