



AGENDA

WATER RESOURCES ADVISORY COMMISSION

Thursday, January 4, 2007, 9:00 AM
 District Headquarters - B-1 Auditorium
 3301 Gun Club Road
 West Palm Beach, FL 33406

1. **Welcome and Introductions** - Michael Collins, Chair 5m
2. Member Issues 30m
3. **ACTION ITEM:** Naples Bay SWIM Plan, Carla Palmer, Director, Stormwater Mgt. Div., SFWMD 15p 30d
 See supporting document: [NaplesBaySWIMPlan\(4\).ppt](#)
4. Lower East Coast Water Supply Plan Update - John Mulliken, Dir., Planning Div., Water Supply Dept., SFWMD 15p 15d
5. Update: Regional Water Availability Rule - Chip Merriam, Dep. Exec. Director, Water Resources; Scott Burns, Dir., Policy Implementation, Water Supply Dept.; and Cecile Piverotto, Sr. Specialist Attorney, Office of Counsel, SFWMD. 30p 30d
6. Central Florida Coordination Area Update - Keith Smith, Dep. Director, Water Supply Department - SFWMD 15p/15d
 See supporting document: [BOR121906WORKSHOP 01_04_07.pdf](#)
 See supporting document: [CFCA Action Plan_01_04_07.pdf](#)
 See supporting document: [CFCA WRAC Update Jan 2007.pdf](#)
7. Public Comment 10m
8. Update: Long Term Plan Projects Completed by 12/31/06, Deb Drum, Dir., Stormwater Treatment Area Management Div., SFWMD 10p 10d
9. Update: Status of Temporary Forward Pumps - David Unsell, Dir., Lake Okeechobee Div., SFWMD 10p 10d
10. WRAC Meetings - Format and Travel Issues - Discussion: Mike Collins, Rick Smith and Members 10m
11. Public Comment 10m
12. Adjourn: 1:30 p.m.

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5m

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**BASIS OF REVIEW FOR WATER USE
PERMIT APPLICATIONS WITHIN
THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2007

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- 1.0 Permitting Procedures
- 2.0 Water Need and Demand Methodologies
- 3.0 Water Resource Evaluations
- 4.0 Monitoring Requirements
- 5.0 Permit Conditions

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1.0 PERMITTING PROCEDURES

1.7.2 Permit Duration

1.7.2.1 General Duration Provision

Pursuant to Section 373.236, F.S., when requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant demonstrates reasonable assurance that the proposed use meets the conditions for issuance for the requested duration; otherwise, permits may be issued for a shorter duration that reflects the time period for which such reasonable assurances can be provided. This determination shall be made pursuant to requirements in Chapters 40E-2 and 40E-20, F.A.C., as applicable, and this Section.

1.7.2.2 Special Duration Factors

- A. Unless revoked or otherwise modified, the duration of a water use permit issued pursuant to Chapter 40E-2 and Chapter 40E-20, F.A.C., is the lesser of:
 - 1. The duration established in Subsections C., D. or E., below.
 - 2. The time period for which the permit applicant demonstrates that water will be needed to meet the projected demands and during which the conditions for issuance of a permit in Rule 40E-2.301, F.A.C., will be met;
 - 3. The time period for which the permit applicant demonstrates legal control pursuant to Section 2.1;
 - 4. For irrigation uses permit applications filed before the applicable Basin Application Date in Section 1.7.3, the permit duration will be limited to the Basin Expiration Date;
 - 5. For aquifer remediations, the period shall not exceed that required to complete the operation as specified in the Remedial Action Plan approved

by the state or local agency having legal jurisdiction over such activities or 20 years, whichever is less;

6. For independent secondary use permits within a diversion and impoundment system, the duration will not exceed the expiration date of the associated diversion and impoundment permit;
7. Where the permittee must implement an action to correct noncompliance with the previous consumptive use permit, the permit duration shall be based on the time period necessary to ensure the success of the mitigative or remedial action; or
8. For minor standard general water use permits, the permit duration shall not exceed 20 years.

B. Sources of Limited Availability. For purposes of the Section, the following are Sources of Limited Availability:

1. Upper East Coast Regional Water Supply Planning Area: Surficial Aquifer System.
2. Lower East Coast Regional Water Supply Planning Area: Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the Saint Lucie River/Canal.
3. Lower West Coast Regional Water Supply Planning Area: Water Table Aquifer, Lower Tamiami Aquifer, Sandstone Aquifer, mid-Hawthorn Aquifer.
4. Kissimmee Regional Water Supply Planning Area within the Central Florida Coordination Area: Groundwater.

C. The following uses shall receive a 20 year permit, if:

1. For uses from sources other than those listed in sub~~paragraphs~~, B. 1., 2., and 3., above, the allocation necessary to meet the 20 year demands is consistent with Chapters 40E-2 and 40E-20, F.A.C., as applicable, provided that the demands are realized according to the schedule set forth in the permit, for the duration of the permit; or

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- 2. The applicant is requesting a permit for "back-up" supplies addressing emergency or short-term interruption in service for reclaimed water end users per Section 3.2.3.3.; or,
- 3. The applicant is requesting renewal of a permit from a source of limited availability identified in subsection B., above, and the following conditions are satisfied:
 - a. For all use classes, the allocation satisfies the requirements of Chapter 40E-2 or Chapter 40E-20, F.A.C., as applicable, for the duration of the permit; and
 - b. For public water supply use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity necessary to meet the demands of the population existing at the time of permit renewal at the per capita rate approved under the Basis of Review;
 - c. For the irrigation use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity of water necessary to irrigate historically irrigated acreage, including documented intermittent irrigated acreage, as determined by section 2.3.2.; or,
 - d. For other use classes, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity approved under Chapter 40E-2 or Chapter 40E-20, F.A.C., as applicable, and shall not exceed the allocation in the permit being renewed; or,

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4. The applicant is a public water supply utility that proposes groundwater withdrawals within the Central Florida Coordination Area to satisfy demands from that source up to their demands in the year 2013 and proposes to develop specific alternative water supply projects to meet demands greater than the year 2013 and otherwise satisfies the requirements of Chapter 40E-2 or 40E-20, F.A.C., as applicable, for the duration of the permit.

