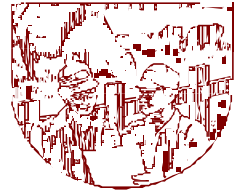
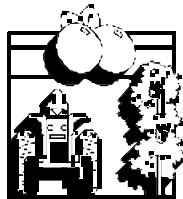
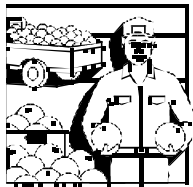


**Tips About Getting  
Water Management  
Permits for**

**AGRICULTURAL  
OPERATIONS**



**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

**2379 Broad Street Brooksville, Florida 34604**

**September 1999**

**DISTRICT SERVICE OFFICES**

**BROOKSVILLE SERVICE  
OFFICE**

2379 Broad Street  
Brooksville, FL 34604-6899  
(352) 796-7211 or  
(800) 423-1476\*

Brooksville handles permits for  
Hernando, Pasco, Citrus, Lake,  
Levy, Marion, and Sumter  
counties.

**LECANTO SERVICE OFFICE**

3600 W Sovereign Path, Ste. 226  
Lecanto, FL 34461-8070  
(352) 527-8131

Inverness provides information  
and liaison to the public. Permit  
applications received will be  
processed by the Brooksville  
service office.

**BARTOW SERVICE  
OFFICE**

170 Century Blvd.  
Bartow, FL 33830  
(863) 534-1448 or  
(800) 492-7862\*

Bartow handles permits for Polk,  
Highlands, and Hardee counties.

**SARASOTA SERVICE OFFICE**

6750 Fruitville Road  
Sarasota, FL 34240-9711  
(941) 377-3722 or  
(800) 320-3503\*

Sarasota handles permits for  
Sarasota, Manatee, Charlotte, and  
DeSoto counties.

**TAMPA SERVICE OFFICE**

7601 U. S. Highway 301 North  
Tampa, FL 33637-6759  
(813) 985-7481 or  
(800) 836-0797\*

Tampa handles permits for  
Hillsborough and Pinellas counties.

Well Construction Permits are also  
issued by the following counties:

Manatee County  
Environmental Mgmt. Dept.  
202 Sixth Avenue East  
P. O. Box 1000  
Bradenton, FL 34206-1000  
(941) 742-5908

Sarasota County  
Health Department  
1301 Cattlemen Road  
P. O. Box 2658  
Sarasota, FL 34233-2658  
(941) 378-6133

\* 1-800 Numbers are for Florida only.



## TIPS ABOUT GETTING WATER MANAGEMENT PERMITS FOR *AGRICULTURAL OPERATIONS*

### **Managing Our Water Resources**

Florida's water resources belong to all of us. Water resources are managed by the State's water management districts, because water is a limited resource that needs protection. As the demand for water continues to rise, it must be wisely allocated and carefully used to ensure present and future generations have safe, reliable and adequate supplies. Water allocation and resource oversight are accomplished in west central Florida through the regulation programs of the Southwest Florida Water Management District (District).

This brochure is intended to help farmers determine when they may need a permit from the District for water related activities associated with their agricultural operations. It summarizes some of the basic information needed to process the required permits. The guidance expressed also helps explain the farmer's rights and obligations, as well as those of the District.

The information provided here applies to permits issued by the District. Applicants are advised, and may be reminded by their consultant or District staff, that further regulatory information and assistance may be needed, if additional permits are required by other federal, state or local agencies.

Following the advice presented here does not guarantee issuance of a permit, because each application has unique characteristics and must be evaluated on its own merits. These tips are intended to give the applicant a general idea of what to expect from the District during permitting -- and what is expected from the applicant. Further information and assistance can be obtained by calling the District regulation service office that handles permits in the county in which the agricultural operation is located.

### **Why Does The District Issue Permits?**

The District issues permits to manage the quantity of surface and ground water used, to reduce pollution of water supplies, to keep track of how much water is being used throughout the District's 16-county area, and to protect associated property and environmental resources from harmful activities. This permitting protects the water needs of the public, existing and future users, as well as the environment.



