



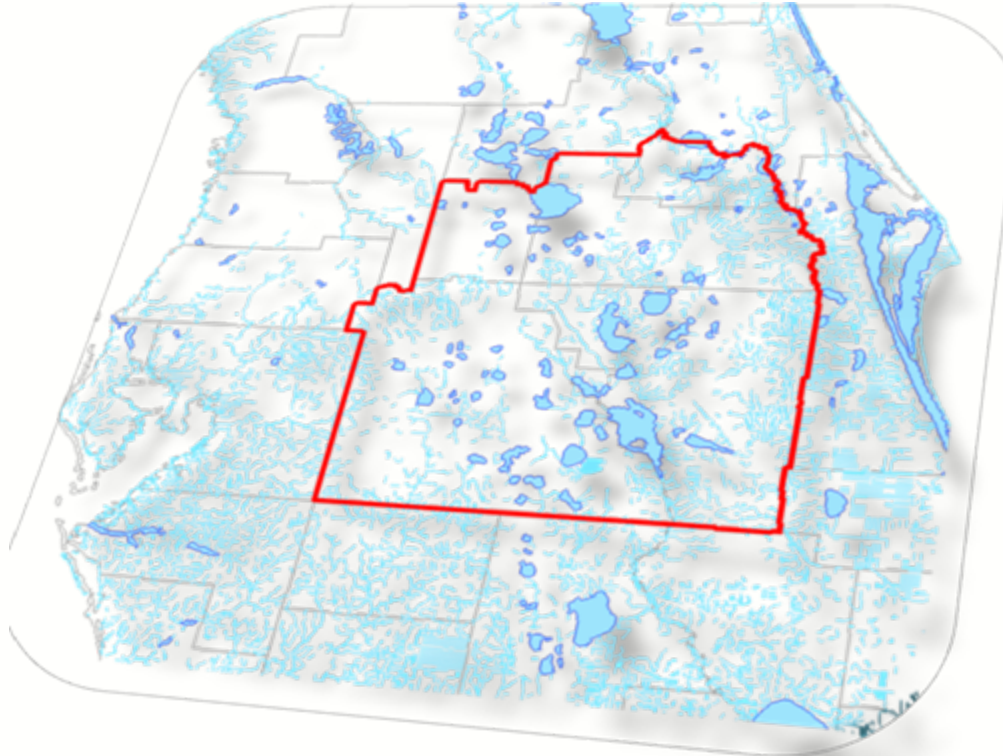
# Central Florida Water Initiative: Overview and Issues

CELEBRATING 33 YEARS OF SERVICE,  
COMMITMENT AND EXCELLENCE.

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de la Parte & Gilbert, P.A.  
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# What is the CFWI?

*“A collaborative water supply endeavor to protect, conserve and restore our water resources”*