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D. Requests for Allocations in Excess of Subsection 1.7.2.2.C.3., Permit Modifications, or Initial Permits, from Sources of Limited Availability other than applicants governed by subsection 1.7.2.2.C.4.:

The baseline duration under this Section shall be five years or as otherwise provided below. The following factors shall be considered and balanced in determining the duration of a permit:

1. Whether the permit will require the permittee to perform mitigative or remedial action for an impact caused or projected to be caused by the water use. Consideration of this factor will lead to a permit duration appropriate for ensuring the success of the mitigative or remedial action;
2. Whether the permittee is proposing to implement innovative and extraordinary water conserving measures that are beyond those generally feasible for the subject use such that the proposed demands are significantly reduced from the source of limited availability as a result of the innovative and extraordinary water conserving measures, including best management practices associated with peak or high efficiency systems. Where the permittee proposes to implement innovative and extraordinary water conservation measures, consideration of this factor will lead to a longer duration than the applicable duration as an incentive for the investment in innovative and extraordinary water conservation;
3. Whether increased impacts of the requested allocation on the source of limited availability will be offset through the implementation of an alternative source. Consideration of this factor will lead to a longer duration;
4. Whether the requested allocation is supplied by a brackish water source, consistent with the use of saline water in Section 3.4; or
5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified; or,

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6. A public water supply utility proposing groundwater withdrawals within the Central Florida Coordination Area and does not propose to satisfy demands greater than that required in the year 2013 with specific alternative water supply projects. Consideration of this factor will lead to a maximum permit duration of up to 2013.

- E. Pursuant to Section 373.236, F.S., the permit duration may be up to 50 years in the case of a municipality or other governmental body, or of a public works or public service corporation, where such a period is required to provide for the retirement of bonds for the construction of waterworks and waste disposal facilities, if the applicant provides reasonable assurances of compliance with Chapters 40E-2 and 40E-20, F.A.C., as applicable.

If only a portion of the requested allocation satisfies the conditions for a 20 year duration permit, the remaining allocation may be approved for a shorter duration, as appropriate.

1.8 Definitions

###. Central Florida Coordination Area (CFCA): is depicted in Figure >>> and for the purposes of the District is defined to include all areas of Orange, Osceola, and Polk Counties within the jurisdiction of the District.

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3.0 WATER RESOURCE EVALUATIONS

3.2.1 Restricted Allocation Areas

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

- A. Lake Istokpoga/Indian Prairie Canal System - No additional surface water will be allocated from District controlled surface water bodies over and above existing allocations. No increase in surface water pump capacity will be recommended.
- B. C-23, C-24 and C-25 Canal System - No additional surface water will be allocated from District canals C-23, C-24 and C-25, or any connected canal systems that derive water supply from these District canals, over and above existing allocations. No increase in surface water pump capacity will be recommended.
- C. L-1, L-2 and L-3 Canal System - No additional surface water will be allocated from District canals L-1, L-2 and L-3 over and above existing allocations. No increase in surface water pump capacity will be recommended.
- D. Pumps on Floridan Wells - No pump shall be placed on a flowing Floridan well in Martin or St. Lucie County, except under the following guidelines:
 - 1. If the pump was in place and operational prior to March 2, 1974, and is still in place or a replacement pump with a similar capacity is in place, or
 - 2. The proposed pump is installed for the purpose of increasing pressure in attached piping (e.g., drip or micro-jet irrigation systems) and not for the purpose of increasing flow over and above

that flow which naturally emanates from the well. The determination of the appropriate pump capacity must occur after well construction and measurement of the actual natural flow rate. Prior to any pump installation, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to District Staff for review and approval, or

- 3. The Applicant conducts and provides the results of a study, approved by District staff, which shows that pump installation and subsequent withdrawals will not interfere with any presently existing legal use, as defined in Section 3.7, or
- 4. The proposed pump is installed to temporarily assist in producing the permitted allocation associated with freeze protection pursuant to Section 2.3.4, or
- 5. The proposed pump is installed to temporarily assist in meeting allowable withdrawals for the duration of a water shortage declared pursuant to Chapter 40E-21, F.A.C.

E. Groundwater in the Central Florida Coordination Area (CFCA) –

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1. Public water supply utility applicants who propose increased withdrawals of groundwater within the CFCA, Figure >>>>, are restricted to a maximum allocation equalvalent to that needed in the year 2013, provided the proposed use otherwise satisfies the requirements of 40E-2 or 40E-20, F.A.C., as applicable.

2. However, in the event a public water supply utility permittee has exercised due diligence to meet schedule requirements stated in permit limiting conditions for alternative water supply project development, but water from the project will not be available in the year 2013, an application for interim allocation of additional groundwater in excess of that required in the year 2013 will be considered. Such interim allocations shall be eliminated or modified when the water from the alternative water supply project becomes available.

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3. In the event a public water supply utility applicant seeks a permit duration extending beyond 2013 and proposes an increase in water withdrawal after 2013 but also demonstrates the economic, environmental, or technological infeasibility of its development of (either singly or in concert with others) sufficient alternative water supplies to meet all of the increase in withdrawals above the level demonstrated to be needed in 2013, then the applicant must establish that it will meet as much of the

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increase as is feasible with alternative water supply sources and will obtain any remaining portion of the increase by using one or more alternative water supply sources when provided by others. An increase in water user rates to utility customers shall not, in itself, constitute economic infeasibility.

5.0 PERMIT CONDITIONS

5.3 Specific Region Special Conditions

- A. A "Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District", which confirms tribal rights has been approved. Exercise of tribal rights in the future may impact allocations sought by the Permittee in future permit modifications and renewals.
- B. The property which is the subject of this Permit is located in the area covered by Chapter 40E-63, F.A.C, (Works of the District within the Everglades). This special condition is intended to notify the Permittee that this property may be subject to additional or new permitting or water quality requirements as specified in Chapter 40E-63, F.A.C.
- C. Permittee shall be subject to all the stipulations agreed to in any executed landowner agreement reached between the Permittee, the District and the Seminole Tribe of Florida. Such stipulations may impact allocations sought by the Permittee in future Permit modifications and renewals.
- D. Permittee and the Lake Worth Drainage District have previously entered into an interlocal agreement for mitigation of impacts. It is acknowledged and agreed by the Permittee that this modification of the permit shall be incorporated into and made part thereof the interlocal agreement.
- E. Permittee will be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by application of the following factors by District staff. Factors used in determining mitigation responsibility include, but are not limited to, water level monitoring data, local pumpages, and climatic conditions. Failure by the Permittee to mitigate any adverse impacts that occur as a result of the Permittee's withdrawals, for which mitigation responsibility has been determined, will be considered a permit violation.
- F. In addition to the general, standard and other conditions described in this part, permits for public supply utilities withdrawing groundwater in the CFCA shall include special conditions that address the following:

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- a. Implementation of a District-approved plan to monitor lake and wetland hydrology, ecology, and water quality in areas subject to impacts from the permitted withdrawal, with at least annual data reporting and analysis.
- b. Implementation of specific District-approved measures to mitigate or avoid harm that would otherwise occur as a result of the permitted allocation.
- c. Implementation of a District-approved mitigation or avoidance actions to address any unanticipated harm, if the District finds that harm will occur or has occurred.
- d. Development and use of alternative water supply sources to supply water demands greater than the allocation for 2013, with the amount of groundwater allocation being contingent on the permittee's compliance with: (1) a District-approved schedule for developing alternative water supplies or (2) a requirement to use alternative water supplies when economically, environmentally, and technically feasible, if the applicant makes a demonstration that the development and use of such supplies is not currently feasible in accordance with criterion 3.2.1.E.3.
- e. Submittal of five-year compliance reports as described in subsection 373.236(3) F.S.
- f. The reduction or other modification to the allocations in the permit, after review of each five-year compliance report or at any other time during the term of the permit, if needed to abate observed or projected harmful impacts, unless the harmful impacts can be mitigated by the permittee.

