

**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. UNITED STATES OF AMERICA AND MARY PETERS, SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION*, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 08-21703-CIV-UNGARO, 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 June 16, 2008, the Miccosukee Tribe of Indians (plaintiffs) filed suit in the Southern District of Florida against the USA and Peters, Acting Secretary of the Department of Transportation (DOT).

WHEREAS, plaintiffs seek to enjoin the Department of Transportation from proceeding on the Tamiami Trail relocation and to compel it to conduct a Section 4(f) review of the project under the Department of Transportation Act (DOT Act), 49 U.S.C. Section 303.

WHEREAS, the Tamiami Trail relocation is a vital Everglades Restoration project. The District's participation in the lawsuit as an intervener party or amicus curiae may assist in the defense of the District's interests in the project and the validity of its permit.

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. United States of America and Mary Peters, Secretary, U.S. Department of Transportation*, United States District Court for the Southern District of Florida, Case No. 08-21703-CIV-UNGARO,

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

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

Approved: SOUTH FLORIDA WATER MANAGEMENT

Legal Form Approved DISTRICT

By:_____

By:_____Chairperson

(Corporate Seal) ATTEST:

By:_____
Assistant Secretary