

Central Florida Water Initiative

TOHO Water Authority
Friday, December 13, 2013

Meeting Summary

(All presentations made to the Steering Committee have been posted on cfwiwater.com.)

1. Introductions

- a. Drew Bartlett, FDEP Deputy Secretary for Water Policy & Ecosystem Restoration, opened the meeting. Self-introductions of Steering Committee (SC): Blake Guillory for Dan O'Keefe (SFWMD), Paul Senft for Carlos Beruff (SWFWMD), John Miklos SJRWMD), Drew Bartlett (FDEP), Brian Wheeler (TOHO Water), Rich Budell (DACs).
- b. Members of the audience introduced themselves and the sign in sheet for those in attendance has been posted to the website.

2. Consent Items

- a. The October 25, 2013, CFWI Meeting Summary was approved as presented along with the CFWI schedule update.

3. Minimum Flows & Levels/ Reservation Team

- a. Doug Leeper provided an update on the progress of the MFLT and explained the remand efforts would be to
 - Develop options for consistently evaluating compliance for MFLs in the CFWI area to provide to the MOC for consideration (C3) (due 12/31/13)
 - Coordinate with the Solutions Planning Team (SPT) and provide technical support in the form of evaluating MFL responses to "solution scenarios" generated by the SPT in order to assess effects on water bodies with MFLs (C8)
- b. Task C7 has been completed and includes a document explaining the existing processes used by each water management district for developing priority water body lists for MFLs and Reservations. The report addresses:

- Statutory and rule requirements
 - Policy considerations
 - Technical considerations
 - Other considerations, including stakeholder input
 - Approval processes
- c. The Steering Committee accepted the report titled *“Processes Used by the South Florida, St. Johns River, and Southwest Florida Water Management Districts for Developing Priority Lists for Minimum Flows and Levels and Reservations”* and authorized the posting of the report on the Minimum Flows and Levels and Water Reservations page of the CFWI web site.
- d. Brian Wheeler stressed the importance of the WMDs communicating and coordinating on Minimum Flows and Levels (MFLs) that overlap District boundaries either physically or through impacts related to recovery and prevention strategies to maintain consistency amongst the WMDs. He pointed out that there are a number of MFLs within the CFWI area that will require this coordination and communication. Paul Senft emphasized the need to continue to work together to address cross district impacts.

4. Environmental Measures Team

- a. John Zahina-Ramos provided a progress report on the activities of the EMT. Most of their work is completed except for as needed support to the Solutions Planning and Regulatory Teams.
- b. The Steering Committee accepted the EMT’s final report entitled *“Development of Environmental Measures for Assessing Effects of Water Level Changes on Lakes and Wetlands in the Central Florida Water Initiative Area”*. The report has been posted to the CFWI website.

5. Regional Water Supply Plan Team

- a. Tom Bartol said the DRAFT RWSP was completed on time (Nov 28) and that represented a significant milestone in the CFWI effort. A Public Workshop was held in Clermont last night (Dec 12) with about 100 people in attendance. Tom estimates that approximately 3000 people have attended the various outreach efforts as part of the RWSP development process.

- b. In response to a request from Drew Bartlett at the October 25 SC meeting Tom reviewed the organization of the Plan. Some highlights of Tom's review included:
- By 2035 the CFWI population is expected to increase by 1.4 million to 4.1 million (49% increase) and water demand will increase by 300 mgd to 1.1 bgd (40 % increase)
 - Plan is not prescriptive, but instead creates a menu of options including traditional sources such as fresh ground & surface water; alternative sources such as brackish groundwater, reclaimed water & seawater and increased management options through storage such as ASR & reservoirs; and demand management through conservation.
 - The potential impact of sea level rise on water sources is being evaluated by the WMDs and the public water supply utilities.
 - Water reservations for the Kissimmee River Basin are being considered by the SFWMD.
 - A Southern Water Use Caution Area Recovery Strategy is in place in parts of Polk County by the SWFWMD.
 - Water conservation is a very important element of the plan and conservation estimates were generated using the Conserve Florida Water Clearinghouse conservation planning tool.
- c. John Miklos ask if the 45 day public component period was a firm deadline. Tom said it is flexible and could be extend through the end of January if necessary. John said SJRWMD is scheduling an additional public workshop in Northeast Florida to allow comments specifically addressing surface water withdrawals from the St. Johns River.
- d. Drew Bartlett questioned the water conservation potential and wondered if additional conservation was possible. Tom indicated the amount in the RWSP was a low end estimate using the EZGuide Tool developed by University of Florida and the utilities have already implemented many conservation measures, especially reclaimed water for irrigation. He mentioned the Solutions Planning Team has a Sub Team that will be charged with exploring this further in much greater detail.