**Recommended
Action Plan
for the
Central Florida Coordination Area**

**A Cooperative Effort of the South Florida, Southwest Florida and St. Johns River
Water Management Districts**

September 18, 2006

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Executive Summary

Conclusions

The districts have each concluded—through detailed water supply planning and individual permit actions—that the growth in public water supply (PWS) over the next 20 years in central Florida from traditional groundwater sources is not sustainable. Recent water supply plan updates, permitting experience, and the increasing frequency that measures implemented by permit condition are required to avoid or mitigate unacceptable levels of harm, all confirm that if traditional groundwater sources continue to be developed to meet growing PWS demands in the area, harm to the water resources (rivers, streams, lakes, wetlands and aquifer quality) will occur.

In general, the districts have jointly concluded that the availability of sustainable quantities of groundwater in central Florida is insufficient on a regional basis to meet future demands and there is an immediate need to develop and implement alternatives water supply (AWS) projects in addition to continued aggressive conservation and reuse of reclaimed water. The time necessary to implement AWS projects will necessitate allocation of groundwater consistent with 2013 projected demands. Beyond the 2013 level of demand, AWS sources must be developed to meet future demands. In some instances, specific conditions may require allocations from traditional groundwater be less than 2013 demand or require specific actions be taken to avoid or mitigate harm that would occur from the 2013 demand at a specific location. In other areas, specific conditions may allow slightly increased allocation. But, the conclusion is clear, within the next 5 to 6 years PWS utilities in central Florida must be prepared to move to alternative water supplies as a critical component of meeting future demands.

The districts are committed to refining the tools necessary to improve the best estimate of the limits on sustainable groundwater and reevaluate these conclusions as these tools and data become available. The districts are also committed to a continuing assessment of all potential AWS sources, including but not limited to, the St. Johns River and Kissimmee River systems in order to help meet future demands. As a general proposition, permits issued in the interim will be conditioned to reflect the 2013 limit on traditional groundwater resources and the uncertainty in projecting potential harm to the water resources.

Goals and Objectives

The districts have developed this Action Plan to assure a coordinated and consistent approach in the Central Florida Coordination Area (CFCA), including the City of Cocoa's public supply service area in Brevard County; all of Polk, Orange, Osceola and Seminole counties; and southern Lake County. Staff work groups developed consensus action plans in three key functional areas: regulatory, planning, and computer modeling and tools. Each has more detailed information, including specific tasks and schedules, later in this document. The work group goals and objectives are as follows.

- **Regulatory**

Goal: To avoid competition and to prevent harm to the water resources in the CFCA, permitting of PWS should result in a consistent and equitable outcome and create incentives for the expedited development of required AWSs.

Objective 1: Until the long-term approach is implemented (Objective 2), implement an interim approach to permit allocations and conditions for PWS in the CFCA to achieve the work plan goal over the short term.

Objective 2: Develop and implement a long-term approach to PWS system permit allocations and conditions to achieve the work plan goal over the long term.

- **Planning**

Goal: To identify AWS development projects and implementation strategies that will assure the availability of sustainable water supplies to meet projected public supply needs in a timely manner through 2025 in the CFCA.

Objective 1: Identify the need for AWS projects.

Objective 2: Develop a list of already identified AWS development project options that could reasonably provide water to public supply utilities with identified unmet needs.

Objective 3: Evaluate combinations of projects from the list developed under Objective 2 and any other AWS development project options that may be feasible to meet the projected needs.

Objective 4: Develop draft implementation strategies using traditional and AWS development projects identified in Objectives 2 and 3, including funding strategies that associate public supply utilities with AWS development projects.

Objective 5: Solicit local government and other stakeholder input, participation and buy-in.

Objective 6: Update each of the districts' respective regional water supply plans to include the recommended AWS development projects. Such projects will then be eligible for potential funding from appropriate districts, including potential funding from the State Water Protection and Sustainability Trust Fund. The districts will seek to have these utility-selected strategies become part of the local government comprehensive plan subject to appropriate Florida Department of Environmental Protection (FDEP) and Department of Community Affairs (DCA) review.

Objective 7: Develop a Memorandum of Understanding among the three districts to reflect continued central Florida coordination. Incorporate appropriate elements of the Guiding Principles and Mutual Understandings when completed.

- **Computer Modeling and Tools**

Goal: To ensure that the best available hydrologic modeling, statistical, and analytical tools are available for use to quantify sustainable groundwater and surface water availability in the CFCA in support of regulatory actions, regional water supply planning, and implementation of alternative water source projects; and to assist in developing a data-sharing strategy to ensure these tools will be updated in a consistent manner.

Objective 1: Identify and determine the primary tools to be used to support current permitting and water supply planning programs in central Florida.

Objective 2: Use existing primary tools to assist the permitting group in completing a short-term preliminary assessment of hydrologic conditions in the CFCA area to address the effects of currently allocated and future water uses in the CFCA.

Objective 3: Complete development of the tools needed to address water resource issues in the CFCA that cross regional-scale model boundaries for future decision-making purposes.

Objective 4: Organize and coordinate a data-sharing system that will ensure future consistency among the tools as they become updated.

Objective 5: Organize and initiate a communication process with the permitting and planning work groups to ensure consistency in model application.

Background

In the spring of 2006, the Executive Directors of the St. Johns River Water Management District (SJRWMD), South Florida Water Management District (SFWMD) and Southwest Florida Water Management District (SWFWMD) directed staff to develop better mechanisms for formal coordination and communication in the area of central Florida where the boundaries of the districts come together. This effort was initiated because of the increasing frequency and complexity of issues in each district related to the sustainability of traditional groundwater resources to meet current and future demands and the simple fact that actions in one district can impact water resources and water users throughout the area. Throughout the summer, the Executive Directors began the development of a set of guiding principles and mutual understandings to establish the policy framework to guide the future efforts of the districts. The Guiding Principles and Mutual Understandings are included in the following section. These policy framework efforts culminated in midsummer with a discussion with senior staff involved in regulation, water supply planning, development of computer modeling and other tools. The staffs were challenged to prepare an action plan to implement the policy framework established by the Executive Directors over a 24-month period and beyond.