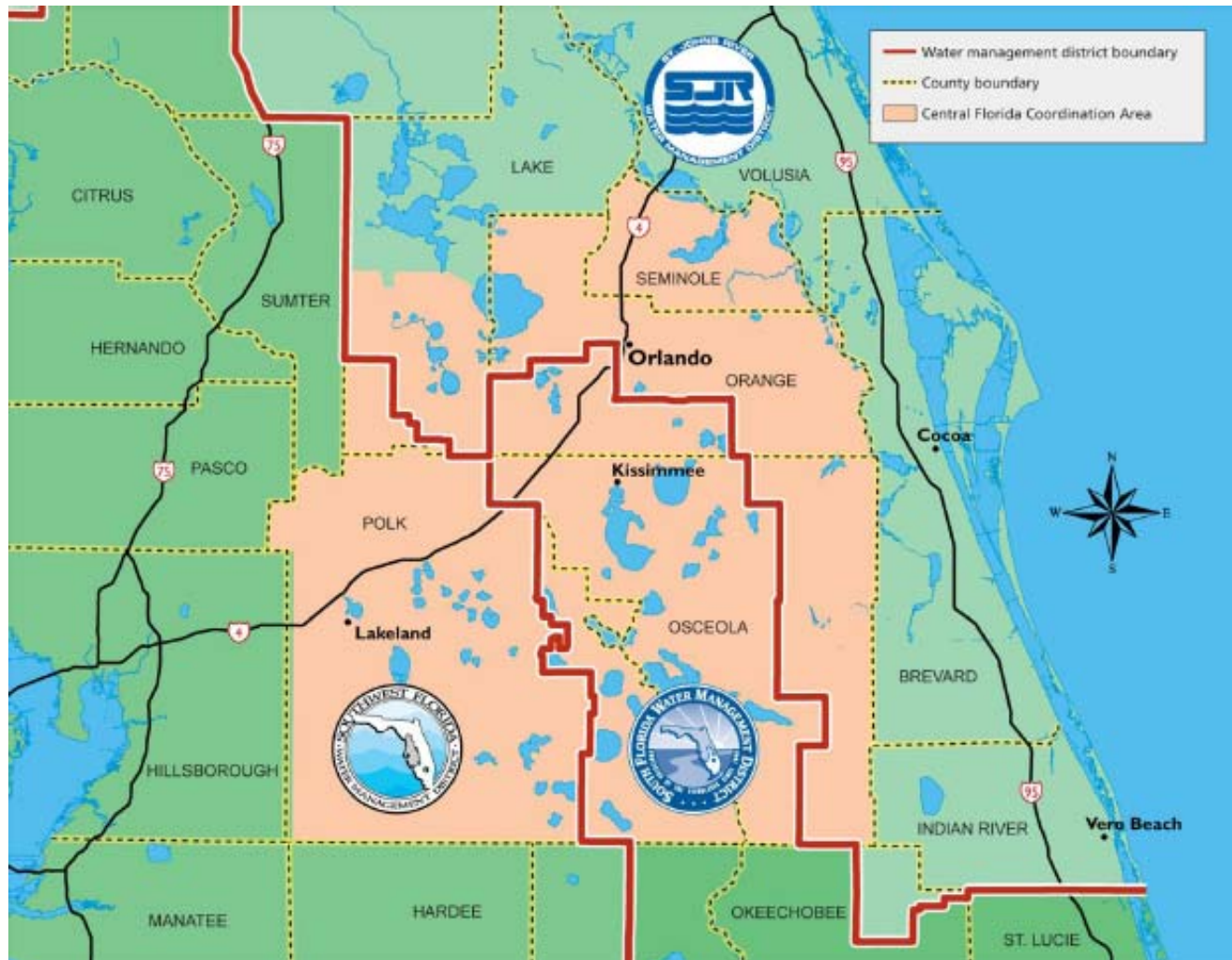


# What is the CFWI?

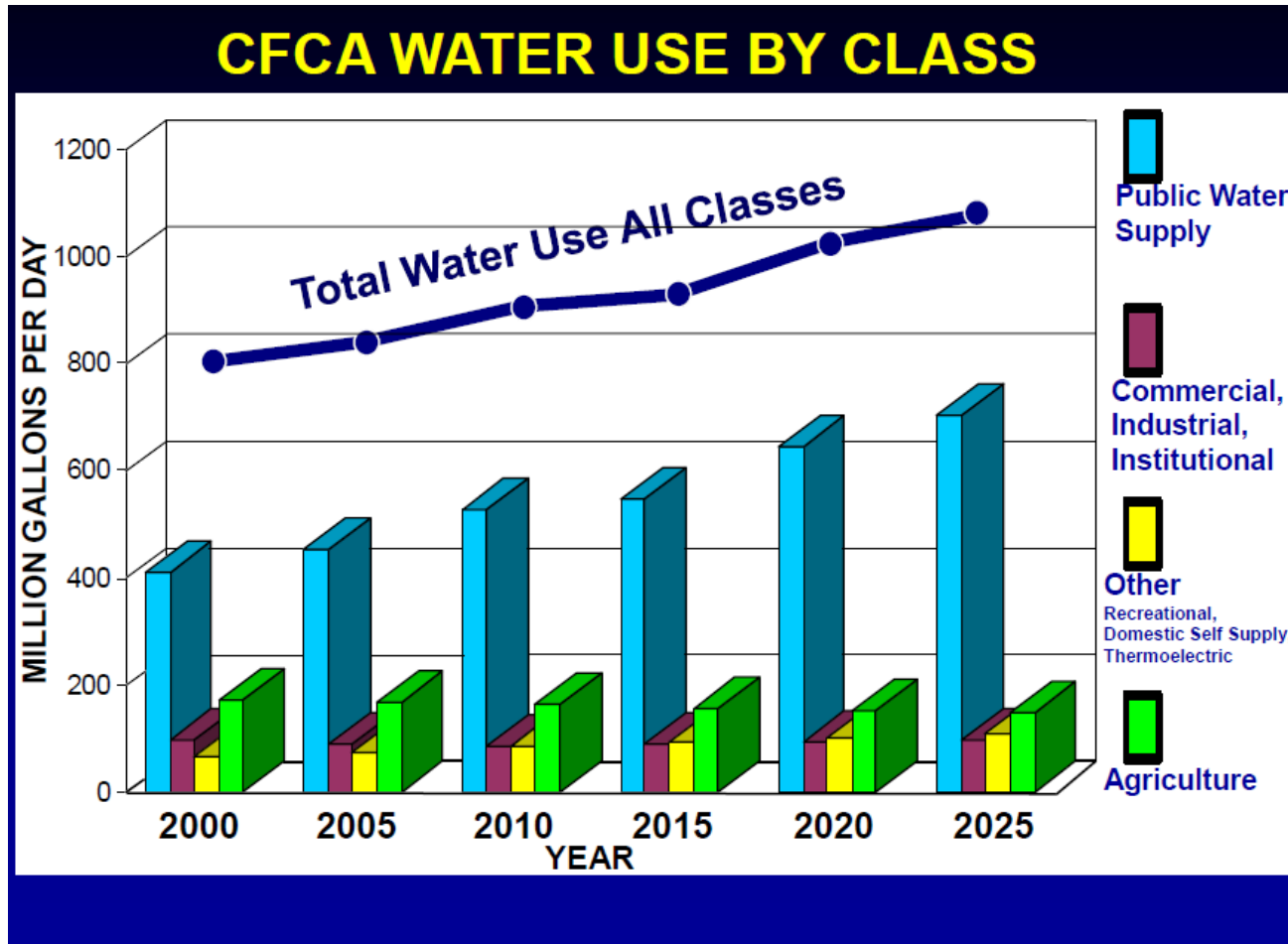
- Address Water Management Districts' conclusion that sustainable quantities of groundwater in central Florida are insufficient to meet future public water supply demands
- Need to develop and implement supplemental water supply projects.
- Collaborative approach to development of coordinated water supply permitting and planning for central Florida by SWFWMD, SJRWMD, and SFWMD

# What is the CFWI?

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# What is the CFWI?



# Origins of the CFWI

- Late 2006 – The 3 WMDs authorized Exec. Directors to Implement Central Florida Coordination Area (CFCA) Action Plan:
  - Coordination of water use permitting
  - Coordination of modeling
  - Coordination of water supply planning

# Origins of the CFWI

## CFCA Phase I – Interim Rules

2007 – WMDs develop and adopt interim rules

- Applies to public supply and similar applicants
- Permit applicants restricted to maximum allocation no greater than projected 2013 demand
- Applicants must identify supplemental water supply projects to meet post-2013 demand increases for duration beyond 2013
- Rules sunset on December 31, 2012

# Origins of the CFWI

**CFCA Phase II Goal** – Adopt long-term rules for water resource management prior to interim rule sunset

**2007-2011**

- Slow progress on development of coordinated model for the 3 WMDs
- Economic and development slowdown resulted in lower water demands than projected in 2006
- Not enough time to develop permanent rules



# Creation of the CFWI

Goal of greater collaboration between WMDs and stakeholders regarding rule development in the CFCA:

- Steering Committee:
  - One GB member from each WMD
  - FDEP representative
  - DACS representative
  - Utility representative
- Unanimity of Decisions
- Operate in the Sunshine