## TIPS ABOUT GETTING WATER MANAGEMENT PERMITS FOR *AGRICULTURAL OPERATIONS*

The District's authority to issue permits is contained in Chapter 373 of the Florida Statutes. Those statutory policies are the basis for the District's permitting rules, which spell out in detail how permit applications will be evaluated. Fees are levied to offset the costs of processing and reviewing the applications. These fees vary according to the type of permit and the size of the proposed project.

A permit represents a contract between the land owner or permittee and the District. Failing to obtain a permit, if one is required, or to comply with the conditions of a permit, can result in enforcement actions such as fines and other legal action.

### **What Kinds Of Permits Does The District Issue?**

The District issues three main types of permits -- (1) water use, (2) well construction, and (3) environmental resource or surface water. Within those main categories are two tiers: general and individual permits. General permits are issued for water quantities or surface water impacts below a specified level and are approved by District staff. Individual permits typically involve larger quantities or impacts and require approval of the District Governing Board.

**A Water Use Permit (WUP)** allows a user to withdraw a specified amount of water, either from a ground water well or from a surface water source. The water can be used to irrigate crops, nursery stock or golf courses; to provide water needed for livestock; to operate industrial and mining activities; and for public drinking supply.

**A Well Construction Permit (WCP)** is required prior to the drilling or construction of a new well, and the repair or plugging of an existing well. WCPs ensure that wells are constructed by qualified contractors to meet safety, durability and resource protection standards.

**An Environmental Resource Permit (ERP)** must be obtained before beginning any construction activity that would affect wetlands, alter surface water flows, or contribute to water pollution. An ERP is needed to regulate activities such as dredging and filling in wetlands, construction of drainage



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facilities, stormwater containment and treatment, construction of dams or reservoirs, and other activities affecting state waters. The ERP combines wetland resources permitting and management and storage of surface water permitting into a single permit in an effort to streamline the permitting process.

### **When Do Farmers Need A Permit?**

Persons involved in the agriculture industry will usually need water use and well construction permits. An environmental resource permit will also be needed for new activities that impact wetlands, adversely affect surface waters or cause floodplain encroachment. A complete ERP application may be needed prior to obtaining a water use permit, and a WUP may be needed prior to obtaining a well construction permit.

There may be a WUP exemption if a single small diameter well or surface withdrawal pipe is used. Multiple wells or withdrawal pipes usually require a WUP. Some agricultural activities can be planned and conducted in a manner that allows exemption from environmental resource permits. An Agricultural Ground and Surface Water Management (AGSWM) pre-application field meeting with the District staff will help determine permitting requirements or whether the project qualifies for exemption.

#### **A Water Use Permit** will be needed to:

- C irrigate crops with water withdrawn from either a well or surface water facilities,
- C provide water from a well or pond for severe weather protection of crops,
- C water livestock from a well,
- C refill irrigation or livestock ponds with water from a well, or
- C furnish well water for product processing or other support activities.

#### **A Well Construction Permit** will be needed if the farmer:

- C plans to have a new well constructed, or
- C needs to repair or plug an existing well.



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#### **An Environmental Resource Permit** will be needed to:

- C plant crops in an area that currently contains wetlands, or excavate or fill in natural wetlands,
- C construct any facility that will alter surface water flows or runoff, intrude into a floodplain, or contribute to water pollution, or
- C construct a dam, canal, impoundment or reservoir.

### **Where Do Farmers Go To Get Water Management District Permits?**

The District has four regulation service offices in addition to the Brooksville headquarters. Regulation information is available from all service offices. WUP and ERP applications will be processed by the District regulation service office with jurisdiction in the county which the farming operation is located. Well construction permits can be obtained from the service office most convenient to the farming operation. In Manatee and Sarasota Counties, WCPs are issued by the local county representatives. Addresses and telephone numbers for the service offices are listed on the first page of this brochure.

