



# Audubon OF FLORIDA

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The Honorable Trudi Williams  
Chair, House Select Committee on Water Policy  
303 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
*Via [John.Love@myfloridahouse.gov](mailto:John.Love@myfloridahouse.gov)*

Dear Chair Williams,

On behalf of Audubon's members, who are stakeholders in water resource policy, I wish to thank you and Speaker Cannon for creating an open process to allow public comments on water supply and water quality. As a wildlife conservation organization with a 110 year history in Florida, Audubon views water policy as one of the state's most critical issues. Florida is blessed with an abundance and variety of water resources. Our approach favors preventing harm to the environment, while balancing the needs of people and the economy.

The following comments on water policy are divided between water supply policy and water quality. Our comments are partly framed by the examples of the greater Everglades ecosystem including Lake Okeechobee and estuaries. We find the issues and solutions there inform the overall water resource discussions.

## **Water Supply and Reserving Water for the Environment**

Florida's first user of water is the natural environment. From rainfall and aquifers our many rivers, springs and streams flow, our lakes, and swamps hold water and our bays and estuaries are made productive for life. In our reading of Florida water law, protecting the sources of water for the environment comes first, before water supply decisions.

This concept of water for the environment is reflected in Chapter 373 in a number of ways, including:

- The condition of "public interest" in 373.223 (1)(c)
- Allowing water to be "reserved" to protect fish and wildlife 373.223 (4)
- Requiring the establishment of Minimum Flows and Levels 373.042

The need for protecting environmental sources of water is reflected in major public works projects and programs to deliver water to the Everglades, to make sure our estuarine fisheries receive appropriately timed freshwater to maintain productivity and to require our neighboring states to deliver water to the

Apalachicola River. Protecting environmental sources is also the best insurance against drought, floods and the need to provide water for growth.

Florida's growth and development has come about with considerable manipulation and use of water resources. In many parts of the state wetlands have been drained, streams have been channeled and groundwater sources have been extensively tapped for supply. Florida does not have topography that allows water in other regions to be easily stored in surface reservoirs.

As an illustration, in the Lake Okeechobee watershed ditching and drainage results in water that formerly meandered and slowly seeped south and toward the coast rushing through canals. Formerly drainage took months. This rapid movement of water contributes to both storage problems following seasonal wet weather and drought problems during dry weather. Audubon recommends that to the greatest extent possible, natural systems be used to store water for slower release. That is best accomplished by raising, where and when possible, groundwater levels and restoring the natural hydrology of floodplain swamps.

**Dispersed Water Management** – The South Florida Water Management District has created a program to store water, in part by reversing drainage on private lands. This innovative alternative to publicly funded water storage reservoirs keeps land in private ownership and, along with water management benefits, provides considerable environmental and recreational benefits including improved water quality and wildlife habitat.

*Audubon recommends an emphasis on managing water to reduce rapid drainage and to store water in natural features such as wetlands and surficial aquifers.*

Florida's greatest potential to meet current and future water supply challenges is through demand management. Increased demand for water from agriculture, energy production, and population growth can be met through conservation and through managing demand and distribution. Yet, Florida continues to have a high per capita use of water and some agricultural uses have still not engaged in aggressive conservation strategies.

**Public Supply and Conservation** – Public water supply utilities have generally resisted serious efforts toward conservation. Although landscape irrigation has been demonstrated to be the largest and most wasteful use of public water supply, many utilities are still resisting efforts to reduce this area of use. And while some public water supply utilities have engaged in serious efforts to work with their customers to install inexpensive water saving appliances, this practice is far from widespread. Utilities have resisted water conservation requirements in favor of goal oriented solutions. However, there is little evidence that goal-based programs have been successfully implemented.

*Audubon recommends a state per-capita consumption goal, one-day a week landscape watering restrictions, and specific conservation conditions on public water supply consumptive use permits.*

**Role of Water Management Districts** – Florida's water policy laws and its system of water resource governance are among the best in the nation. Five water management districts, governed by qualified and legislatively approved citizen boards, make water supply and water resource protection decisions and approve annual budgets. Florida's voters created the unique taxing authority used by the districts to carry out their mission. The districts are appropriately aligned to manage specific watersheds. One district is responsible for the nation's largest ecosystem restoration program – the Everglades. For the most part, the water management districts work in

close coordination with other state agencies and follow legislative direction to help protect environmental resources while planning the water supply for our economy.

### **Protecting and Improving Water Quality**

In these tight economic times, it is important that the most cost-effective solutions for water quality improvement be pursued. Introduction of pollution, especially phosphorous and nitrogen, into the environment often leads to imbalance that then requires either control of the source or treatment. Pollution prevention is by far the cheaper approach.

