

July 2009



just the **FACTs**

This fact sheet is provided as a reference to encourage a greater understanding of the various issues related to managing water in south Florida.

Improving Public Involvement in Permitting at the South Florida Water Management District

A 2009 amendment to Chapter 373 of the Florida Statutes delegates to executive directors at the state's five water management districts the authority to approve permit applications related to water resources and the environment.

The District supports transparency in regulation by inviting public involvement and comment on applications for Consumptive (Water) Use Permits and Environmental Resource Permits and striving to keep members of the public informed during the permitting process.

While opportunities to monitor and comment on permit applications are already available, the District is expanding these services to keep the public better informed about consumptive use and environmental resource permitting.

The permits

- The District regulates ground and surface water withdrawals by major users through Consumptive Use Permits (CUP). This includes water utilities, agricultural users including nurseries, golf courses, mining and other industrial users.
- The management and storage of surface waters and the dredging or filling of wetlands is regulated through Environmental Resource Permits (ERP).
- Permit applications are reviewed by professional experts to determine if proposed projects meet established criteria and regulations.
- In the five-year period from Fiscal Years 2004-2008, the District issued 10,840 CUPs and 11,999 ERPs. About 90 percent of these permits were issued at the staff level.
- Of the remaining 10 percent of applications, the South Florida Water Management District Governing Board accepted all of staff's recommendations on approvals and denials.

What's changing?

Beginning July 1, 2009, all CUPs and ERPs can be issued at the staff level if approved by the SFWMD Executive Director. This modification is designed to improve efficiency in reviewing applications for permits.

- Applicants, stakeholders and other parties will be offered multiple opportunities to comment on permit applications during the review process.
- The Governing Board will review applications that staff recommend be denied.



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Improving public access

The District is expanding and adding services to keep the public better informed about applications for CUPs and ERPs. New District services include:

- Hosting once-monthly meetings to provide stakeholders with the opportunity to discuss applications with the District Executive Director, or appropriate designee, and the directors of the Environmental Resource Regulation Department and Water Supply Department.
- Expanding the amount of information accessible online using ePermitting at www.sfwmd.gov/ePermitting. This includes:
 - A list of applications received each week.
 - A list of applications that staff determine are complete.
 - A list of individual permits issued the previous month.
- Mailing a Notice of Rights and Draft Staff Report to each applicant for projects of heightened public interest and stakeholders that request a copy at least 21 days prior to the expected permit issue date.
- Introducing additional opportunities during the review process for public involvement in projects where there is heightened public interest or the likelihood of a future administrative hearing, including, but not limited to:
 - Applications within or adjacent to a Comprehensive Everglades Restoration Plan (CERP) project.
 - Applications from public utilities for 20-year CUPs.
 - Projects that have generated significant public concern.
- Maintaining a standing agenda item on the Governing Board's monthly agenda for the public to provide input on regulatory policy issues.

Existing opportunities

New services will supplement the public input and information-sharing opportunities that are already available to applicants, stakeholders and other parties. The public can:

- Comment on regulatory policy at South Florida Water Management District Governing Board meetings.
- Receive notification of any action the agency intends to take and to participate in the rulemaking process.
- Receive public information about permit applications.
- Use services at ePermitting online, www.sfwmd.gov/ePermitting, including:
 - Viewing and searching applications and issued permits.
 - Using the eNotice subscription service to receive by email a customized weekly report of notice details.
- Use the established process to appeal an agency decision.
- Find many additional permitting details online including:
 - Rules, statutes and criteria.
 - Regulatory guidance.
 - Fee schedules.
 - Past notices.
 - Rule enforcement.
 - Meeting schedules.