The effort to create this Action Plan was organized into three primary work groups, representing key functional areas: regulation, planning, and computer modeling and tools. A fourth team to

focus on a strategy for outreach to potential stakeholders will be developed after this action plan is approved.

The CFCA is identified in Figure 1. The area is based on the utility service areas in the central Florida areas where the boundaries of the districts come together.

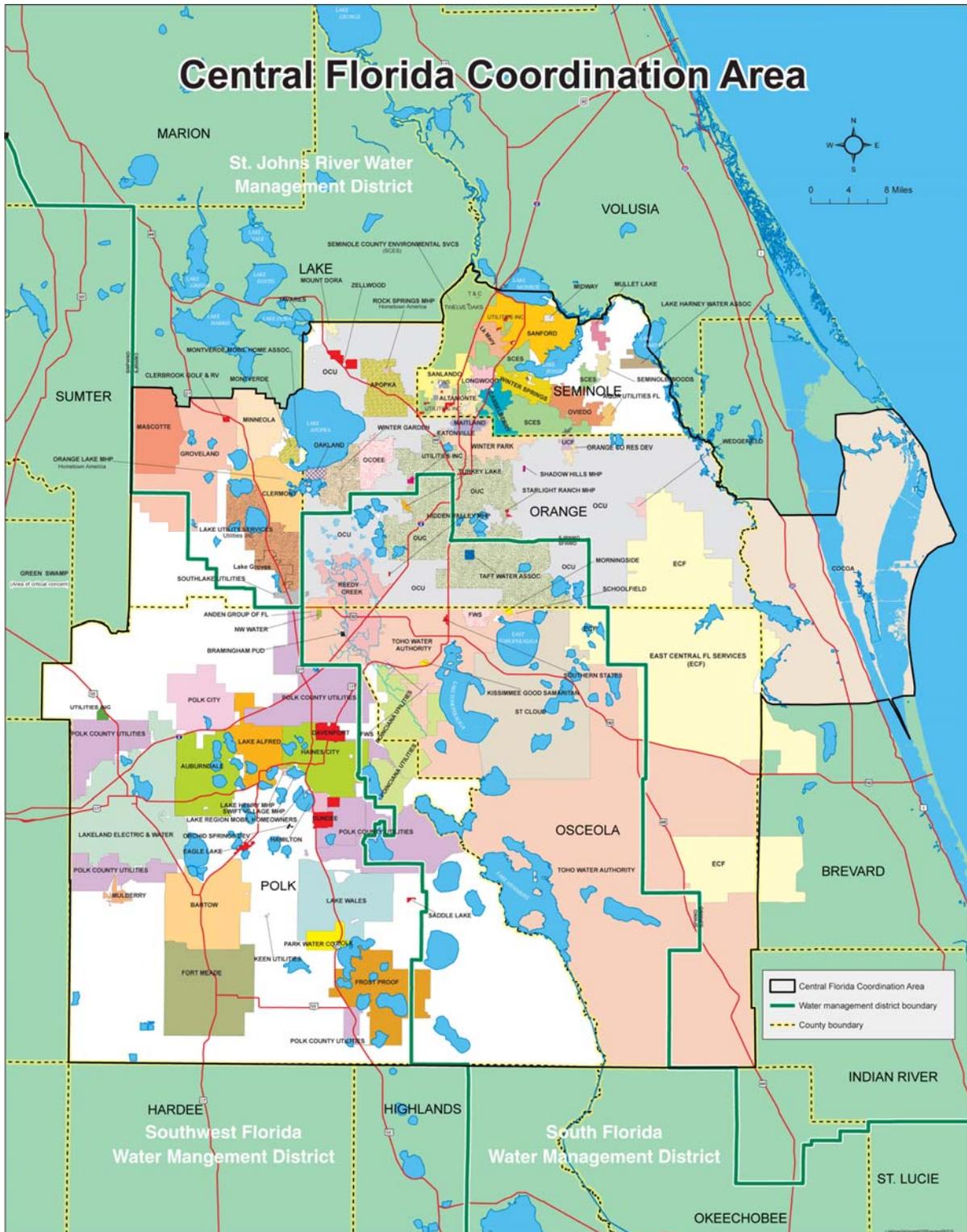


Figure 1. Central Florida Coordination Area (CFCA)

Guiding Principles and Mutual Understandings

SJRWMD, SFWMD and SWFWMD (the parties) agree to the following guiding principles and expressions of mutual understanding concerning short- and long-term development of PWS in the central Florida region, including southern Lake, Orange, Osceola, Seminole and Polk Counties and the City of Cocoa service area. The parties believe establishing these guiding principles and expressions of mutual understanding will enable them to resolve water resource issues, thereby allowing for timely and equitable transition to AWS sources. These guiding principles and expressions of mutual understanding include:

1. A significant increase in PWS demand in central Florida is anticipated.
2. The water management districts in their respective regional water supply plans have concluded there will be insufficient groundwater supplies to satisfy this entire demand.
3. The parties recognize that groundwater models inherently contain uncertainties, making it difficult to precisely quantify how much groundwater is available in the region for use without causing harm.
4. As another complication, utility plans and growth rates frequently change, making it difficult to assess potential impacts. The parties recognize the importance of developing a comprehensive plan for the development of AWS and traditional sources in central Florida.
5. The parties would like to optimize use of sustainable quantities of traditional groundwater sources, without causing harmful saltwater intrusion or land subsidence, interference with existing legal uses of water, or harmful impacts to such water resources as wetlands, spring flows, and lakes, or violation of minimum flows and levels. The parties believe the development of traditional sources will not be sufficient to meet future demands and that it will take time to implement AWS. Thus it is appropriate to immediately develop AWS for use in combination with traditional sources.
6. The parties recognize the need to expeditiously develop AWS projects, including projects that develop new sources, in addition to the use of reclaimed water.
7. The parties recognize that both short-term and long-term actions will be necessary to achieve sustainable water supplies to meet growing demands.
8. The parties would like to achieve equitable allocations of the remaining available groundwater among users in central Florida to meet new water demands and to implement AWS projects in a timely manner.
9. The commitment by an applicant to develop an AWS project is likely to result in a longer permit duration for groundwater withdrawals, recognizing that should unanticipated impacts occur, groundwater withdrawals can be reduced and replaced with additional use from the AWS project.

