

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING INTERVENTION OR PARTICIPATION AS AMICUS CURIAE IN TWO LAWSUITS PENDING BEFORE THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA: *NEW HOPE POWER COMPANY v. U.S. ARMY CORPS OF ENGINEERS*, CASE NO. 09-cv-02413 AND *AMERICAN RAM BUREAU FEDERATION v. U.S. ARMY CORPS OF ENGINEERS*, CASE NO. 10-cv-00489.

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

WHEREAS, New Hope Power Company, Okeelanta Corporation, the American Farm Bureau Federation and United States Sugar Corporation have sued to challenge the U.S. Army Corps of Engineers prior converted croplands policies, namely the extension of federal wetlands permitting jurisdiction to otherwise exempt croplands upon a change in the use in those lands.

WHEREAS, the District does not share the plaintiffs' concerns with farmlands converted to commercial or industrial uses, but is concerned that the Corps' policy unnecessarily burdens its programs that take farmlands out of production and put them to use for environmental restoration.

WHEREAS, the District agrees with plaintiffs that the Corps' jurisdictional policies should be developed through formal notice and comment rulemaking under the Administrative Procedures Act and should recognize and account for the unique policies implicated by permitting environmental restoration programs.

NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water Management District:

The Governing Board of the South Florida Water Management District hereby authorizes District staff to appear as amicus curiae, intervene, or 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, in *New Hope Power Company v. U.S. Army Corps of Engineers*, Case No. 09-cv-02413 and *American Farm Bureau Federation v. U.S. Army Corps of Engineers*, Case No. 10-cv-00489.

PASSED and **ADOPTED** this _____ day of _____ 2010.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chairman

ATTEST:

District Clerk

Approved as to form:

By:

Office of Counsel