Adam Putnam

Candidate for Florida's Commissioner of Agriculture

Water Policy Position Paper

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Putnam Campaign - PO Box 547 - Bartow, FL 33831
863-578-5303 office 863-578-5308 fax www.adamputnam.com

Water Policy Position Paper

Despite a wide variety of priorities and objectives, I strongly believe that five general principles should guide the debate on water policy in Florida:

- Water policy is the most important long-range issue facing Florida
- "Growing" the amount of water available for all user groups is preferable to future allocations disputes
- Agriculture is a key water stakeholder; both as a user and as a source of water recharge, water banking, and flowage easements
- Responsible water policy will utilize technology, sound science, public awareness and collaboration to achieve its objectives
- Every Floridian has an obligation to future generations to protect our precious water resources

Overview

When evaluating the many long-term policy priorities for Florida, few can rival the impact or breadth of the future of our water resources. In fact, most other pressing needs stem from – or depend on – sound water policy. Families, environmental groups, farmers and businesses all have an enormous impact on the water policy debate and they, along with future generations, have a significant stake in the policies that are ultimately implemented.

There is no doubt that immediate needs must dictate our short-term priorities and strategies. The tragic oil spill in the Gulf of Mexico, for example, must be our focus for the foreseeable future as we work on finding solutions that will not only reduce the long-term impact to our waters and beaches, but also ensure plans are in place to prevent similar tragedies in the future.

Beyond our immediate priorities, however, water policy must be addressed through a long-term lens since our greatest challenges have generational impacts.
The challenges facing water policy can – for the most part – be included within two major categories: water quantity and water quality. It is important to note that to address the challenges and implement the policies needed for impacting the quality and quantity of our water supply (such as acquisition, management, infrastructure, marketing, and education) funding is always a necessary and significant consideration.

Quantity

According to the Florida Department of Environmental Protection (DEP), Floridians used 6.7 billion gallons per day of fresh water in 2000. By 2025, fresh water usage is projected to be 8.7 billion gallons per day -- a 30% increase over the 25 year period. At the same time, Florida's population is expected to increase by 57%.

Rainfall data also highlights Florida water quantity challenges. Average rainfall in Florida is close to 55 inches. Rain doesn't fall evenly throughout the year or throughout the state, posing significant regional supply challenges. For example, Pensacola had 88.3 inches of rainfall in 2009 compared to just 39.88 inches in Ft. Myers according to the Department of Agriculture and Consumer Services' Division of Forestry. So far this year, Jacksonville's rainfall totals are below normal at just over 9 inches, while most other areas throughout the state are above normal in rainfall totals.

Despite the growing disparity between rainfall and usage, water is divided among industry, public supply and the environment; all of which have diverse needs and priorities. These interests place a significant burden on fresh water supply, particularly ground water. Therefore, the only way to avoid "civil wars" when water is moved around the state – and to avoid competing allocations – is to grow our overall water supply. In the past, water users have attempted to reallocate the existing water "pie" and attempt to reallocate water distribution (picking winners and losers among the different water use sectors). However, the most effective long-term policy goal would be to grow the "pie" itself.

To grow the amount of water available, we have several options, some of which are high-tech and some of which are low-tech.

- *Conservation*: Families, government and business can all play a role in conserving Florida's water. Homeowners, for example, use about one-half of their water on landscaping, according to the Southwest Florida Water Management District (SWFWMD). Best practices, proven technology, and water saving techniques exist to significantly reduce this water usage and should be made available to all Floridians through education, awareness and incentives. Simply stated, reducing per capita water use through effective conservation efforts will immediately increase water supplies. Unfortunately, not all water districts currently compute per capita water usage in the same way.

- *Alternative Water Supplies*: According to the Florida Department of Environmental Protection (DEP), over 60% of fresh water used in Florida is withdrawn from groundwater and 90% of Florida residents rely on groundwater for their potable water. There is a need, therefore, to diversify our water supplies in order to not only increase our water supplies, but also be less impacted by drought and water shortages. Alternative water supply projects throughout the state have created significant potential for

additional water. In fact, projections by DEP indicate that current projects will produce more than 800 million gallons per day (mgd).

From the various alternative water supplies, reclaimed water currently has the greatest potential to offset some of Florida's future water demands. Major projects underway in Florida will help to store billions of gallons of water and provide significant offsets for traditional groundwater supplies.

However, promising technologies and techniques will continue to help meet demands. According to the DEP, Florida already leads the nation in wastewater reuse and is on the cutting edge of desalinization technology. High-flow capture and aquifer storage recovery are also important alternative water supplies that should be utilized.

