

Interim CFWI Consumptive Use Permit Limiting Condition Draft for Review and Comment

Guiding Principle for Interim CUP Program Implementation:

The Central Florida Water Initiative (CFWI) is an on-going effort geared toward achieving the goals identified in the CFWI Guidance Document. To date, substantial technical work has been generated concerning groundwater availability in this region; this information represents the best available technical information concerning current and projected water resource conditions. Of particular interest in this regard and as documented through field work, adverse impacts to wetlands and other water resources are currently occurring in several areas in the CFWI. Some impacts are, most probably, the result of multiple factors, including groundwater withdrawals.

The districts are expected to utilize this information during review of applications for consumptive use permits and pay particular attention to the reasonable assurances provided that the conditions for permit issuance will be met for the duration of the permit in accordance with Section 373.236, Fla. Stat. While Section 373.236, Fla. Stat., indicates permits shall be granted for 20 years, this statute also indicates the potential for shorter permit durations which reflect the period for which reasonable assurances can be provided. Given the circumstances existing in the CFWI, a case by case analysis of whether or not a shorter permit duration should be issued is warranted. Moreover, there is an immediate need for the three water management districts to closely coordinate agency action on consumptive permit applications.

Staff report or abstract language including, but not limited to:

This application satisfies existing conditions for permit issuance because – insert reasoning regarding: water resources, existing legal users, demand, etc.

The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The proposed water use is located within the area of the Central Florida Water Initiative (CFWI). The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory

requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Limiting Condition ## that provides specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the permittee's authorized withdrawal over the permit duration.

Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in Limiting Condition ##.

The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

1. Notice applicable to Limiting conditions for new permits, modifications with increases in allocation or duration, except permit duration extensions associated with conservation achieved pursuant to (INSERT specific WMD rule citation); ed, and / or renewals beginning (INSERT DATE): – Effective (INSERT DATE):

This project is located in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources which are being addressed by the CFWI. If the District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the Permittee's authorized withdrawals over the permit duration, the District, upon reasonable notice to the permittee and including a statement of facts upon which the District based its determination, may modify quantities permitted or other conditions of the permit, as appropriate, to address the ~~change or~~ impact, but only after an opportunity for the permittee to resolve or mitigate the ~~change or~~ impact or to request a hearing. Such modification, if any, will consider such factors as the permittee's relative contribution to the water resource impact being addressed due to groundwater withdrawals, the timing of this permit issuance compared to presently existing legal users of water, and other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Modifications may include mitigation of impacts and / or reconsideration of allocations or requirements to timely implement required actions that are consistent with the long-term, regional water supply solutions as implemented by rules. Such actions may include the development of alternative water supplies, the

implementation of water resource and / or water supply development projects, the application of impact offsets or substitution credits, operating plans, heightened water conservation or other appropriate actions. [Nothing in this condition is intended to abrogate the rights of the Governing Board or of any other person under Section 373.233, Fla. Stat.](#)

2.1. _____ The Central Florida Water Initiative had documented existing water resource environmental impacts within its boundaries. This Initiative remains underway and is, in part, crafting long-term water supply solutions for the region. As a component of immediate, interim measures the permittee is encouraged to participate in the District's on-going, heightened water conservation public education program. Opportunities for the permittee in this regard [may](#) include such activities as participation in water conservation public service announcements, demonstrations of irrigation efficiency at community gardens, posting water conservation information or links on the permittee's website. Please contact (INSERT contact information) to discuss opportunities participation in this important District effort.

On-Going District Actions:

The districts will:

(1) work with other Team members, prepare a “menu” of water conservation options to be posted on the CFWI website and made available to permit applicants,

(2) work with the top 5 / 10 largest utility customers for the purpose of assessing current water use and identifying opportunities to conserve, and

(3) annually perform a random survey of citizens in the CFWI area for the purpose of determining awareness of water supply issues and the need for conservation in the region.