

RESOLUTION NO. 2008- 68

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES, PER SECTION 164.101, FLORIDA STATUTES, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT BETWEEN ST. JOHNS COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose of the Florida Governmental Conflict Resolution Act is to promote, protect, and improve the public health, safety and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the scope of the Florida Governmental Conflict Resolution Act, specifically pertains to any issue relating to allocation of resources, including water, land, and other natural resources and governmental entity permitting processes; and

WHEREAS, the St. Johns County Board of County Commissioners adopted Resolution No. 2008-09 (attached) on or about January 8, 2008, and said Resolution expressed strong opposition to the additional withdrawal of millions of gallons of water daily from the St. Johns and the Ocklawaha rivers without first requiring effective mandatory water conservation programs by receiving Counties prior to withdrawing additional water from an irreplaceable natural resource; and further providing that St. Johns County further opposes any withdrawal of millions of gallons of water daily without fully understanding the ecological, biological and other potential impacts that such a removal could have on the St. Johns and Ocklawaha rivers and their tributaries; and

WHEREAS, on or about January 15, 2008, the governing Board of the St. Johns River Water Management District was sent nine (9) certified copies of Resolution 2008-09 pertaining to withdrawal of additional water from the St. Johns River and the District has received Resolutions expressing opposition and concern pertaining to this matter from several other local governments; and

WHEREAS, upon knowledge and belief, the St. Johns River Water Management District has not meaningfully responded to St. Johns County pertaining to the concerns made in St. Johns County Resolution 2008-09; and

WHEREAS, on or about February 15, 2008, the St. Johns River Management District published a Notice of Intent to approve Application No.: 95581 pertaining to withdrawal of 5.5 million gallons per day of water from the St. Johns River; and

WHEREAS, St. Johns County and its residents are, or reasonably may be, negatively affected by the proposed 5.5 million gallon per day water withdrawal as proposed; and

WHEREAS, any Administrative proceeding pursuant to Chapter 120, Florida Statutes, is not subject to the Florida Governmental Conflict Resolution Act; however, collateral actions that may be

pursued by St. Johns County, or other jurisdictions, including, but not limited to, declaratory and injunctive relief pertaining to this matter, may be avoided by utilizing the Florida Governmental Conflict Resolution Act; and

WHEREAS, the Chair of the Seminole County Board of County Commissioners has indicated through correspondence to St. Johns County dated February 26, 2008, that Seminole County recognizes the importance of working together as a region pertaining to water supply issues, and that costly lawsuits benefit no one; and

WHEREAS, the Florida Governmental Conflict Resolution Act provides an appropriate structure to achieve that objective; and

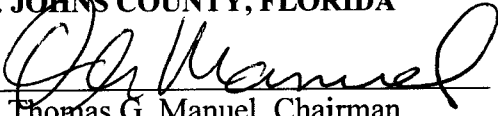
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Johns County, Florida, intends and initiates the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act prior to initiating a court proceeding pertaining to the conflict, and in support of such initiation provides:

- (1) The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact;
- (2) St. Johns County recognizes a conflict between itself and the St. Johns River Water Management District pertaining to water withdrawals from the St. Johns and Ocklawaha rivers generally in terms of what is considered in the public interest, whether all available water conservation measures are being implemented; and Application No.: 95581 specifically; and it is the intent of St. Johns County to initiate the conflict resolution procedures of Charter 164, Florida Statutes, to avoid, if possible, costly litigation pertaining to this matter;
- (3) St. Johns County Resolution No.: 2008-09, and the issues / concerns it raises, are hereby incorporated herein;
- (4) The correspondence dated January 15, 2008, from St. Johns County to the St. Johns River Management District Directors is hereby incorporated herein;
- (5) The conflict resolution procedure is justified because St. Johns County, in good faith, believes the County and its residents will be harmed by the St. Johns River Water Management District's approval of proposed water withdrawal and its environmental effects, in terms of negative effects on the St. Johns River which is part of St. Johns County; and
- (6) The County Administrator and County Attorney are further authorized to engage in dispute resolution as may be provided under Sections 120.573 and 70.51, Florida Statutes, pertaining to this matter.

The proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053 shall be reasonably determined by the parties.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 4th of March, 2008.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: 
Thomas G. Manuel, Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

t:resolutions/st.johnsriver02.29.08

Rendition Date: 4-3-08



A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, OPPOSING ANY PROPOSAL TO DEplete THE ST. JOHNS RIVER BY WITHDRAWING ADDITIONAL WATER FROM THE ST. JOHNS RIVER AND OCKLAWAHA RIVER; STRONGLY ENCOURAGING THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO CONSIDER ALTERNATIVES TO THIS WITHDRAWAL FROM THE RIVER AND ITS POTENTIAL CRITICAL DETRIMENTAL ECOLOGICAL AND ECONOMIC IMPACT TO ALL COMMUNITIES ON THE 310 MILES OF THE ST. JOHNS RIVER; AND PROVIDING FOR TRANSMITTAL OF COPIES OF THE RESOLUTION.

RECITALS:

WHEREAS, St. Johns County, Florida ("the County") desires to protect the ecological, biological and economic well-being of the St. Johns River, one of Florida's greatest natural resources; and

WHEREAS, the St. Johns River is one of fourteen (14) designated American Heritage Rivers in the United States; and

WHEREAS, many species of birds, mammals, reptiles, amphibians, fish, shellfish, and more depend upon the St. Johns River as a source of food and habitat; and

WHEREAS, it is estimated that 80-90% of Florida's fish and shellfish species depend on estuaries for part of their lifecycle; and

WHEREAS, the County desires to protect the St. Johns River to provide for continued habitat to sustain the plants and wildlife and to sustain the fishing and shrimping industry and ecotourism activities; and

WHEREAS, the St. Johns River Water Management District (SJRWMD) has determined that an excess of an additional 150 million gallons of water daily could be removed from the St. Johns River between the headwaters of the River and the City of Deland to provide drinking water; and

WHEREAS, according to the SJRWMD, the total proposed withdrawal from the St. Johns and the Ocklawaha Rivers could exceed 260 million gallons daily; and

WHEREAS, of the Counties receiving the withdrawn water, none, except Volusia County, has mandatory water conservation programs; and

WHEREAS, the SJRWMD has not required the development and implementation of any mandatory water conservation programs for the requesting Counties prior to those Counties removing these water resources from the St. Johns and Ocklawaha Rivers; and

WHEREAS, the withdrawal of the water will cause the St. Johns River salinity line to shift upstream, especially during drought and low flow conditions; and

WHEREAS, no one, including the SJRWMD, fully understands all of the potential impacts to the River's ecological and biological health or the impact on fisheries and other livelihoods dependent on the River from the proposed withdrawals; and

WHEREAS, once the removal of the water has begun and the impacts, whatever they may be, occur, the reversal of allowing such water withdrawal will be difficult if not impossible;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY FLORIDA:

Section 1. The above Recitals are hereby incorporated by reference and adopted as findings of fact and conclusions of law.

Section 2. The County does hereby express its strong opposition to the additional withdrawal of millions of gallons of water daily from the St. Johns and Ocklawaha Rivers, without first requiring effective mandatory water conservation programs by the receiving Counties prior to withdrawing additional water from an irreplaceable natural resource. The County further opposes any withdrawal of millions of gallons of water daily without fully understanding the ecological, biological and other potential impacts that such a removal could have on the St. Johns and Ocklawaha Rivers and their tributaries on a whole which includes impacts to the economy, and the citizens with their property, health and welfare.

Section 3. The County fully supports the SJRWMD in any and all efforts to establish water conservation programs and to study and establish reverse osmosis or desalinization programs as a means of providing water needs for all Floridians for today and as well as into the future.


Section 4. The County Administrator is authorized and directed to send copies of this Resolution to members of the St. Johns River Water Management District Governing Board, Governor Charlie Christ and others as may be deemed appropriate.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 8th day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 

Thomas G. Manuel, Chairman


ATTEST: Cheryl Strickland, Clerk of Court

By: 

Deputy Clerk

RENDITION DATE 01/11/08

Effective Date: January 8th, 2008