

August 17, 2015

South Florida Water Management District
CFWI Comments
ATTN: Dean Powell
Water Supply Bureau
3301 Gun Club Road
West Palm Beach, FL 33406

Re: East Central Florida Services and Farmland Reserve Comments on Central Florida Water Initiative Regional Water Supply Plan and 2035 Water Resources Protection and Water Supply Strategies Plan

Dear Mr. Powell,

East Central Florida Services, Inc., and Farmland Reserve, Inc. submit the following comments to the Central Florida Water Initiative (“CFWI”) Regional Water Supply Plan Draft – May 2015 (“CFWI RWSP”) and the CFWI 2035 Water Resources Protection and Water Supply Strategies Plan Draft – May 2015 (“Solutions Plan”). As background, East Central Florida Services, Inc. is a publicly-regulated, private water utility that provides agricultural and potable water service to a certificated area in Orange, Osceola, and Brevard Counties. Farmland Reserve, Inc. is an agricultural company owning approximately 295,000 acres in Orange, Osceola, and Brevard Counties. The Orange and Osceola County portions of its property, about 255,000 acres, lie within the CFWI area. East Central Florida Services, Inc., and Farmland Reserve, Inc. (collectively “Deseret”) have an existing permitted agricultural water use of approximately 13.0 million gallons per day (MGD). This makes Deseret one of the largest landowners and agricultural operations within the CFWI.

Much of Deseret’s land is currently used as unirrigated pasture with no water use allocation. Over time, Deseret has steadily intensified portions of its agricultural production and associated water usage in response to market conditions. For example, in the past several years, Deseret’s permitted allocation for agricultural irrigation has increased by 6.0 MGD. Deseret’s agricultural operations and associated water use make it substantially affected by the provisions of the draft CFWI RWSP and the Solutions Plan.

Lack of Identified Sources to Meet Agricultural Water Need in Recognition of Agriculture’s Limited Alternative Water Supply Options

As it relates to the projected agricultural needs in Osceola County, including Deseret’s projected needs, the draft CFWI RSWP appears to not comply with statutory requirements. Subsection 373.709(2)(a)2., Florida Statutes (F.S.), requires that a regional water supply plan contain a list of water supply development project options, including traditional and alternative water supply project options, from which self-suppliers may choose for water supply development. That subsection also states that the list of water supply development options in a regional water supply plan must contain provisions recognizing that alternative water supply options for agricultural self-suppliers are limited.

Other than conservation, the draft CFWI RWSP does not list any significant water supply options – either traditional or alternative – from which agricultural self-suppliers in Osceola County may choose for water supply development. For agricultural conservation throughout the CFWI area, the Solutions Plan estimates that through the greater use of conservation best management practices (BMPs) an estimated 4.30 MGD of water can be conserved by the year 2035. (See table 9 on page 41.) This quantity is not broken down by county. However, even assuming a significant portion of this conservation savings can be achieved in Osceola County, this still leaves unmet agricultural water demand in Osceola County for the year 2035.

The only other water source identified for agriculture in Osceola County in the CFWI RWSP or Solutions Plan is reclaimed water. But for projected agricultural demands in Osceola County, reclaimed water is not identified as a significant agricultural water supply project option. According to Appendix E, Table E-2, of the draft CFWI RWSP, reclaimed water is projected only to provide 0.61 MGD of agricultural irrigation supply in Osceola County by the year 2035.

Given that (a) agricultural water demands in Osceola County are projected to increase to at least 100.83 MGD by 2035; (b) the identified programmatic agricultural conservation measures are insufficient to meet all of the 2035 projected Osceola County agricultural demand; (c) no significant reclaimed water or other water sources have been identified to meet the 2035 agricultural water demands in Osceola County; and (d) alternative water supply options for agricultural self-suppliers are limited (see §373.709(2)(a)2., F.S.); Deseret would like to further discuss with water management district staff water supply options to meet this need and include those options in the CFWI RWSP or Solutions Plan as applicable.

Extending Consumptive Use Permit Duration and Including Additional Crops or Acreage as Incentive for Agricultural Water Conservation

The Solutions Plan emphasizes conservation as a means for meeting the project 2035 future water demand for the CFWI. As part of this emphasis, the discussion under the heading “Regulatory Measures” on page 43 of the Solutions Plan notes that regulations can be used to incentivize conservation, and gives as an example recent changes to FDEP and water management conservation rules that allow a public supply permittee to obtain a permit extension by implementing a conservation plan and demonstrating quantifiable water saving attributable to

conservation beyond that required to achieve efficient water use in the permit. This example is a beneficial program and should be expanded to include agriculture water use as a means of incenting additional agricultural conservation within the CFWI and meeting future agricultural demands.

Therefore, Deseret would request the following revision to the paragraph entitled “Regulatory Measures” on page 43 of the Solutions Plan:

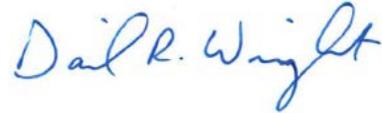
Furthermore, regulations can be used to incentivize additional conservation. For example, the FDEP and water management districts recently implemented conservation rules that allow a public supply permittee to obtain a permit extension by implementing a conservation plan and demonstrating quantifiable water savings attributable to conservation beyond that required to achieve efficient water use in the permit. The FDEP and water management districts should revise their consumptive use permitting conservation rules to provide the same opportunity for agriculture. These conservation rules should be amended to allow an agricultural water use permittee to obtain a permit extension by implementing a conservation plan and demonstrating quantifiable water savings attributable to conservation beyond that required to achieve efficient water use in the permit. These conservation rules should also allow the agricultural user the option of including additional acreage and crops using water saved through demonstrated conservation. Expanding this program to also include agriculture would provide an additional means of implementing the agriculture programmatic conservation measures and meeting identified future agricultural demand. It would also provide an additional means of meeting unanticipated future agricultural needs caused by the uncertainty in agricultural demand projections. The Conservation Subteam identified

Similarly, Deseret would request that the following be added to the bulleted list on page 131 of the Solutions Plan:

- Identify and undertake rule revisions to allow agricultural water use permittees the option of extending their consumptive use permit duration by implementing a conservation plan and demonstrating quantifiable water savings attributable to conservation beyond that required to achieve efficient water use in the permit. Identify and undertake potential rule revisions to allow agricultural water use permittees the option of including additional crops or acreage into their existing permitted allocation using water saved through demonstrated conservation.

Thank you for considering Deseret's comments to the CFWI RWSP and Solutions Plan. If you have any questions regarding this letter, please contact me.

Sincerely,



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For:



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cc: Mike Register
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