- e. Brian Wheeler reminded the SC the area has grown in population by about 1 million people in the past 15 years but overall water use did not increase primarily due to water conservation.
- f. Drew Bartlett asked about increasing reclaimed water use and stormwater harvesting as additional alternate water sources. Tom said they are in the plan and also will be explored further by the SPT in much greater detail.
- g. Blake Guillory observed the RWSP is the framework for future water supply decision-making. He said the RSWP indicates what is needed and the Solutions Planning and Regulatory Team's effort constitutes the how of the effort.

6. Data Monitoring and Investigations Team

- a. Mary Thomas indicated the following remains to be done:
 - Complete minimum standard for data collection by December 31, 2013
 - Continue to develop regional monitoring plan recommendations by March 1, 2014
 - Develop priority activities for recommendation
- b. The DMIT asked the Steering Committee for direction on the Minimum Standards document (D4).
 - The SC reaffirmed the document is to provide guidelines for establishing monitoring infrastructure that is designed for long-term use and more consistent data collection, but most importantly it identifies minimum criteria that all agencies, including the SJRWMD, SFWMD, SWFWMD and permittees, should strive for to ensure that the information they gather is useful, reliable, and is compatible with data collected by others.
 - Drew Bartlett stressed the importance of consistent and compatible data collection.
- c. At the October 25 Steering Committee meeting Brian Wheeler asked DMIT to develop a go forward plan to ensure the data collections and resulting data will be maintained. He emphasized the importance of maintaining the data inventory into the future. Mary reported DMIT will

- Investigate placing the inventory on CFWI using Google Earth application
- Assign Chris Sweazy (SFWMD) the responsibility to formulate WMD DMIT sub-team to update inventory annually
- Assess level of effort for future updates

7. Solutions Planning Team

- a. Robert Beltran restated the 2035 water supply needs as follows:

Total water needs by 2035	1083 MGD	For all uses
Current permitted water use	1050 MGD	See FDEP Interim Guidance memo (12/13/2013)
Sustainable level of groundwater use	850 MGD	By CFWI Steering Committee
Current groundwater use	800 MGD	15 year average
Additional groundwater available	50 MGD	Regulatory Team to address
Potential additional groundwater available	75 MGD	Solutions Planning Team to address
Alternative water supply needs	158 MGD	Minimum AWS need; Solutions Planning Team to address

- b. The following Sub-Teams leaders were appointed:
- Surface water - Hal Wilkening, SJRWMD
 - Groundwater - Ken Herd, SWFWMD
 - Reclaimed water - JoAnn Jackson, City of Altamonte Springs
 - Conservation & other management strategies - Jim Fletcher, IFAS/UF
 - Recovery/Prevention - John Zahina-Ramos, SFWMD
 - Other - Stephen Miller, VHB Miller Sellen
- c. The sub teams had their kick off meeting this week and will be developing the scope of their respective efforts. Some of the project issues to be considered are:
- Identify regional water supply project
 - Cost-benefit analysis of yield
 - Cost estimates (Capital & Annual O&M)
 - Identify water resource constraints
 - Identify potential partners and governance options

- Pumping, storage and transmission configurations
 - Project feasibility
 - Funding sources
 - Project limitations or constraints resulting from rule inconsistency
 - Other considerations – public concerns or non-technical obstacles
 - Estimated implementation schedule
- d. Robert Beltran said the RWSP identified 136 projects. The focus of the SPT will be to focus on those that generate the most alternative water. The seven largest projects have the potential to develop 242 MGD of water.
- e. Rich Budell questioned the cost of constructing the projects in the RWSP. Robert said the estimates range up to \$3.0 billion, the large AWS being by far the most costly.
- f. Drew Bartlett asked about the schedule going forward, Robert said the hope was to have the sub teams' scopes of work and projects identified for review at the next SC meeting, February 28. Also for the next SC meeting a general discussion of the outline of the final report called the CFWI 2035 Water Resources Protection and Water Supply.

