

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ST. JOHNS RIVERKEEPER, INC., CITY
OF JACKSONVILLE, and ST. JOHNS
COUNTY,

Petitioners,

DOAH Case Nos. 08-1316
08-1317
08-1318

vs.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT,

Respondent,

and

SEMINOLE COUNTY, and
CITY OF COCOA,

Intervenors.
_____ /

**STIPULATION BY JACKSONVILLE AND
SEMINOLE COUNTY REGARDING RELEVANT ISSUES,
CORPORATE REPRESENTATIVE DEPOSITION OF JACKSONVILLE**

Petitioner, City of Jacksonville ("Jacksonville") and Intervenor, Seminole
County hereby agree and stipulate as follows:

1. Jacksonville shall not rely on or raise the following issues in this
proceeding, or introduce evidence regarding these issues at the administrative
hearing:

- a. Whether Jacksonville's Environmental and Compliance Department's
responsibilities would be affected by Seminole County's proposed

consumptive use of water which is at issue in this proceeding (the "Proposed Use").

- b. Whether the "River Accord", as described in Jacksonville's Petition for Hearing, Amended Petition for Hearing ("Initial Petitions") and Jacksonville's obligations thereunder will be affected by the Proposed Use.
- c. Whether the Florida Department of Environmental Protection's ("DEP") Total Maximum Daily Load Program (the "TMDL Program"), the existing maximum daily loads for the Lower St. Johns River Basin established in Florida Administrative Code Rule 62-304.415, any pending or proposed amendment to Rule 62-304.415 and Jacksonville's obligations under the TMDL Program and DEP's associated existing and proposed rules will be affected by the Proposed Use.
- d. Whether Jacksonville's comprehensive nutrient reduction strategy, as discussed in Jacksonville's Initial Petitions, would be affected by the Proposed Use.
- e. Whether the Basin Management Action Plan ("BMAP") currently being developed for the Lower St. Johns River Basin and Jacksonville's obligations thereunder will be affected by the Proposed Use.
- f. Whether Jacksonville's Master Stormwater Plan, as described in the Jacksonville's Initial Petitions, would be affected by the Proposed Use.

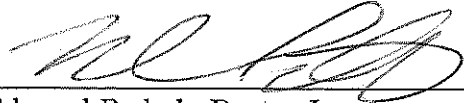
- g. Whether Jacksonville's programs to optimize non-structural controls to maximize nutrient reduction in stormwater runoff, as described in the Jacksonville's Initial Petitions, would be affected by the Proposed Use.
- h. Whether Jacksonville's implementation of comprehensive local ordinances and Public Outreach and Education campaigns would be affected by the Proposed Use.
- i. Whether property owned by Jacksonville will be affected by the Proposed Use.
- j. Whether use of land by Jacksonville and third parties will be affected by the Proposed Use.
- k. Whether the Proposed Use will cause detrimental environmental effects in that portion of the River located in Duval County.
- l. Whether the current salinity of that the portion of the River located in Duval County, including salinity fluctuations which occur as a result of currently existing uses of the River and/or existing natural environmental conditions, will be affected by the Proposed Use.
- m. Whether detrimental environmental effects will result from any change in salinity in that portion of the River located in Duval County, as a result of the Proposed Use.

2. Seminole County shall not inquire regarding the issues listed in paragraphs l.a. through l.m. above in any deposition of Jacksonville's corporate representative(s) pursuant to Florida Rule of Civil Procedure 1.310(b)(6), however

Seminole County is free to inquire whether the Proposed Use will cause impacts in the immediate vicinity of the Yankee Lake facility, which will result in detrimental environmental effects in any portion of the River, with the exception of Duval County as a result of the stipulation in paragraph 1.k., above.

Respectfully Submitted,

de la PARTE & GILBERT, P.A.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via facsimile and U.S. Mail: Karen Coffman, Esq. and Timothy Smith, Esq., St. Johns River Water Management District, P.O. Box 1429, Palatka, FL 32178-4129 [SJRWMD]; Reginald L. Bouthillier, Jr., Esq., Seann M. Frazier, Esq., Adam G. Schwartz, Esq., Greenberg, Traurig, P.A., P.O. Drawer 1838, Tallahassee, FL 32302; Cindy Laquidara, Esq., Tracy Arpen, Esq., and Jason Teal, Esq., Office of General Counsel, City of Jacksonville, 117 W. Duval Street, Suite 480, Jacksonville, FL 32202 [CITY OF JACKSONVILLE]; Michael L. Howle, Esq. Howle Law Firm, P.A., 1437 Walnut Street, Jacksonville, FL 32206; Kenneth Wright, Esq., 1301 Riverplace Blvd., Ste. 1818, Jacksonville, FL 32207 [RIVERKEEPER]; Patrick F. McCormack, Esq., 4020 Lewis Speedway, St. Augustine, FL 32084 [ST. JOHNS COUNTY]; John W. Wilcox, Esq. and Hugh H. Marthinsen, Esq., Saxon, Gilmore, Carraway, Gibbons, Lash & Wilcox, 201 E. Kennedy Blvd., Suite 600, Tampa, FL 33602 [CITY OF COCOA], this 11 day of ~~July~~ ^{July} 2008. NOP