10. The parties believe it is necessary to expeditiously develop AWS projects; however, this does not, necessarily, foreclose the ability to request additional groundwater allocations as the AWS projects are brought to fruition.

11. Until AWS projects are implemented, the parties recognize there may be a need to address several critical interests. These interests include the desire to: (1) allocate amounts of water that will not cause harm, (2) make and have equitable and sufficient allocations of water to satisfy short-term demands, and (3) require AWS development projects to help meet the future long-term needs of the entire central Florida region.

12. Many water supply utilities have consumptive use permit applications pending before one or more of the party water management districts.

13. The parties recognize that one of the steps to successfully achieving timely and cost-effective solutions for PWS is for the parties not to challenge administrative action on pending consumptive use permit applications sought by other entities.

14. The parties agree to the following actions for the timely development of a long-term, regional solution for central Florida's water supply needs. The parties' goal for this effort is to develop specific plans for development of AWS projects to meet the needs of the central Florida region through 2026. The parties envision this process will be accomplished in 24 months; however, the parties also recognize that it may be necessary to extend the time frame to accomplish this goal.

a. Use of Best Available Information and Groundwater Modeling and Analytical Tools

The parties agree to rely upon use of the best available information and groundwater modeling, statistical and analytical tools to quantify groundwater availability to support regulatory actions, regional water supply planning, and implementation of AWS projects. As additional information and enhanced modeling, statistical and analytical tools become available, these will be used to improve the precision of estimating impacts.

b. AWS Projects

i. The parties will work together to select the AWS projects and to establish a proposed schedule for AWS project development that the water utilities will implement to meet their additional water supply needs over the next 20 years. The selection and schedule should be accomplished as soon as possible and in no later than 18 months.

ii. The parties, through their planning and funding efforts, intend to assist the water utilities in central Florida in this effort. Many such projects have already been identified in existing regional water supply plans. This effort will be directly supported with funding from the Water Protection and Sustainability Program.

iii. The parties, in collaboration with the water utilities in central Florida, will focus initial efforts on the following AWS development projects: St. Johns River/Taylor Creek Reservoir Project and the Upper Kissimmee Watershed. The SFWMD, with the assistance of SJRWMD, SWFWMD and water utilities, will identify quantities of water

available for storage and recharge options associated with PWS use of water from the Upper Kissimmee Watershed and will implement the same expeditiously.

c. Authorizations for groundwater allocations for water utilities implementing AWS projects

i. The parties agree that water utilities in central Florida which develop specific AWS projects to meet their new demands beyond the near term (approximately next 5 years) should have the opportunity to seek and obtain authorizations to withdraw groundwater that include both specific requirements to develop the AWS project(s) and new groundwater allocations to fulfill their water supply needs until these projects are online. The districts intend to issue long duration permits consistent with District rules; however, authorizations to withdraw new groundwater may need to shift to AWS.

ii. The districts will work toward issuance of these authorizations by utilizing all available regulatory tools including variances and/or agreements.

iii. These authorizations will be conditioned to include water conservation and water use efficiency; monitoring and reporting of water use, water conservation activities, and water resource data necessary to address potential impacts associated with such use; schedules, milestones, and progress reports for the development of AWS; compliance reporting; and avoidance/mitigation of harmful impacts, if any occur as a result of groundwater withdrawals.

d. Open and Transparent Process: The parties will collaborate with one another in an open and transparent process.

e. These guiding principles and mutual understandings do not constitute agency action on any specific permit application. Nothing in this agreement binds SFWMD, SWFWMD and SJRWMD to make any specific future permit decision.

Individual Work Group Action Plans

Regulatory Work Group

Goal: In order to avoid competition and to prevent harm to the water resources in the CFCA, permitting of PWS should result in a consistent and equitable outcome and create incentives for the expedited development of required AWSs.

Objective 1: Until the long-term approach is implemented (Objective 2), implement an interim approach to permit allocations and conditions for PWS in the CFCA to achieve the work plan goal over the short term.

Task 1A: Process pending and new applications for (PWS) utilities in the CFCA consistent with the structure provided in Task IA, IB, and IC below. (Initiate immediately for pending applications with the goal of agency action by the end of 2007. Ongoing for new applications.)

1. PWS utilities that propose to develop specific AWS project(s) to meet their demands beyond 2013 will have the opportunity to seek authorization to withdraw groundwater above current demands up to their 2013 demand, provided they avoid or mitigate adverse impacts. Permit allocations from traditional groundwater sources will be limited to the amounts necessary to meet 2013 demands with allocations for demands greater than 2013 demands to be met by AWS. If permits include a plan to implement AWS by 2013 to meet future demands, the duration can be up to 20 years with periodic reviews (e.g., 5-year compliance reviews). If permits do not include a plan to implement AWS to meet future demands, the permit duration will be limited to the period for which reasonable assurances can be provided, but not to exceed 2013.
2. Permits issued from now through 2013 will include an allocation no more than that corresponding to 2013 use. For example, a permit issued in 2010 may be for 20 years, but will be capped at the 2013 allocation with subsequent water demands to be met by AWS projects.
3. Some lakes and wetlands are expected to require specific avoidance and/or mitigation measures by the permit applicants who contribute to observed or projected adverse impacts at such specific locations. Permits will be contingent on implementing sufficient avoidance and/or mitigation to prevent adverse impacts.
4. To address uncertainty, all allocations are subject to reduction if adverse impacts are observed or projected to occur based on updated modeling tools and additional data collection.

5. For all permittees except those described in Task IB, permits will include specific conditions with scheduled milestones on the development of AWS projects by 2013.
6. In the event that the permittee establishes that it has exercised due diligence to meet the permit milestone requirements for AWS project development, but water from the project is not yet available in 2013, requests for interim allocations for additional groundwater will be considered when needed. Such interim allocations will be eliminated, or otherwise addressed based on the outcome of Objective 2 tasks, when the water from the AWS project is available.
7. All permits issued with durations beyond 2013 shall be subject to periodic reviews for the purpose of assessing continued compliance with the conditions of issuance.

Task 1B: For PWSs that are projected to have only an insignificant increase in demand for additional groundwater beyond their 2013 demand, or do not have feasible AWS options to meet demands beyond their 2013 demand, develop a consistent approach to determine the requirements that will be imposed. (Initiate immediately and complete as soon as possible, based on the timetable in CFCA Planning Work plan to identify AWS projects for each PWS.)

Task 1C: Agree on standardized conditions for PWS permits, to address the following: (Complete by January 2007.)

