



Florida Department of Environmental Protection


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Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

TO: George Roberts, Chair, NFWFMD
Douglas E. Barr, Executive Director, NFWFMD
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David Still, Executive Director, SRWMD
W. Leonard Wood, Chair, SJRWMD
Kirby B. Green, III, Executive Director, SJRWMD
Ronald E. Oakley, Chair, SWFWMD
David Moore, Executive Director, SWFWMD
Joe Collins, Chair, SFWMD
Tommy Strowd, Interim Executive Director, SFWMD

FROM:  Melissa L. Meeker, Deputy Secretary for Water Policy and Ecosystem
Projects

DATE: April 25, 2011

SUBJECT: ERP and CUP Permitting Programs

The Governor's April 12 memo to Secretary Vinyard stressed the importance of clear, predictable, and consistent implementation of our regulatory programs. Environmental Resource and Consumptive Use Permitting are two of our core responsibilities for management and protection of Florida's water resources. These two programs also affect Florida's economic activity as well as customer satisfaction in terms of fair, equitable and efficient public service. Accordingly, the Department will begin working with the Districts immediately to achieve the following objectives related to the rules for these two programs:

Environmental Resource Permitting (ERP)

- Identify and correct inconsistent interpretation and implementation of rule provisions.
- Develop a single, statewide ERP rule to be adopted by the Department for implementation by the Department and the WMDs. The rule would provide for appropriate district or basin-specific criteria based on differing regional characteristics of the state's water resources.
- Prepare legislation for the 2012 session necessary to implement the statewide ERP rule.

Consumptive Use Permitting (CUP)

- Evaluate WMD consumptive use permitting rules for consistency in structure, content and criteria.
- Identify apparent inconsistencies in rule criteria and practices not appropriately based on different regional characteristics of the state's water resources.
- Prioritize inconsistent rules and practices for resolution, and amend rules to eliminate unwarranted differences.
- Prepare legislation for the 2013 session, if necessary, to implement improved consumptive use permitting.

An integral part of identifying the regulatory inconsistencies among the WMDs will be stakeholder input. The regulated community who operate statewide or across district boundaries, in particular, will be able to provide meaningful insight into problems with rule interpretation or application. We will develop mechanisms to solicit this input and coordinate with you on participation in the near future.

Consistent implementation of regulatory programs is in all our interests. Meeting the objectives outlined above will be challenging and will require teamwork. To that end, I know I can count on your support and leadership to ensure that we are successful.

cc: Jeff Littlejohn, Deputy Secretary for Regulatory Programs