

The future of water supply planning

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Florida has long since recognized the need for water supply development.

At least 25 Commissions or Committees have provided recommendations on water since 1971. The common theme of these recommendations was that water supply development cannot be accomplished only through regulation and that future water supply sources must not only be identified through data and technological advancements, but they must also be funded.

Two reports were released in December of 1995 addressing water policy and it was anticipated that the 1996 legislative session would address needed legislative changes to assist in Florida's water supply planning efforts. The first report, prepared by the Select Committee on Water in the House, *Water Supply Policy Considerations - Interim Project of the House Select Committee on Water - December 1995*, concluded:

There is a big difference in mandating water supply planning and making it happen.

Continued focus on planning and integrating land and water planning without water supply development is not a complete fix.

A slightly different approach though with the same message is found in the recommendations of the Water Management District Review Commission in their December, 1995 report, *Bridge Over Troubled Water*.

Existing mission of water management districts includes water supply development.

Florida must maximize the availability of water supplies for all users.

The 1996 legislative session did produce more than forty bills addressing

water including a comprehensive water supply planning and development bill. At the conclusion of the sessions, however, only two bills passed. One removed some obsolete language which had directed the Department of Environmental Protection to present state water policy to the legislature in 1995 and the second addressed the water wars in the South West Florida Water Management District. The lesson here may be that unless the Water Management Districts and the users can solve their water supply problems the legislature will act to address the issue. We can't assume that the lack of a comprehensive water bill passing in 1996 means that the session was unsuccessful regarding water. Based on the number of bills filed, the legislature clearly sees a need to address the subject. Unlike prior years, the process was opened up to general discussion and dialogue was begun on finding a solution. This dialogue in-

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cluded more than the traditional Tallahassee "lobbyist," but reached to the actual user groups. It may have been the most detailed and far reaching discussion ever at that level of government.

The select committee staff produced a draft bill implementing the recommendations contained in their report. The initial draft prepared proposed to utilize the traditional agency planning and regulation functions and tools to deal with water supply development, but added schedules for development of plans. The drafts were a good start to focus the discussion, but they were lacking the direction users thought was needed to develop a workable water supply development plan. The consensus was that more than a schedule was needed to solve the water supply planning problem. The existing statutes had required the agencies to do planning for more than 25 years.

In response to concerns on the proposed planning process, the House Select

Committee on Water Policy informally established an ad hoc committee consisting of representatives of user groups, including turfgrass, environmental groups and the agencies to develop an alternative bill. The ad hoc committee focused on the need for providing a clear planning process with an achievable deliverable of alternative water supplies.

The first redraft bill was an extremely detailed document, in fact too detailed for many. It provided a framework and guidance for the types of actions that are needed to address water supply planning. This draft was replaced by a third draft prepared by the committee removing some of the detailed planning language and included language from the first draft dealing with the balancing of existing use with the environmental needs in developing minimum flows and levels, and the development of interim plans with shared adversity for both people and the environment when minimum flows and levels are exceeded. Enough people were uncomfortable with the changes that had further changes not been made, the Tallahassee wisdom was that the bill would have died.

Continued discussions by the ad hoc committee produced a fourth bill among the participants. Again not all users groups agreed with this draft. The lack of agreement was not with what the bill said, but what it did not address. There was a realization that in areas where minimum flows and levels are exceeded a moratorium on new uses and cutbacks on existing uses was a distinct possibility. This was particularly alarming to existing and future users in the Tampa and Miami areas.

Because of the lack of understanding on minimum levels and flows; what they are, how they relate to the protection of the environment, how allocation relates to minimum flows and levels, how regulation relates to planning, and where reservation of water for environment needs fits in, the 1996 legislative process became one of compromise, which lead to a path of the least common denominator. Each change in the bill drafting process made necessary by the lack of consensus on complex water management

issues, reduced the detail and certainty of the water supply development process necessary in the statutes, and in the end no bill was adopted.

The key issue which prevented a refocus back to a comprehensive water supply development process was concern on the implementation of any adopted water supply plan:

- Some did not want to focus on implementation so as not to appear that they were in favor of raising taxes.

- Others did not want to focus on implementation because they did not want to agree to put the districts in charge of water supply development without seeing the actual water supply development plan.

- Some were suspect of water planning becoming another hurdle in the local government comprehensive planning process, and

- Still others were concerned that identification of problems without clear solu-

tions and funding would result in moratoriums on water supply hookups.

It was also clear that funding for water supply alternatives development was going to be an issue and that the water management districts would not be able to absorb the cost of water supply development alone.

Already this year, discussions on water supply planning and development have been initiated both by users groups and the agencies in anticipation of the legislative session. Governor Chiles has issued an executive order dissolving the Water Resources Coordination Commission and has directed the Department of Environmental Protection to prepare an Annual Water Resources Work Plan to improve efficiency and coordination of the Department of Environmental Protection and Water Management Districts.

The Governor's office has also issued an additional executive order addressing the establishment of minimum flows and

levels, Water Supply Planning, Water Supply Development and Funding, and the implementation of the recommendations of the Water Management District Review Commission. A public participation process to develop recommendations on effective means of water supply development and funding has been initiated with the intent of providing the Governor and legislature with appropriate recommendations by February, 1977. With the foundation laid in 1996, 1997 may indeed be the year for meaningful legislative action on meeting Florida's long range water supply needs.

(Editor's note: The water resource consulting firm of MacVicar, Federico & Lamb has been retained by the FTGA with support from the FGCSA to represent the interests of the Florida turf industry in all matters relating to legislation, regulation and allocation of water use.)

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