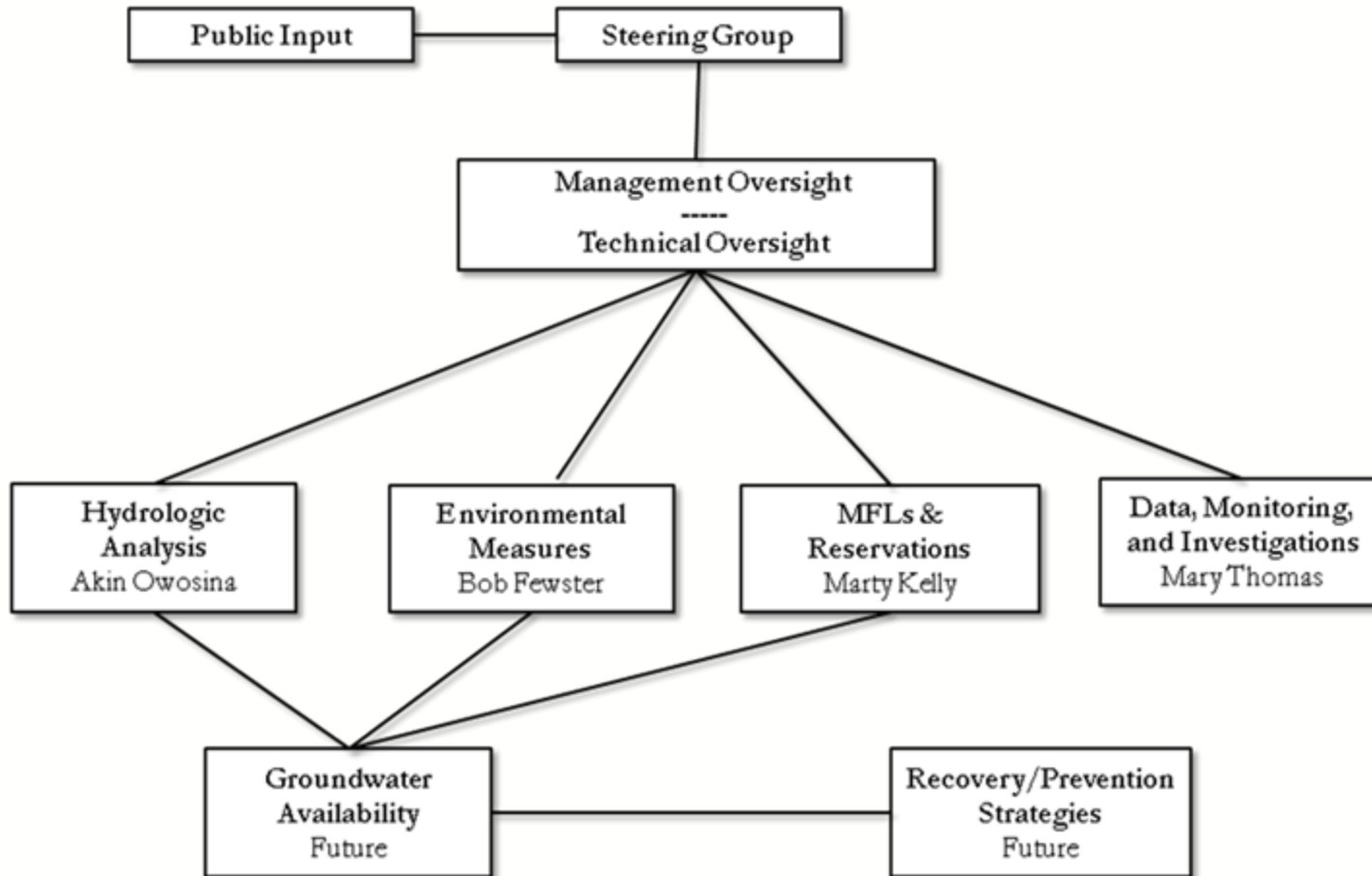
# CFWI Guiding Principles

1. Identify sustainable quantities of groundwater sources which can be used without causing unacceptable environmental harm
2. Develop strategies to meet water demand in excess of sustainable yield of existing groundwater sources
3. Establish consistent rules for the 3 WMDs that meeting the CFWI goals