8. Regulatory Team

- a. Len Lindahl discussed the Team's progress since the October 25 SC meeting.
- b. Len reviewed in detail the proposed Regulatory Team's scope of work. The SC approved the scope for incorporation into the Central Florida Water Initiative Guiding Document.
- c. On October 25 the Steering Committee expressed the concern by FDEP that an interim period exists between now and implementation of CFWI's long-term solutions. New CUP applications are pending and more will be filed including the renewal of existing CUPs. The SC requested the RT develop options regarding coordinated approaches for near-term consumptive use permit application decisions. The following options were developed by the Team:

Option 1: No new, traditional source groundwater allocations

Option 2: Short duration permits for all new or increased allocations from traditional groundwater source applications

Option 3: Short duration permits for new or increased allocations from traditional groundwater source applications, *as based on use class and/or source*

Option 4: Allocation of available water (continued issuance of permits when all existing criteria satisfied and with limiting condition; explanation of CFWI in proposed agency action)
(SEE 10A BELOW)

Option 5: Do not change anything (i.e. rely on existing programs)

- d. After discussing the various options the Steering Committee felt that Option 4 was the most practical since it could be implemented immediately. Brian Wheeler advised the Steering Committee that Option 4 was only a tool to assist the WMDs and FDEP in assessing permit applications during the Solutions Phase and that utilizing the tool properly should not result in adding to the water supply problem.

9. Regional Consensus Building

- a. Len Lindahl reported the SFWMD would take the contracting lead to procure the services of a qualified firm to lead the expanded outreach effort.
- b. The Steering Committee directed that the process move forward without further delay. The contract can be awarded by SFWMD since the SC had earlier reviewed and approved the scope of work and budget.
- c. Len said he felt the contract could be awarded by early February 2014.

10. Open Discussion

[THE GUIDANCE MEMO DISTRIBUTED TO THE ATTENDEES SHOULD BE DATED DECEMBER 13, 2013, ON PAGE ONE, NOT 2014 – CORRECTED VERSION WILL BE DISTRIBUTED]

- a. Drew Bartlett, by authority of the FDEP as Deputy Secretary, signed a Guidance Memo dated December 13, 2013, to the WMD Executive Directors and Governing Board Chairs called “Interim CUP within the CFWI”. The Guidance is effective immediately and is based on Option 4 developed by the CFWI. Copies were provided to the meeting attendees and are attached to the Meeting Summary (Attachment A). Highlights of the December 13, 2013, Guidance Memo:

- The WMDs should generate monthly reports of consumptive use program data. The reports should include information on pending applications and anticipated renewal applications, including location and requested withdrawal quantities and permit terms.
- The districts should continue to require applicants to demonstrate, through careful compliance with existing district rules for water use efficiency and conservation plans, that the proposed use is reasonable-beneficial.
 - Post water conservation options on the CFWI website
 - Identify opportunities with the largest utilities to enhance conservation
 - Perform annual citizen awareness citizen awareness programs
 - Report progress by June 1 and December 1, 2014.
- Applicants who receive permits during this interim period to be put on notice that they are located within the CFWI area and that the solutions and strategies that are developed may affect permitted water users in the future.

11. Public Comments

- a. Jane Graham, Audubon Florida, expressed her organization's feeling that the CFWI process was good. She also wanted to recognize the efforts of Len Lindahl and the Regulatory Team in addressing the concerns with the interim CUPs. However she also wanted the Steering Committee to be sure that water conservation remains a high priority and that any surface waters that will be used as a source of supply be considered carefully with a full analysis of the potential impact on the environment.

12. Next SC meetings

- February 28, 2014 (confirmed)
- March/ April 2014 (prior to WMDs' Governing Boards approval of RWSP)

13. Adjourn




FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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TO: John A. Miklos, Chair, SJRWMD
Hans G. Tanzler III, Executive Director, SJRWMD
Carlos Beruff, Chair, SWFWMD
Robert Beltran, Executive Director, SWFWMD
Daniel O'Keefe, Chair, SFWMD
Blake Guillory, Executive Director, SFWMD

FROM: Drew Bartlett 
Deputy Secretary, Water Policy and Ecosystem Restoration

SUBJECT: Guidance Memo re: Interim Consumptive Use Permitting (CUP) within the Central Florida Water Initiative Area.