1. Requirement to mitigate for existing harm due to current withdrawals
2. Requirement to implement measures to avoid or mitigate anticipated harm due to proposed withdrawals
3. Requirement to mitigate for unanticipated harm should it occur
4. Requirement for monitoring, analysis and reporting for district review
5. Requirement for periodic reporting (e.g., 5-year compliance reporting)
6. Requirement for AWS development and use, or use of AWS projects available from others, by:
 - a. PWS with a specific AWS project selected
 - b. PWS without a specific AWS project selected
7. Potential modification of permit allocations and conditions
8. Permittee noncompliance with allocations or permit conditions

Task 1D: South Florida Water Management District (SFWMD), Southwest Florida Water Management District (SWFWMD), and St. Johns River Water Management District (SJRWMD) staff will recommend the initiation of rulemaking to address PWS permit durations in the CFCA, as described in Task 1A. (Initiate rulemaking by the end of 2006.)

Task 1E. Develop a new Internet portal that allows easy identification of the status of PWS utility permits within the CFCA; facilitates access to data and information, and

improves communication between staff. (Complete enhancements by January 2007 and maintain them thereafter.)

Specific actions: A Web portal has already been set up and is now functioning to assist in the current effort by providing a place to access documents. This portal will be significantly expanded to include:

1. A consistent and accurate set of permit data regarding PWS existing permits and pending applications. Data set will include information such as permit number, county, permittee/applicant, date issued or pending, permit expiration, requested increase in allocation, maximum permitted allocation, maximum allocation requested, year corresponding to maximum allocation, estimated 2013 demand, and information on permit conditions.
2. Identification of pending PWS applications on geographic information system (GIS) interface, with link to each district permitting database for complete permit application file. This would replace current practice of notification of pending application.
3. Identification of existing PWS permits via GIS interface, with key data on permit duration, allocations, monitoring and AWS requirements, and link to each district's permitting database for complete permit file.
4. Links to current groundwater and surface water modeling tools
5. Links to hydrologic data collected by permit applicants and each district

Note: Live link to permit data for SJRWMD is available today and similar links for SFWMD and SWFWMD are scheduled by the end of the year. If the additional live links are not available at the time of implementation, tabular summary information with essential data will be generated from existing nightly data downloads used in the existing interdistrict e-permitting portal (www.floridawaterpermits.com).

Objective 2: Develop and implement a long-term approach to PWS system permit allocations and conditions to achieve the work plan goal over the long term.

Task 2A: Assist the CFCA Tools Work Group in completion of ongoing model development (including any additional model improvements needed to complete the detailed assessment) and other data collection needed to make detailed investigations of impacts due to existing and proposed withdrawals in the CFCA. (Ongoing. Complete by the end of 2008, subject to Tools Work Plan.)

Task 2B: Develop consistent permitting criteria related to impact evaluation in CFCA (Ongoing. Complete by the end of 2008.)

1. Identify key criteria that will set constraints on groundwater development in CFCA. Identify all rule criteria of importance in establishing the long-term sustainable groundwater availability by location throughout the CFCA, such as minimum flows and levels (MFLs), wetland impact criteria, saline water intrusion, etc.
2. Jointly develop consistent implementation approach: District regulatory staff will review and propose consistent review criteria and assessment methods for each key criteria.
3. Conduct rulemaking to revise regulatory criteria as needed to implement the consistency initiative in Task IIB.2, above. These consistent criteria will be used in interpreting results of all assessment tools for the CFCA.

Task 2C: Conduct detailed assessment to estimate sustainable withdrawals by general location throughout the CFCA, based on updated modeling tools and regulatory criteria (Start when updated tools are available. Complete by early 2009.)

Task 2D: Develop and implement a long-term water supply strategy for AWS and for allocation of available groundwater. (Begin in late 2008. Complete by the end of 2009, including outreach.)

1. Identify annual increase of groundwater demands for each utility in region (include utility interconnect numbers).
2. Use demand data from above to develop model entry to provide to modeling group. SFWMD will take the lead in the transient model runs to share with SJRWMD and SWFWMD for joint interpretation.
3. Incorporate AWS alternatives to determine water supply work strategy to build into individual permits.
4. Determine a detailed method for equitable allocation of remaining groundwater or a plan for cutting back if harm is determined to occur from permitted withdrawals.
5. Draft equitable allocation approach and conduct workshops for stakeholder input.
6. Conduct rulemaking as needed to implement long-term water supply strategy for CFCA.

Planning Work Group

Goal: To identify AWS development projects and implementation strategies that will assure the availability of sustainable water supplies to meet projected public supply needs in a timely manner through 2025 in the CFCA.

Objective 1: Identify the need for AWS projects.

Task 1A: Identify demand projections for all public water utilities and other categories of water use within the study area (including demand, timing and location). (Complete by September 30, 2006.)

Task 1B: Identify amount of future demands to be met by alternative water supplies (e.g., unmet by traditional groundwater) for each utility or other new water use. (Complete by September 30, 2006.)

Task 1C: SFWMD, SJRWMD and SWFWMD will identify this information for utilities in their respective districts based on best available data. For those utilities with service areas that extend into two or more water management districts and for other water uses that cross district boundaries, the applicable districts will jointly develop this information. (Complete by September 30, 2006.)

Objective 2: Develop list of already identified AWS development project options that could reasonably provide water to public supply utilities with identified unmet needs.

Task 2A: SFWMD, SJRWMD and SWFWMD will all contribute to this list. (Complete by October 31, 2006.)

Task 2B: Project list will include project name, planning level description of source, location, components, quantity, treatment requirements, estimated time of new water availability and cost information. (Complete by October 31, 2006.)

Objective 3: Evaluate combinations of projects from the list developed under Objective 2 and any other AWS development project options that may be feasible to meet the projected needs. (Complete by October 31, 2006.)

Objective 4: Develop draft implementation strategies using traditional and AWS development projects identified in Objectives 2 and 3, including funding strategies that associate public supply utilities with AWS development projects.

Task 4A: Such strategies will be based upon the technical, economic and environmental feasibility of each project. (Complete by December 31, 2006.)

Task 4B: To the extent reasonable, water supply development projects will be recommended as sources to supply utilities located in the water management district

within which the supply is located; however, projects that entail interdistrict transport will be considered in light of any applicable statutory provisions. (Complete by December 31, 2006.)

Objective 5: Solicit local government and other stakeholder input, participation and buy-in.

Task 5A: Meet with individual utilities, groups of utilities and other stakeholders as necessary to assess the implementation potential of the draft strategies or other project options identified by utilities or other stakeholders that are deemed feasible. (Initiate no later than January 1, 2007, and complete by December 31, 2007.)

Task 5B: Document those water supply project options that have been mutually agreed upon by the districts and involved local governments and other stakeholders. Such documentation will include, for each participant, the water supply needs unmet by traditional sources to be met by the project. The documentation will also identify the lead district for further investigation and development of each supply option, which is anticipated to be the district within which the supply source is located. (Initiate no later than January 1, 2007, and complete by December 31, 2007.)