# CFWI Goals

1. One model
2. One uniform definition of harm
3. One reference condition
4. One process for permit reviews
5. One consistent process to set MFLs and reservations
6. One Coordinated recovery and prevention strategy

# CFWI Organization



# CFWI Collaborative Teams

- 1. Hydrologic Analysis** – Ensure most appropriate science is applied to modeling and data analysis
- 2. Environmental Measures** – Perform environmental assessments of wetlands and surface waters, definitions and methods for evaluating harm
- 3. MFLs and Reservations** – Develop consistent processes for setting and implementing MFLs and reservations

# CFWI Collaborative Teams

- 4. Data, Monitoring and Investigation –**  
Identification and review of data available in region to support CFWI
- 5. Groundwater Availability –** Ensure a logical and consistent process is established to evaluate modeling results
- 6. Recovery and Prevention Strategies–**  
Develop recovery and prevention strategies based on work of other groups (Future)

## Harm – Permitting of Consumptive Uses

**Section 373.219(1), F.S.** “The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is **consistent with the overall objectives of the district or department and is not harmful to the water resources of the area.**”

# Defining Significant Harm in the CFWI

## Significant Harm - MFLs

**Section 373.042(1), F.S.** “The minimum water level [or flow] shall be the level ... **at which further withdrawals** would be **significantly harmful to the water resources of the area.**”

**SWUCA Case** “Preventing any and all measurable impact to the water resources is not the stated legislative goal and some impact is an unavoidable element of achieving beneficial use of the water resources for human activity. Thus, **the establishment of MFLs is highly infused with policy considerations and requires a balancing of societal interest in order to decide what impacts are significant.**” *Charlotte Cty. v. Southwest Florida Water Mgt. Dist.*, DOAH Case No. 94-5742RP, ¶1268 (March 1997)



# Harm and Significant Harm Conclusions

- Definitions are very broad
- WMD Governing Boards have wide discretion in deciding how to define harm and significant harm
- “Harm” is a more restrictive standard than “significant harm”
- Both harm and significant harm are “highly infused with policy considerations”

# Harm in SWFWMD

## **No specific definition of “harm”**

BOR 4.2 – “Must not cause unacceptable adverse impacts to environmental features”

- Identification of environmental features directly related to water resources of the District
- Evaluation of impact of proposed withdrawal, cumulative withdrawals on identified features
- Comparison of existing natural system to post-withdrawal conditions
- Previous physical alterations considered
- “Reasonable degree of protection”
- Listed exclusions for isolated wetlands, authorized impacts

# Significant Harm in SWFWMD

**No rule definition of “significant harm”**

# Harm in SJRWMD

## **No specific “harm” definition**

- “Environmental or economic harm caused by the consumptive use must be reduced to an acceptable amount” (A.H. 10.3)
- Cannot lower water levels “so that stages or vegetation will be adversely and significantly affected on lands other than those owned, leased, or otherwise controlled by the applicant” (A.H. 9.4.1)

# Significant Harm in SJRWMD

**No rule definition of “significant harm”**

# Harm in SFWMD

“**Harm** – means the temporary loss of water resource functions, as defined for consumptive use permitting in Chapter 40E-2, F.A.C., that results from a change in surface or ground water hydrology and **takes a period of one to two years of average rainfall conditions to recover.**” F.A.C. Rule 40E-8.021(9)

# Significant Harm in SFWMD

“**Significant Harm** – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that **takes more than two years to recover**, but which is considered less severe than serious harm. The specific water resource functions addressed by an MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.” F.A.C. Rule 40E-8.021(31)

# Conclusions about Harm/Significant Harm

- 3 WMDs have varied definitions of harm, if term are defined at all
- Not clear harm and significant harm standards are different among 3 WMDs
- Chapter 373 sufficiently flexible to allow consistent definitions in CFWI



# Developing Consistent Definitions

- Is significant harm a higher level of impact than harm?
- Is harm/significant harm hierarchical?
- Can MFLs be used to evaluate permitting requests?
- Will MFLs have to be reevaluated?

# Conclusion

Any questions?