- *Minimum Flows and Levels*: Florida law requires the five water management districts to set minimum flows for rivers and streams and minimum levels for aquifers and lakes in order to ensure that water withdrawals will not impact the surrounding ecosystems or the overall water supplies needed. Allowing water bodies to drop below appropriate levels can have significant impacts on drinking water availability as well as the precious ecosystems that rely on Florida water bodies.

Quality

Florida's second water challenge is in the quality of our waters. The recent oil spill in the Gulf of Mexico – now the worst in American history – highlights our most immediate concern about the long-term quality of Florida's coastal waters.

Nutrients, heavy metals, and other toxins all impact the quality of Florida's water bodies and the overall amount of water available for use.

Maintaining a high standard of water quality must remain the mutual goal of policy makers, industry and environmental groups. Ultimately, water quality impacts ecosystems, supplies, health and tourism, which should provide significant incentive to focus on the quality of Florida's waters. It is always important that water quality standards must be supported by sound science and attainable goals.

At this moment, the single greatest water quality policy debate in Florida is in establishing a numeric nutrient criteria.

- *Numeric Nutrient Criteria*: As a result of litigation against the Environmental Protection Agency (EPA), brought by an environmental group in federal court, the EPA has proposed numeric nutrient standards for Florida lakes, flowing waters and springs. While Florida DEP was well on their way to establishing their own criteria, the EPA proposed their criteria through an

arbitrary deadline established by the court – not the science or regulatory community.

The EPA numeric nutrient standard, which is set to be implemented in October, has been criticized by the Florida DEP, industry groups, municipalities and policy makers for lacking a sound scientific rationale. The process used was even criticized by the EPA's own scientific review board. In addition to concerns about the lack of science behind the new standard, costs associated with the standard are extremely burdensome and have been projected to more than $100 billion in capital costs alone, according to the Florida Stormwater Association. A comprehensive cost-benefit analysis was never performed prior to proposing the standard.

Furthermore, some sectors believe that the technology doesn't yet exist to maintain the standard proposed by the EPA.

The unknown burdens associated with this regulation are also troubling. For example, is the federal government only regulating Florida or will this be used as a precedent for other actions across the nation? Also, will Florida be responsible for water flowing from Georgia and other upstream neighbors?

Florida needs a numeric nutrient standard in order to control the nitrogen and phosphorous in Florida's water bodies. However, the standard must be based on sound science, have comprehensive cost-benefit analysis, and be attainable by those responsible for the quality of the water. Florida had begun the process of producing a standard prior to the EPA standard being announced.

While the consent decree guiding the EPA's actions doesn't allow for it, this process needs to return to state control in order to ensure the appropriate regulation is adopted. Restoring control to Florida will improve the likelihood of a fuller understanding of the water quality issues we are all concerned with and the attainability and costs associated with implementation.

Additional Water Policy Challenges

- *Apalachicola River, Flint River, Chattahoochee River Litigation*: The Chattahoochee River runs from Georgia to the Florida-Georgia border where it meets up with the Flint River and becomes the Apalachicola River. Since the 1970's, Florida, Georgia, Alabama and the Corps of Engineers have been in litigation over control of the waters at the basin of these rivers. According to the DEP, the Court recently ruled that the Army Corps of Engineers was illegally using Lake Lanier for water supply, which was unauthorized. This is a long-running debate that impacts Florida aquaculture and panhandle ecosystems.

- *Suwannee Valley Springsheds*: The springs found throughout the Suwannee Valley are part of the rich heritage and history of Florida. Unfortunately, erosion and pollution have impacted water quality and efforts are being made to ensure that these treasures remain for future generations to enjoy. Nitrate levels have also increased in the Suwannee River Basin. Federal, state, and local governments are partnering with private industry groups to help reduce these levels and return the waters to a healthier state through strong partnerships such as the County Alliance for Responsible Environmental Stewardship or CARES.

- *St. Johns River*: A number of factors continue to contribute to water quality issues in the lower St. Johns River basin. Local, state and federal resources are being used to help improve the water quality of the basin and will continue to do so.

- *Tampa Bay Water Wars*: Hopefully, the water wars experienced in Tampa Bay in the 1990s are a thing of the past. With an increasing supply of water in the region (groundwater was the only source of water in the region during the 1990s), local governments have improved coordination and become a model for regional approaches.

