



The Florida Legislature passed SB 2080 in 2009, changing the water management district (WMD) permit approval process, despite objections expressed by Audubon and the conservation community. Prior to this law, governing boards appointed by the Governor heard public comment that informed their decisions on permit applications. Now all permits (except denials) are delegated to the districts' executive directors for final decisions, eliminating the traditional governing board hearing for citizens' concerns on these issues. Audubon and other groups are working with legislative leaders who have offered to reconsider this change, and there is some hope that it can be reversed in 2010. In the interim, Florida's citizen conservationists need to know how to make the new system work to their advantage.

Because of the controversy over SB 2080's delegation of approval authority to executive directors, water management districts are creating more opportunities for public input on:

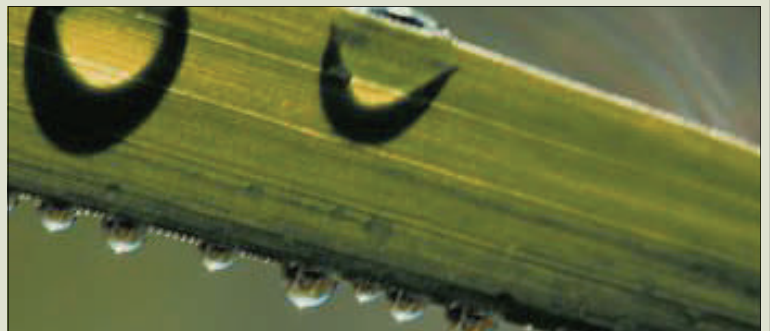
- Consumptive Use Permits (CUPs) to withdraw water from aquifers, rivers, and lakes, and
- Environmental Resource Permits (ERPs) allowing alteration of wetlands.

This guide discusses the new process, and opportunities within it for public access to decisions.

The three largest districts—the South Florida, St. Johns River, and Southwest Florida water management districts—are adopting the same process for public comment on CUPs and ERPs that they used previously, substituting their executive director for the role previously played by the Governing Board. The two smaller districts (Suwannee and Northwest Florida) have yet to define their processes.

The revised permit approval process that will be used in the three major districts is

- **The Executive Director of the District will hold at least one public meeting each month to consider permit applications.** The public is invited to come and present testimony to the Executive Director about whether permits should be approved or denied, in the same way the public could have commented to the Governing Board previously. These meetings will be formally noticed in a manner similar to WMD board meetings, and the agenda for these meetings and permits to be considered will appear on the web.
- **The monthly Governing Board meeting of each district will include an agenda item for consideration and discussion of permits the Executive Director has *already acted upon*.** The purpose of this meeting is not to “re-open” consideration of the permits themselves, but rather to allow the board to review staff actions, offer guidance for future decisions, and make suggestions for changes in regulatory policies that would govern future permits. The public is invited to attend and speak at these meetings, and to point out to the Governing Board cases where an inappropriate decision has been made. (This was a high priority for Audubon in the implementation of the law, creating a link for governing boards to hold executive directors accountable for their decisions.)
- **On particularly controversial permit applications, the Executive Director may conduct a public hearing on that particular permit in the local area most affected by the decision.**





In addition to these measures, all three of the larger WMDs are changing their public information systems and web sites to make permit tracking more accessible to the public. While still in progress, these changes may offer the public much better access to permit application status info than ever before, including the ability to obtain copies of important permit documents and staff reviews over the internet. A key feature of these proposed systems is a “real time” tracking mechanism. This could let the public know which particular staff member is making recommendations on each permit under consideration at each stage in the process, and allow the public to contact that staff member with their comments and concerns.

Keep checking the district web sites for new information on how to access their permit tracking and information systems.

[South Florida Water Management District](#)
[St. Johns River Water Management District](#)
[Southwest Florida Water Management District](#)
[Suwannee River Water Management District](#)
[Northwest Florida Water Management District](#)

Ensure the Water Management Districts still hear your voice. Florida's wetlands need your support.



Tips for Effective Advocacy on Permits

Timely objections count more. If you object to a permit application, don't wait until the end of the process.

While it will be important to take advantage of the executive director's public hearing on the application, submit written objections early in the process, and keep following up with WMD staff.

Make relevant objections. WMDs can only consider environmental impacts within their jurisdiction. On permits for water use (CUPs), this typically means lowering water levels in rivers and aquifers to the point it causes environmental damage. On permits for wetland alteration (ERPs), this means (1) destruction of wetland habitat without adequate mitigation, (2) activities which fail to avoid excessive impacts, or (3) impacts to wildlife species that live, nest or feed in wetlands proposed to be destroyed.

Know the rules. Each district has an “Applicant's Handbook” or similar publication, available online, which spells out all the permit requirements. Speaking the language and citing this handbook can be important with district officials.

Document objections, and rely upon experts if possible. When you are discussing important habitat that might be lost, or protected wildlife present, provide photographic documentation where possible. If you have access to an environmental expert (biologist, ornithologist, hydrologist or engineer) and can obtain their studied opinion, make this a high priority.

Know your rights. If you dispute the Executive Director's approval of a permit, you have two methods of challenging the decision. These processes are not easy, and usually require a lawyer and substantial financial support, but environmental groups throughout Florida have used them successfully to defeat or change many permit outcomes. Permits can be challenged through Florida's Administrative Procedure Act (Ch. [120.569, F.S.](#)), or by appealing to the Governor and Cabinet sitting as the Land and Water Adjudicatory Commission (Ch. [373.114, F.S.](#)). There is no substitute for getting involved early in the process, however. Not only will you be more likely to influence the outcome of a permit decision, you will establish standing for your objections in the event that you need to appeal an unfavorable final decision later.

Help Audubon's Legislative Advocates. Let us know about your experiences influencing water management district permits in the post-SB 2080 world. While we hope districts will prioritize transparency and inclusiveness in their process, it will be important to demonstrate the effects of this law to legislators as we seek to reverse these changes during the 2010 Legislative Session. Share your experiences with Audubon at flconservation@audubon.org.