Objective 6: Update each of the district's respective regional water supply plans to include the recommended AWS development projects. Such projects will then be eligible for potential funding from appropriate districts, including potential funding from the State Water Protection and Sustainability Trust Fund. The districts will seek to have these utility selected strategies become part of the local government comprehensive plan subject to appropriate FDEP and DCA review. (Complete as necessary.)

Objective 7: Develop a Memorandum of Understanding among the three districts to reflect continued central Florida coordination. Incorporate appropriate elements of the Guiding Principles and Mutual Understandings when completed. (To be determined.)

Computer Modeling and Tools Work Group

Goal: To ensure that the best available hydrologic modeling, statistical, and analytical tools are available for use to quantify sustainable groundwater and surface water availability in the CFCA region in support of regulatory actions, regional water supply planning, and implementation of alternative water source projects; and to assist in developing a data-sharing strategy to ensure these tools will be updated in a consistent manner.

Objective 1: Identify and determine the primary tools to be used to support current permitting and water-supply planning programs in central Florida.

Task 1A: Review the available regional and subregional scale groundwater and surface water modeling tools that exist within the CFCA area. (Complete by September 2006.)

Task 1B: Inventory the primary tools currently available for application to the permitting and planning programs. (Complete by September 2006.)

Task 1C: Inventory the primary tools that will be used in the next 24 months for application to the permitting and planning programs. (Complete by September 2006.)

Task 1D: Identify significant differences between primary tools. (Complete by November 2006.)

Task 1E: Recommend a procedure to apply primary tools for application to the permitting and planning programs. (Complete by November 2006.)

Task 1F: Finalize the identified primary tools currently in development, including the peer review process. (Complete by December 2007.)

Objective 2: Use existing primary tools to assist the permitting group in completing a short-term preliminary assessment of hydrologic conditions in the CFCA area to address the effects of currently allocated and future water uses in the CFCA.

Task 2A: Join with the permitting and planning groups to develop water use data sets of currently allocated, 2013, and future water uses. (Complete by November 2006.)

Task 2B: Use the currently available East-Central Florida Transient (ECFT) model to simulate aquifer level changes as a result of this water use. (Complete by December 2006.)

Task 2C: Use available tools to provide an analysis of water resource trends in the CFCA. (Complete by January 2007.)

Task 2D: Provide these results to permitting group of each district for joint interpretation. (Complete by January 2007.)

Objective 3: Complete development of the tools needed to address water resource issues in the CFCA that cross regional-scale model boundaries for future decision-making purposes.

Task 3A: Compare in detail the regional-scale groundwater modeling tools that overlap within central Florida. (Complete by November 2006.)

Task 3B: Develop a mutually acceptable process for applying multiple models to address a variety of water resource issues that extend beyond individual district boundaries. (Complete by July 2007.)

Task 3C: Compare how existing tools are used by each district for permitting and planning applications. (Complete by December 2007.)

Task 3D: Develop a consensus, in conjunction with the permitting and planning groups, regarding a consistent application approach for each tool. (Complete by November 2008.)

Task 3E: Use all available tools, in addition to the ECFT model, to provide an assessment of hydrologic conditions and identify areas of critical concern within the CFCA. (Complete by November 2008.)

Objective 4: Organize and coordinate a data-sharing system that will ensure future consistency among the tools as they become updated.

Task 4A: Inventory the data needs common to the modeling tools. (Complete by February 2007.)

Task 4B: Develop and implement a data collection, evaluation and sharing process among SFWMD, SJRWMD, and SWFWMD. (Complete by February 2007.) Example data types/issues to be included:

1. Water use
2. GIS layers (topography, land use, etc.)
3. Hydrogeologic data
4. Monitoring networks

Task 4C: Develop a planning document to develop a common and/or seamless approach to sharing critical regulatory and planning data between districts. This document would be the basis to obtain program funding in the following fiscal year (FY) 2008 by each district to implement the plan. (Complete by March 2007.)

Objective 5: Organize and initiate a communication process with the permitting and planning work groups to ensure consistency in model application.

Task 5A: Identify critical linkages between the work plans developed by the modeling tools, planning, and permitting work groups. (Complete by July 2007.)

Task 5B: Develop and implement a strategy to coordinate modeling efforts among the districts' modeling staffs and to receive feedback from the planning and permitting staffs regarding specific modeling questions. (Complete by December 2007.)

Central Florida Coordination Area Update

*Presenter: Keith R. Smith, P.G.
Deputy Director, Water Supply Department
January 4, 2007*



sfwmd.gov

Presentation Will Cover:

- Background
- Rule Development Update
- MOU
- Consumptive Use Permits
 - Orange County Utilities
 - Toho Water Authority
 - St. Cloud
 - Reedy Creek Improvement District
 - Polk County Utilities

Background

- February 2006 – SJRWMD released staff report recommending issuance of 20-year CUP to Orange County Utilities
- Several petitions were filed (including SFWMD)
- Issues discussed at March 2006 joint WMD Governing Board meeting
- Direction given to coordinate central Florida water supply issues across 3 WMDs