- *Northern Everglades / Kissimmee Prairie*: A number of innovative public-private water policies are making their debut in this agriculturally rich region. New collaboration among formerly disparate groups may chart the course for all of Florida.

- *Comprehensive Everglades Restoration Project (CERP)*: Everglades restoration is the largest water restoration project in the United States and continues to be funded through both the State of Florida and the federal government. While many CERP projects are in the planning stages, current priorities include Biscayne, Picayune Strand, Indian River Lagoon, Tamiami Bridge, C-111 Spreader. Both the federal and state governments must keep their commitment to this global treasure.

Agriculture's Role in Water Policy

Agriculture has a unique role in water policy throughout Florida. Agriculture in Florida is a $100 billion industry – the second largest industry in the state and occupies two-thirds of the state's landmass. A large majority of endangered species are found on private ranch lands and most of the water recharge area is on private agriculture lands.

In 2005 (according to the DEP), Florida agriculture used 43% of all water, which is projected to decrease to 35% by 2025.

Florida remains the winter fresh fruit and vegetable source for the United States and beyond, allowing us to be self reliant for our food as a nation.

With a year round growing season, Florida is well positioned to lead the nation in biomass energy production.

Florida farmers have made significant investments in reducing water usage by shifting from less efficient flood and overhead irrigation to microjet and other drip irrigation technologies.

The interests of the agriculture user groups and the environmental groups are far more closely aligned than either group has been willing to acknowledge until recently. Many alternative water supply options, for example, depend on agriculture lands to be successful, as well as offering lower cost options for seasonal management of water. Water banking, reservoirs, protection of water sheds, and other environmental benefits are part and parcel to agriculture lands and mostly provided to society as a benefit without a commensurate benefit to the landowner.

Commissioner's Role in Water Policy and Action Items

The Commissioner of Agriculture plays a key role in Florida's water policy. The Department of Agriculture and Consumer Services manages 1.1 million acres of public land, while overseeing an industry that represents 28.6 million acres. Additionally, the Commissioner is a member of Florida's cabinet, representing 25% of the board of directors of the state. The Commissioner also leads a number of renewable energy initiatives and oversees an aggressive Best Management Practices program. The Commissioner's responsibility, therefore, includes a significant focus on water policy and responsible water management.

As Commissioner, I would focus on the following water policy action items – some of which are statewide and some of which are specific to DACS:

- Florida ranks in the top ten nationally in agriculture production value, but ranked near the bottom in conservation funding from the United States Department of Agriculture. I will establish a Farm Bill Conservation Task Force made up of agriculture industry representatives, environmental organizations and DACS to develop a plan to secure more funding to assist in nutrient runoff reduction, waste lagoon construction and other restoration efforts.

- The Office of Water Policy was created in 1995 within DACS. The office has grown to play an indispensible role in natural resource policy and I will expand its role into an Office of Energy and Water Policy. These issues are emerging opportunities for Florida and would benefit from being addressed together in many cases. They are also both a top priority for me.

- Florida should adopt a common measurement for per capita water use and set a statewide goal for it as well. We should also adopt a goal for reclaimed water capture and use.

- For the good of the entire state, we must not allow a judge to set the numeric nutrient criteria for Florida. The DEP was in the process of setting appropriate, science based standards for nutrients and that is the preferable approach to reducing nutrients in water bodies.

- We must incentivize landowners to participate in water capture and storage and support public-private partnerships, such as those in the Northern Everglades Priority Area.

- In order to support alternative water supply projects, we must fund SB 444 on a recurring basis, which was authored by Senator Paula Dockery. This law is recognized as a national model for alternative water supply. It is time to put resources behind it.

- To preserve and restore one of the most unique ecosystems on earth, we must work collectively to support CERP funding at the state and federal level and build on the progress that has been made in water quality in the Everglades Agricultural Area (EAA).

- In order to track lingering effects from the tragic oil spill in the Gulf of Mexico, I will expand the Aquaculture Shellfish Harvesting Program within the Department.

- For public safety and estuary protection, improvements to the Hoover Dike must continue with all due haste. Proper levels provide important water supplies for all user groups and reduce the need for untimely, damaging releases into coastal estuaries.

- We should bring all public land agencies together for a common marketing campaign to families, children and classes outside and unplugged from the virtual world. By introducing the next generation of land stewards and conservationists to our unique ecosystems, we are securing natural wonders for our future.

If I am fortunate enough to be elected as Florida's next Commissioner of Agriculture, I will lead a Department of Agriculture and Consumer Services that is transparent, efficient, modernized and equipped to meet the many policy challenges that face Florida.

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