Audubon uses the Everglades and Lake Okeechobee as examples of the challenges Florida faces cleaning up from past pollution practices. The lessons of the Everglades are applicable throughout Florida. The Everglades is under a two decade long consent decree and settlement agreement under which the state has agreed to meet water quality standards for water entering the Everglades. Meeting this goal is challenged by agricultural use of much of land draining into the Everglades. Within the Everglades Agricultural Area (EAA) and some adjacent areas, farmers use Best Management Practices to reduce pollutants leaving farmland and entering the Everglades. However, even with on-farm reduction in pollution, huge expensive treatment areas operate at taxpayer expense to clean up agricultural runoff. The problem is complicated by Lake Okeechobee, which supplies much of the water used to irrigate EAA crops. The Lake's water is known to have phosphorous concentrations that are much higher than runoff from the EAA farms.

The accumulation of legacy phosphorus and phosphorus within Lake stored within in-lake sediments continues to increase at rates worthy of grave concern. For example, annual phosphorus imports to the Okeechobee watershed remain at a staggering 6,088 metric tons (mt). The legal phosphorous goal for the lake is 105 tons. This extra phosphorous coming into the watershed per year is from a variety of sources – some easy to control and some not so.

Agencies responsible for cleaning up Lake Okeechobee have largely turned their backs on easily accomplished reductions in phosphorous entering the Lake Okeechobee watershed. As a result, the legacy phosphorous issue grows every year and a huge debt in terms of clean up cost is passed on to tomorrow's taxpayers.

Audubon recommends specific solutions that are based on analysis of the sources of pollution in the greater Everglades. These solutions could be used statewide.

**Land Disposal of Sewage Sludge (Bio Solids, Wastewater Residuals)** – About 25% of the nutrient pollution the Northern Everglades comes from land disposal of sewage sludge (often masquerading and soil amendments). Giving sludge, or selling it at below cost to farmers, is a cheap way for urban governments to get rid of their waste product. However, each pound of phosphorous introduced into the watershed will have to be removed by treatment, and treatment costs are at least \$50 per pound. The result is a huge public financial liability resulting from cheap disposal practices. Ironically, there are viable alternatives for waste products including energy production.

*Audubon recommends prohibiting land disposal of sewage sludge in any watershed impaired by phosphorous or nitrogen.*

**Agricultural Best Management Practices** – Lake Okeechobee and other Total Maximum Daily Load processes are based on the idea of Best Management Practices or BMPs. Agricultural BMPs are developed by the US Department of Agriculture's Natural Resource Conservation Service and

by the University of Florida's Institute for Food and Agricultural Services (IFAS). However, there is no clear evaluation of the effectiveness of nutrient BMPs contribution to improving water quality. Although many landowners are enrolled in BMP programs, and for this the Florida Department of Agricultural and Consumer Services (FDACS) deserves credit, the actual benefit of the programs to controlling pollution sources and improving water quality is unclear. BMPs are the weak link.

*Audubon recommends that Agricultural Best Management Practices (BMPs) be modified to meet water quality goals for receiving waters. Agencies should work together to revise BMPs to reduce phosphorus loading in the basin to meet the TMDLs. This will require adequate funding and specific policy direction to FDACS and IFAS or moving responsibility for BMPs to water management districts.*

**Urban Sources** – Stormwater and the release of treated wastewater are a primary and growing source of nutrient pollution in Lake Okeechobee and other watersheds. Florida's stormwater rules were put in place 30 years ago, long before most of the data that is currently available showed the impact of urban and suburban stormwater on Florida's waters. Science-based proposals to update the state's stormwater rules were proposed several years ago, but have faced political opposition. Stormwater sometimes carries nutrients from reclaimed water used for landscape irrigation. Reclaimed water has far higher concentrations of phosphorous and nitrogen than stormwater.

*Audubon recommends that the Unified Statewide Stormwater Rule be adopted. The rule is based on a common sense and scientifically valid idea that runoff from new development should not exceed background levels. Additionally, users of reclaimed water within impaired basins should be required to demonstrate no impact to receiving water bodies.*

**Environmental Permits** – Better approaches to traditional permitting for projects that are regulated by the Environmental Resource Permitting (ERP) program are made possible by the Ecosystem Management Areas (EMA) described in Section 403.0752 Florida Statutes. The process coordinates requirements and timelines for permit processing, project construction, operations monitoring, proprietary approvals, etc. The process is designed to coordinate multiple permitting agencies while minimizing impacts to wetlands and habitat.

*Audubon recommends expanded use of Ecosystem Management Areas to streamline and facilitate permitting processes for major projects.*

Again, Chair Williams, I wish to applaud the committee's efforts and those of Speaker Cannon and look forward to providing information that may help with policy decisions.

Sincerely,



Eric Draper  
Executive Director