

Attorney: _____
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MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director
Water Resources

DATE: August 12, 2008

SUBJECT: Authorize publication of Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-1, 40E-2 and 40E-20, F.A.C., and the Basis of Review for Consumptive Use Permits, incorporated therein, to clarify administrative procedures associated with obtaining a new consumptive use permit as well as renewing, modifying and transferring existing consumptive use permits.

Background

The District has had a long-standing practice of requiring new permits for projects that propose or modify a water use classification. The District's rules need clarification on this and related points. During the Lake Okeechobee water availability rule development process it became evident that this practice was not clear to some members of the public. To provide improved notice of this requirement and better comply with the Administrative Procedures Act, this rule development process is proposed.

How this helps meet the District's 10-year Strategic Plan:

This rule development effort will aid implementation of the Water Supply Department's consumptive use permitting program.

Funding Source: There is no additional funding associated with this item; existing staff will undertake this effort.

This Board item impacts what areas of the District, both resource areas and geography: Both the Regulatory (Water Use Regulation) and Water Supply programs will be impacted by this item. The rules to be developed would apply to water use permit applications District-wide.

What concerns could this Board item raise?

Some stakeholders interpret statutory direction to allow consumptive use permits, once issued, to be valid for the full duration, regardless of a user's change in water use classification. The District's long-standing implementation of the program differs. These rules will codify the requirement to have water use classification changes undergo full staff and Board review associated with new consumptive use permits.

Why should the Governing Board approve this item? This item continues to allow the District to apply current criteria pertaining to such topics as reasonable-beneficial use, public interest, conservation, alternative water supply requirements, etc., to projects that change from one water use classification to another.

If you have any questions, please do not hesitate to call me at extension 6597.

CM/el