

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO INTERVENE OR APPEAR AS AMICUS CURIAE, PURSUE ANY AND ALL APPROPRIATE DEFENSES OR RELIEF, AND TAKE ALL APPROPRIATE ACTION STAFF DEEMS NECESSARY TO PROTECT THE DISTRICT'S INTERESTS, SUBJECT TO APPROVAL OF THE EXECUTIVE DIRECTOR, IN THE MATTER OF *MICCOSUKEE TRIBE OF INDIANS OF FLORIDA V. LT. GENERAL ROBERT VAN ANTWERP IN OFFICIAL CAPACITY AS COMMANDER OF THE U. S. ARMY CORPS OF ENGINEERS; PETE GEREN, ACTING SECRETARY OF THE ARMY; BRIGIDIER GENERAL JOSEPH SCHROEDEL IN OFFICIAL CAPACITY AS DIVISION ENGINEER; AND COL. PAUL GROSSKRUGER IN OFFICIAL CAPACITY AS DISTRICT ENGINEER, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 08-22875-CIV-COOKE/BANDSTRA, AND PROVIDING AN EFFECTIVE DATE.*

WHEREAS, Section 373.083(1) and 373.129, Florida Statutes, authorizes the South Florida Water Management District to sue and be sued.

WHEREAS, on October 15, 2008, the Miccosukee Tribe of Indians (plaintiffs) filed suit in the Southern District of Florida against Van Antwerp in Official Capacity as Commander of the U.S. Army Corps of Engineers (the Corps); and Geren, Acting Secretary of the Army, et al.

WHEREAS, the Plaintiffs seek to enjoin the Army Corps from beginning construction on the selected alternative of the Tamiami Trail Project (the one mile eastern bridge) and compel the Corps to obtain a water quality certification from the State of Florida for the project.

WHEREAS, the Plaintiffs seek to transfer the case to Judge Moreno due to its relation to the Consent Decree in the *U.S.A. Case No. 88-1886* and allege that possible violations of the Consent Decree might occur upon completion of the Modification Project.

WHEREAS, the Tamiami Trail relocation is a vital Everglades Restoration project.

WHEREAS, the District's interests as a party to the Consent Decree need to be adequately represented during the litigation.

The District's participation in the lawsuit as an intervener party or amicus curiae will assist in the defense of the District's interests in the project.

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes District staff to intervene or appear as amicus curiae, pursue any and all appropriate defenses or relief, and take all appropriate action staff deems necessary to protect the District's interests, subject to approval of the Executive Director, in the matter of *Miccosukee Tribe of Indians of Florida v. Lt. General Robert Van Antwerp in Official Capacity as Commander of the U.S. Army Corps of Engineer; Pete Geren, Acting Secretary of the Army; Brigadier General Joseph Schroedel in Official Capacity as Division Engineer; and Col. Paul Grosskruger in Official Capacity as District Engineer*, United States District Court for the Southern District of Florida, Case No. 08-22875-CIV-COOKE/BANDSTRA,

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of November 2008.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING

By: _____
Chair

ATTEST:

District Clerk

Legal Form Approved:

By: