

MEMORANDUM

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: August 29, 2012

SUBJECT: Emergency Authorization Associated with Tropical Storm Isaac
- Pumping and Other Measures to Address Flooding

Background:

On August 26, the Executive Director issued an Emergency Final Order, SFWMD Order No. 2011-096-DAO; the number listed on the Order was incorrect. On August 27, 2012, the Executive Director issued Amended Emergency Final Order No. 2012-096-DAO (Amended Order) in order to correct the scrivener's error in the numbering of Emergency Final Order No. 2011-096-DAO. Amended Order No. 2012-096-DAO replaces Order No. 2011-096-DAO. The Amended Order is based upon a finding that a serious threat to the public health, safety, and welfare existed due to the impacts of Tropical Storm Isaac. The Amended Order authorized pumping and other measures to address emergency flooding situations that require immediate action, subject to the limitations specified in the Order, and suspended specified statutes and rules for activities authorized by the Order. The Amended Order will expire on September 25, 2012, unless otherwise modified or extended by further order. Pursuant to § 373.119, Florida Statutes, the Amended Order must be presented to the Governing Board for concurrence.

How this helps meet the District's Mission:

This is an integral part of the District's ability to perform its regulatory and land management missions.

Funding Source: Budgeted ad valorem funds will be used for any staff time associated with implementing and enforcing the order.

This item impacts what area of the District, both resource area and geography:

The Amended Order applies to the entire District jurisdictional area and the Water Resources Management and Land Resources resource areas.

What concerns could this Board item raise? If the Governing Board does not concur with the Executive Director's emergency authorization, the Amended Order will expire and those subject to the Amended Order would not be able to take the necessary steps to alleviate the impacts of Tropical Storm Isaac.

Why should the Governing Board approve this item? Section 373.119, Florida Statutes, requires the Governing Board concurrence for emergency authorizations issued by the Executive Director.

If you have any questions, please do not hesitate to call me at extension 6976.

CSA/kr