Background

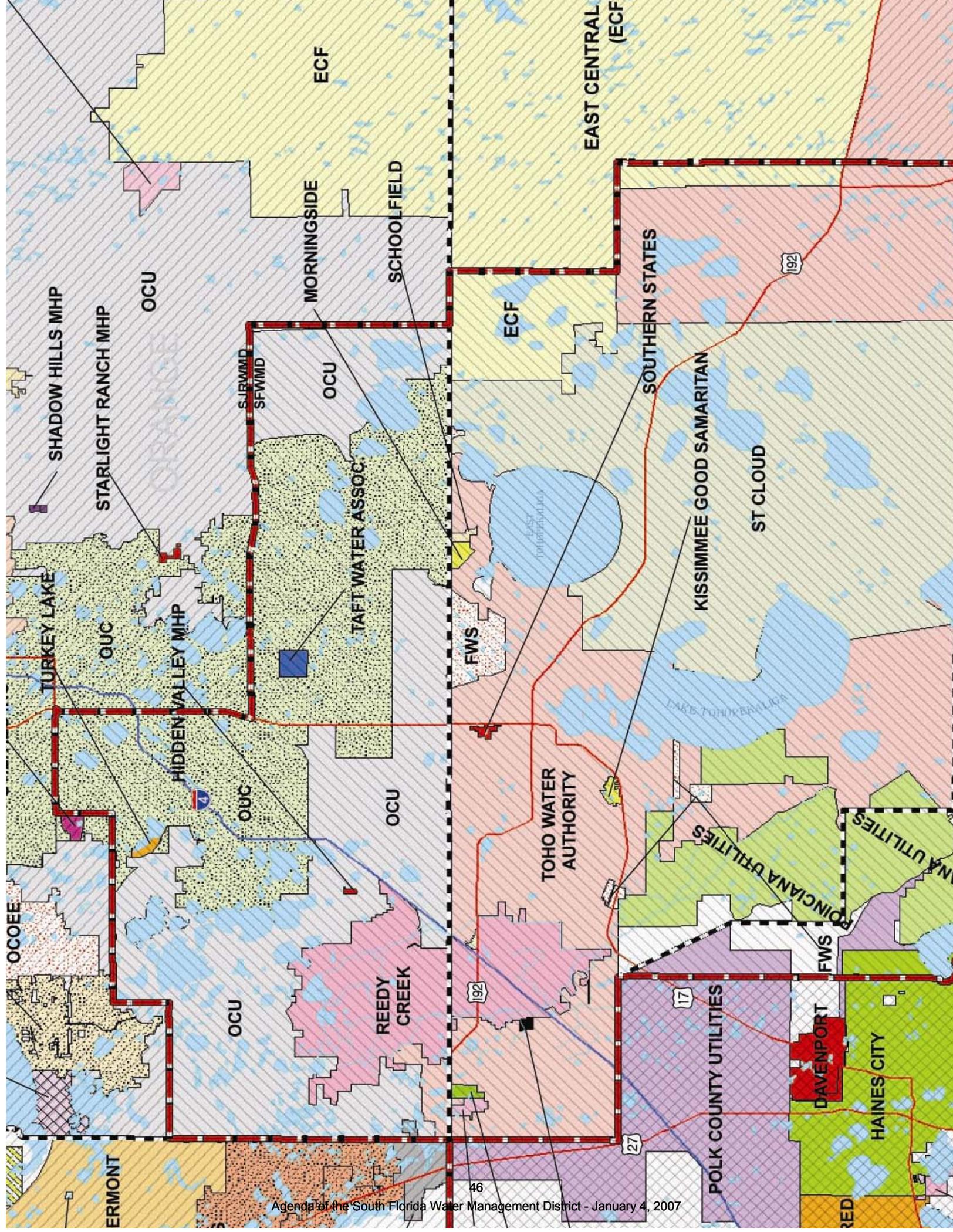
- **Issues**
 - **Traditional ground water sources not adequate to meet growing PWS demands**
 - **Alternative sources must be developed to meet growing demands**
 - **Utilities need to be treated consistently by three WMIDs**

Background

- **WMD Executive Directors and staff developed “Guiding Principles”**
 - **Increasing PWS demands**
 - **Insufficient groundwater to satisfy demands without causing harm**
 - **Need to improve tools**
 - **Need to transition to A WS to meet growth**
 - **Need to equitably distribute remaining groundwater**

Background

- Developed Central Florida Coordination Area (CFCA) Action Plan based on Guiding Principles
 - Three Components
 - Regulatory
 - Planning
 - Modeling and Predictive Tools
- Scope limited to PWS (growth sector)



CFCA Regulatory Component

- **Modify 3 WMIDs' CUP rules to:**
 - **Limit groundwater allocations to the amount needed to meet 2013 demands**
 - **Utilities proposing specific A WS projects qualify for 20-year duration for 2013 allocation**
 - **Temporary increase in groundwater allocations possible if A WS not on line by 2013 but permittee showing due diligence**

CFCA Regulatory Component

- **All other criteria for issuance must be met**
- **Impacts must be avoided, minimized, or mitigated**
- **Five-year compliance reports required**
- **Allocations/limiting conditions subject to revision as new information is developed (monitoring/modeling/impact assessments)**

CFCA Rulemaking Update

- **Three WMDs coordinating revisions to CUP rules to maximize consistency**
- **SFWMD's revisions:**
 - **Special Duration Factors**
 - **CFCA groundwater added as Source of Limited Availability**
 - **Criteria for up to 20-year permit duration**
 - **Limiting duration to 2013 if no AWS proposed**

CFCA Rulemaking Update

- **SFWMD's Rule Revisions (continued)**
 - **Restricted Allocation Areas Section**
 - **Language added addressing 2013 allocation, A WS requirements, and interim allocations**
 - **Definitions Section**
 - **Add CFCA and map**
 - **Special Conditions Section**
 - **List conditions (requirements for monitoring, mitigation, A WS schedules, 5-year compliance reporting, adjustment of allocation and conditions)**

CFCA Rulemaking Update

- Two joint workshops held
 - November 29th in Orlando
 - December 19th in Haines City
- Additional workshop may be scheduled
- Draft language available on WMD websites
- Comments due January 5th
- Notice of proposed rulemaking February/March 2007
- Adopt rule April/May 2007

CFCA MOU Update

- Three WMDs passed resolutions directing staff to implement CFCA Action Plan
- MOU developed to formalize CFCA and cooperation on AWS development
- Scheduled for consideration by WMD Governing Boards in January/February 2007

Pending CUP Applications

- SJRWMD issued CUP to Orange County Utilities in December 2006 consistent with CFCA Action Plan
- SFWMD has five pending PWS CUP applications in CFCA area:
 - Orange County Utilities
 - Toho Water Authority
 - St. Cloud
 - Polk County
 - Reedy Creek Improvement District

Pending CUP Applications

- **Plan is to issue all five CUPs at the same time (January/February 2007)**
- **Permits will be consistent with CFCA Action Plan and pending rule revisions**
- **Five utilities have signed and agreement to cooperate to supply information needed to evaluate applications, monitor for potential impacts, etc.**

Central Florida Coordination Area

■ Questions?

CFCA Planning Component

- **Identify future demands and AWS projects to meet demands beyond 2013**
- **Evaluate combinations of AWS projects**
- **Develop implementation/funding strategies**
- **Coordinate with stakeholders**

CFCA Modeling/Tools Component

- **Develop best set of tools available to support regulatory and planning activities**
- **Increase accuracy and precision for assessment of impacts**
- **Organize and coordinate data sharing to improve consistency**

7. Public Comment

10m

8. Update: Long Term Plan Projects Completed by 12/31/06, Deb Drum, Dir., Stormwater Treatment Area Management Div., SFWMD 10p 10d

9. Update: Status of Temporary Forward Pumps - David Unsell, Dir., Lake Okeechobee Div., SFWMD 10p 10d

10. WRAC Meetings - Format and Travel Issues - Discussion: Mike Collins, Rick Smith and Members 10m

11. Public Comment

10m

12. Adjourn: 1:30 p.m.