DATE: December 13, 2013

The Central Florida Water Initiative (CFWI) has made significant progress in our collaborative effort to plan for the future water supply needs of Central Florida while sustaining our natural resources. The completion of the regional groundwater model, the determination of the sustainable yield of water supply from the upper Florida aquifer, and the release of the draft of the first joint Regional Water Supply Plan for the CFWI area are significant milestones in achieving the goals of the Initiative. As summarized in the draft regional water supply plan, an additional 250 MGD of water will be needed by 2035 to meet demand and protect natural resources.

By the end of 2014, the CFWI Solutions Team will use the work accomplished to date as the foundation to select specific projects and develop strategies to provide the additional water needed for users and for resource recovery. In the interim, the water management districts must continue to perform their statutory responsibility to review and process consumptive use permit applications under applicable statutory and rule provisions. The purpose of this memo is to provide guidance to the districts in implementing the CUP program during this interim time period. This guidance is effective immediately.

Coordination on Pending Applications

There is an immediate need for coordination and the three water management districts are directed to closely coordinate agency action on consumptive use permit applications within the Central Florida Area, and provide transparency in the application process for water users and other stakeholders in the region. The WMDs should generate monthly reports of consumptive use program data for consideration by the CFWI Regulatory Team, and to make this information available to the public on the CFWI website (www.cfwewater.com). The reports should include information on pending applications and anticipated renewal applications, including location and requested withdrawal quantities and permit terms.

Permit Duration

As part of the CFWI, substantial technical work has been generated concerning groundwater availability in the Central Florida 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 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, F.S. While Section 373.236, F. S. 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, and this decision should be carefully analyzed by the district.

Water Conservation

While significant achievements have been made in water conservation and the use of reclaimed water in the CFWI area, continued improvement is required, particularly given that use is approaching, or in some areas, has exceeded, the sustainable yield of the upper Floridan aquifer. The districts should continue to require applicants to demonstrate, through careful compliance with existing district rules for water use efficiency and conservation plans, that the proposed use is reasonable-beneficial.

In addition, the districts are directed to:

- (1) Work with other CFWI participants to 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 enhance conservation programs and use efficiency, 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 in order to measure the success of the Districts' water conservation education program.

To further promote public education and awareness related to the need for water conservation, the Districts shall include the water conservation Limiting Condition provided in the section below on permits issued in the CFWI area.

The Districts shall report the status and progress of the above actions to the Department by June 1 and December 1, 2014.

Permit Application Documentation and Permit Conditions

It is important for applicants who receive permits during this interim period to be put on notice that they are located within the CFWI area and that the solutions and strategies that are developed may

affect permitted water users in the future. Therefore, the districts should include the following language in the staff documentation (technical staff report or abstract) prepared for each application, and include the following Limiting Conditions on permits issued:

Staff Report or Abstract Language:

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. (*Insert explanation as needed.*)

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.

Permit Limiting Conditions:

##. Notice included in new permits; modifications with increases in allocation or duration, except permit duration extensions associated with conservation achieved pursuant to the Applicant's Handbook for Water Use Permit Applications criterion [2.3.2. F.1.c. and Rule 40E-2.331(4)(a)2.b. (SFWMD), 1.4.3.3.1(c) (SJRWMD), and 2.4.8.7 (SWFWMD), when effective] ; and / or renewals beginning (*Insert Date of Guidance Memo*):

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 impact, but only after an opportunity for the permittee to resolve or mitigate the 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 use 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.

##. The Central Florida Water Initiative 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. Given the permittee's use class, opportunities 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 for participation in this important District effort.

If you have any questions regarding this guidance memo, please contact Tom Beck, Director of the Office of Water Policy, at Tom.Beck@dep.state.fl.us or 850/ 245-3643.

HTV/DB/tb

cc: Tom Beck, Ph.D., Director, Office of Water Policy, FDEP