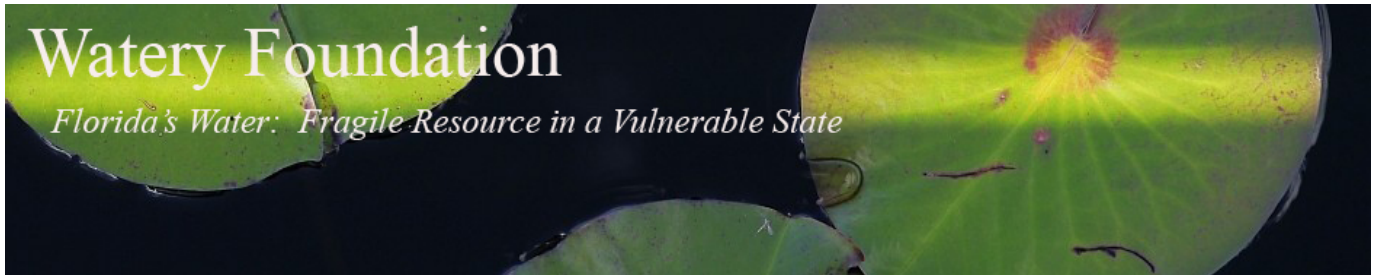


Tools Awaiting Use. Tom, Keep On Saying This

December 7, 2014



Well, there is not much I can add to this statement. I have already said it and Tom has already said it. In his last sentence. Thing is, we need to keep on saying it, and keep on.



On December 07, 2014 at 05:47PM, Tom at [Waterly Foundation](#) published the following article:

The Florida water law toolbox has several handy tools that are used very seldom (or never). For an example, look to the fundamental premise of water use permitting that an application must be “in the public interest.” Unfortunately, that foundational premise has [“never been articulated clearly by either the legislature or the water management districts.”](#) (p. 433). If a serious attempt were made to issue permits only when clearly in the public interest, decisions likely would be much different.

A second potentially important, but little-used tool, is reservations of water from permitting. The WMD governing boards, and DEP, have the power to

...reserve from use by permit applicants, water in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. (s. 373.223(4), F.S.)

There have been only a few reservations adopted to date.

A third important (but ignored) tool supplied in the Florida Water Resources Act is the ability to manage uses directly to protect recreation and fish and wildlife:

(3) The department and governing board shall give careful consideration to the requirements of public recreation and to the protection and procreation of fish and wildlife. The department or governing board may prohibit or restrict other future uses on certain designated bodies of water which may be inconsistent with these objectives.

(4) The governing board may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would constitute an undesirable use for which the governing board may deny a permit.

(5) The governing board may designate certain uses in connection with a particular source of supply which, because of the nature of the activity or the amount of water required, would result in an enhancement or improvement of the water resources of the area. Such uses shall be preferred over other uses in the event of competing applications under the permitting systems authorized by this chapter. (s. 373.036, F.S.)

Why have these tools been overlooked? The most probable reason is that their use would offend too many important interest groups.

Read this article from [Watery Foundation](http://www.wateryfoundation.com/) at
<http://www.wateryfoundation.com/?p=10986>.

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