October 6, 2014

Speaker Designate Steve Crisafulli
322 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300
Sent via electronic mail.

Dear Speaker Designate Crisafulli:

Thank you for your commitment to making water policy a hallmark of your tenure as Speaker of the Florida House of Representatives. I appreciate the opportunity to make water policy recommendations for consideration during the 2015 legislative session. Audubon’s interest in and advocacy for sustainable water policy is based on our members’ interest in protecting habitat and our ownership and operation of wildlife sanctuaries, which attract more than 100,000 annual visitors from around the world.

Florida has a strong legal and financial framework for managing water resources on a regional level for public benefit and to protect natural systems. Yet, Florida’s water resources and the agencies charged with water management face challenges including inefficient use, drought, drainage and pollution. State water policy should continue to balance the needs of users with environmental protection by requiring efficient use and pollution prevention as reflected in the following recommendations. Please note, these recommendations are not listed in priority order.

**Governance and Finance**

1. **Recommendation:** Reinforce the water management districts’ role in planning, science, engineering, and operation of projects to protect and restore natural systems, to provide environmentally responsible flood control, and to manage water resources to ensure adequate supply for all users.

   **Justification:** Water management districts with professional staff and appointed governing boards are one of the nation’s most successful models for effective and efficient decision-making and operation.

2. **Recommendation:** Reestablish state funding for water resource protection, restoration and land management in a way that sets priorities for projects and programs operated by the water management districts. Provide extra funds for Northwest Florida and the Suwannee River water management district projects. Encourage water management districts to levy millage rates according to documented spending needs, and use state funds to incentivize local government and water management district spending.
**Justification:** State funding can be used to prioritize regional projects and those projects with a compelling state interest. State funds should not be prioritized for routine projects that local governments can afford and would carry out without state incentives.

**Protect and Restore Water for Natural Systems**

3. **Recommendation:** Promote expeditious development and implementation of rules to protect water for natural systems. Require water saved through tax-payer funded projects to be reserved from new permitting. Require Minimum Flows and Levels (MFLs) to be established at a standard with historic flows and levels as baselines, not at baselines impacted by permitted withdrawals. Implement recovery strategies with clear, funded and enforceable deadlines that emphasize efficient water use.

**Justification:** Existing law provides for reserving water to protect water for fish and wildlife. Many MFLs are inadequate and give only the impression that water bodies are protected. Many Florida water bodies and aquifers are still without established MFLs and recovery strategies. Restoration projects and permitting decisions leave water in the natural environment, but that water needs to be reserved from future use.

4. **Recommendation:** Protect Florida’s springs by enacting comprehensive legislation that addresses water quality and quantity concerns by restricting activities that contribute to nutrient loading within springsheds and funding projects to protect and restore springs recharge areas.

**Justification:** Florida’s springs are unique. Existing water supply and water quality policies are inadequate to protect springs. A clear framework to protect, restore, and recover is needed.

5. **Recommendation:** Improve floodplain, springshed, and recharge area acquisition and management.

**Justification:** Recharging natural systems improves the health of springs and wetlands, increases aquifer recharge, and reduces stress on water resources. The Central Florida Water Initiative region includes numerous springs and wetlands where recharge would offset over-allocated groundwater resources.

**Sustain Florida’s Water Supply**

6. **Recommendation:** Increase funding for and promotion of water conservation and education incentive programs for agricultural and urban areas. Examples include: Mobile Irrigation Labs, the Southwest Florida Water Management District’s Facilitating Agricultural Resource Management Systems program and the South Florida Water Management District’s Water Savings Incentive Program.

**Justification:** Successful efficiency programs have resulted in decreased water consumption which, in turn, extends freshwater sources to meet future needs, including those of natural systems. In the last few years, funding for these important programs from water management districts has been deeply cut.

7. **Recommendation:** Require mandatory water conservation programs with measureable savings as a condition for issuance of consumptive use permits. Require utilities to conduct water audits and take steps to minimize the loss of water through leaks.
**Justification:** Many utilities are moving slowly to address areas of waste, such as landscape irrigation and inefficient home appliances and fixtures. Utilities favor public education and other less direct solutions over water conservation requirements, which have produced inadequate statewide water use reductions.

8. **Recommendation:** Enact strong state water efficiency standards for water fixtures and appliances.

   **Justification:** Efficiency standards for water appliances at the point of sale has produced significant water conservation in other states including Texas and California.

**Improve Alternative Water Supply Policy**

9. **Recommendation:** Remove the presumption in section 373.223 (5) F. S. that the use of reclaimed water is “in the public interest.”

   **Justification:** As the use of reclaimed water is increasingly encouraged, the same checks and balances should be imposed as in traditional consumptive use permitting. Reclaimed water used for landscaping golf courses should not be on par with recharging depleted aquifers and springs for the public interest.

10. **Recommendation:** Prioritize the use of reclaimed water for energy production, agriculture, and groundwater recharge.

    **Justification:** Supplying large water users, such as power plants and agricultural operations offsets the demand for potable water and helps protect natural systems. Reclaimed water, treated to acceptable levels, can help sustain strained groundwater resources and recharge wetlands.

11. **Recommendation:** Encourage use of “payment for environmental services”, conservation easements and public lands where appropriate to increase landscape storage of excess surface water to improve recharge and mitigate downstream impacts from over-drainage.

    **Justification:** Landscape based water storage increases supply and restores natural systems.

**Enhance Public Participation & Agency Rulemaking**

12. **Recommendation:** Repeal section 120.541(3) F.S. which requires legislative ratification of the Department of Environmental Protection and water management district rules.

    **Justification:** Agency rulemaking presents an opportunity for public participation that is not as readily available at the Legislative level during the ratification process. Including the public participation in the water resource decision making is crucial to ensure the best and most well-balanced result. Legislative ratification reduces public participation, is burdensome and delays implementation of important rules.

In closing, I recognize that you must balance many points of view and contending interests on water policy and funding. On behalf of Audubon and those we work with, I pledge our best effort to find
balance between environmental protection and use. Thank you for the opportunity to provide these water policy recommendations. Mary Jean Yon and I are available to provide additional comment.

Sincerely,

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