### **How Long Does It Take To Get A Permit?**

Well construction permits are the simplest to obtain. The WCP application is a one-page form that can be filled out by the farmer, but it is usually prepared by the licensed water well contractor who must sign it. WCPs can sometimes be issued the same day the application is filed, unless the application information is incomplete, or the well is proposed within an area where soils have been contaminated with the agricultural pesticide Ethylene Dibromide (EDB). Isolated EDB areas have been identified in portions of 14 of the District's 16 counties, with the most widespread contamination occurring in Polk and Highlands counties. Wells in these areas must meet higher construction standards, require an on-site inspection by District staff and may take several weeks to permit.

For WUP and ERP applications, the procedure is more complex when the agricultural activity lies within a designated water-stressed area where withdrawals are limited, or extensive drainage features are proposed. With adequate conservation planning, there may be some permitting exemptions



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that apply to certain farming operations. The land owner and farmer can find out by arranging an AGSWM pre-application meeting with District engineers, hydrologists and environmental scientists. Some typical steps that can streamline the regulation process are as follows:

1. Schedule an AGSWM pre-application conference with District staff members from the regulation service office that handles permits in the county in which the agricultural operation is located. ***It is strongly recommended that this meeting occur at the farming site before any construction begins.*** District regulation staff can explain the kind of information that will be needed and identify any potential permitting complications. This can save the farmer time and money by preventing delays. At this meeting, AGSWM staff can also provide direction as to whether the farming activity may be eligible for an ERP agricultural exemption. Also, the operation may qualify for WUP "fast-track permitting," a streamlined permitting process that is reserved for small projects with few or no impacts to water resources.
2. Submit the permit application(s) to the regulation service office serving the county in which the project is located. The District then has 30 days to review it and ask for any necessary additional information. Afterward, the applicant has 30 days to answer the request for information.
3. Respond promptly with required information, if necessary. Additional information gathering is allowed to clarify specific issues, with another 30-day time clock for both parties. The application becomes complete on the date the final necessary information is received by the District. If the applicant does not meet these deadlines, the permit may be denied unless an extension is requested in writing before the 30-day deadline.
4. Once the application file is complete, the District is allowed up to 90 days to approve or deny a standard general permit or an individual permit. Typically, a decision is reached sooner. If the District fails to issue or deny the permit application within the deadline after the completion date, the permit is approved by default.

### **What Information Will the Farmer Need To Provide?**



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District staff will ask the applicant to provide information that helps them evaluate the permit application and its potential impacts on ground or surface water systems, to determine whether it meets permitting rules. The information needed varies according to the type and complexity of the proposed project. The following are general guidelines, along with a short explanation of the criteria used by the District to assess the application.

**Water Use Permits** - For a WUP, the farmer will be asked to provide information such as:

- C the quantity and source of the water requested,
- C the use for the water,
- C the property location and irrigated acreage,
- C the location of the water source [i.e., the location of the well(s) (for groundwater) or point of diversion (for surface water)],
- C water conservation techniques that will be utilized, and
- C the status of any associated ERP regulation.

In evaluating the application, SWFWMD staff are required to determine whether the proposed water use:

- C is reasonable and beneficial as defined by Chapter 373.019 of the Florida Statutes,
- C will interfere with other water users in the vicinity,
- C will adversely affect the environment, and
- C is in the public interest.

It is important to note that restrictions on ground water use are in effect in the Eastern Tampa Bay/Southern Water Use Caution Area where water resources are severely stressed. This Most Impacted Area (MIA) was established to limit further withdrawals from the confined aquifers in this coastal area of south Hillsborough, Manatee and north Sarasota counties. Current status and details regarding water use in the MIA can be obtained by calling the regulation service office that handles permits in the county in which the agricultural operation is located.

NOTE: If the farming operation will use less than 500,000 gallons of water a day, the decision to approve or deny the permit will be made by District staff. If the operation will use 500,000 gallons or more of water a day, the



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permit must be approved by the District Governing Board. Additional quantities of water above the daily permitted amount may be granted for emergency severe weather protection of some crops.

**Well Construction Permits** - For a WCP, the applicant or well driller must provide information such as:

- C the name and address of the person for whom the well is being constructed and the contractor who will be constructing the well,
- C the purpose of the well,
- C the location of the well,
- C the construction method that will be used to install the well, and
- C whether the well is associated with a WUP.

In some cases, very little District evaluation is needed for a well construction permit. The well driller must submit a completion report for the well within 30 days after the well has been constructed. WUP wells in water use caution areas that produce an annual average daily of 100,000 gallons or more must be metered to track the amounts withdrawn. Elsewhere, WUP wells that produce an annual average daily of 500,000 gallons or more must be metered.

**Environmental Resource Permits** - For an ERP or surface water permit, the farmer or applicant will be asked to provide information such as:

- C a legal description of the land on which the work is planned,
- C recent aerial photo maps and topographic surveys of the site,
- C the purpose and description of the work,
- C a master drainage plan showing the location of all water bodies, wetlands, water conveyances and control structures, and drainage basin boundaries,
- C design and construction drawings of the stormwater system, and
- C an assessment of potential adverse environmental impacts of the project.

In evaluating the application, District officials are required to weigh whether the proposed activity will:

- C adversely affect public health, safety and welfare or the property of others,
- C adversely affect fish and wildlife,



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- C impair navigation or surface water flows,
- C adversely affect nearby fishing or recreational uses,
- C increase the potential for flooding or discharge of pollutants, or adversely affect drainage and water levels, and
- C be effectively operated and maintained.

**What About Permits and Regulation by Other Agencies?**

Water management District permits and regulation may not eliminate the need to obtain other required authorizations from federal, state and local agencies, or other special jurisdictions. District staff are willing to discuss this issue with agriculturists and provide information when possible. Land owners should be especially aware of the provisions of the federal Food Security Act. Unless federal permitting is approved prior to construction, activities that affect any wetlands or threatened/endangered wildlife may jeopardize their eligibility for USDA benefits, such as, crop insurance, disaster payments, etc. Violations can cause ineligibility on the land owner's entire land holdings. Prior to any land use changes, please contact the local USDA-NRCS office to help delineate the wetlands and provide further assistance as to federal natural resources regulations.

**Alternative Dispute Resolution Process**

If at any time during the permitting process the applicant believes that information requested by the District is unnecessary, unreasonable, or there are other complaints about the process, the applicant may seek relief through the District's Alternative Dispute Resolution (ADR) process.

This process involves first discussing the complaint with the local Manager of the District staff member handling the permit application. If that outcome is unsatisfactory, then the agriculturist should go see the Regulation Director of the service office processing the application. If the conflict is still unresolved, the applicant can speak with the District's Director of Technical Services or Deputy Executive Director for Resource Regulation in Brooksville. If the conflict still persists, the land owner also has the right to take the dispute to the District Executive Director, or to the Governing Board during a scheduled monthly meeting.



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**The Agricultural Advisory Committee**

Members of dairy, citrus, vegetable, sod and other agricultural industries serve on an advisory committee that reviews how new rules or changes to existing rules will impact the industry. The committee members also help the District promote best management practices and other conservation methods for farmers. These citizens represent the interests and concerns of agriculturists. To find out more about the advisory committee, interested persons can contact the District Community Affairs Department at (352) 796-7211, or they can call the Public Communications Department at the same number in Brooksville.

**Water Resources in the Future**

The District is the primary agency in west central Florida responsible for managing the State's water resources and balancing the competing needs of all water users, while protecting the environment and future water users. In Florida, water belongs to everyone. Ownership give us the right to use it, along with the responsibility to protect it wisely. Your participation in the regulation process will help conserve and protect our water resources.



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The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided in the Americans With Disabilities Act should contact the Public Communications Department at 352-796-7211 or 1-800-423-1476 (Florida only), or TDD ONLY 1-800-231-6103 (Florida only)

agswm.blk

09/12/96