

**APPENDIX B**  
**ST. JOHN'S ROVER WATER MANAGEMENT DISTRICT COMMENTS**  
**AND**  
**CITY RESPONSES ON SCOPE OF WORK**

**St. Johns River Water Management District's (SJRWMD's) Issue List by Peter Brown SJRWMD Policy Analyst**  
**City of Fellsmere's Evaluation and Appraisal Report (EAR) – April 23, 2010,**

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The City is within the jurisdictions of the St. Johns River Water Management District (SJRWMD). SJRWMD's review of the EAR and subsequent EAR-based amendment will focus on the following:

**1. Water supply planning issues**

- a. Cumulative legislative changes: Indicate in the EAR (e.g., legislative changes matrix) how the City is addressing the cumulative legislative changes made in 2002, 2004, and 2005 (SB 360 and SB 444) to Chapter 163, *Florida Statutes* (F.S.), regarding water supply planning requirements in comprehensive plans. The City's Letter of Understanding with DCA indicates the City will address the legislative changes in its EAR. For general assistance, refer to the DCA water supply planning Web page at <http://www.dca.state.fl.us/fdcp/DCP/WaterSupplyPlanning/index.cfm>. In addition, refer to Exhibit 1 in this document. Specific issues relative to addressing the water supply planning requirements of Chapter 163, *Florida Statutes* (F.S.) are identified below.

Please see Appendix C of the EAR

- b. Water supply facilities work plan (work plan):

- (1) The City is not currently required to complete a work plan because it is not located in an area identified as a priority water resource caution area (PWRCA) by SJRWMD's District Water Supply Plan (DWSP) 2005. PWRCA's correspond to regional water supply planning areas in other water management districts. Designation as a PWRCA means the area may not be able to meet all future water demands without unacceptable impacts to water resources and related natural systems.

This finding is noted in the EAR within Chapter 2. No evaluation is required.

- (2) It is unlikely that the City will be required to complete a work plan based on SJRWMD's 2010 update to the District Water Supply Plan. Although SJRWMD's Draft Water Supply Assessment 2008 (revised 1/23/09) identified the City in an area designated as a potential PWRCA and included the City in the Southern Water Supply Planning Area, current groundwater modeling results do not indicate that there will be unacceptable wetland impacts associated with projected water demands through the 2030 planning horizon. Therefore, designating the Southern Water Supply Planning Area as a PWRCA does not appear warranted. However, SJRWMD plans to identify alternative water supply projects for the area in the DWSP 2010, which could be eligible for cooperative funding.

This finding is noted in the EAR within Chapter 2. No evaluation is required.

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c. Update the comprehensive plan to address future water supplies and related facilities: Typically, the Future Land Use; Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge (Infrastructure); Conservation; Capital Improvements, and Intergovernmental Coordination elements will need to be updated. SJRWMD worked with DCA/DEP/WMDs to develop comprehensive plan amendment guidelines, available on the DCA Web site at <http://www.dca.state.fl.us/fdcp/dcp/publications/Files/finalguidelines.pdf>. The EAR should indicate that the City intends to update its comprehensive plan to:

- (1) Include potable and nonpotable water demands in the Infrastructure and Conservation elements. SJRWMD's updated population and water demand projections are included with the Draft Water Supply Assessment 2008, which can be accessed at <http://floridaswater.com/dwsp.html>.

This exercise is being done as part of the 2035 Plan update in response to the SSA for DCA 09-01. However, the EAR acknowledges that the Plan must contain potable and nonpotable water demands within the Conservation Element. Please refer to Appendix C addressing the requirement emanating from changes to State statute and Chapter 2 providing an analysis of the potable water supply needs of the City.

- (2) Assess current and projected potable and nonpotable water sources, considering the applicable consumptive use permits, and identify water supply-related capital improvement projects, including development of alternative water supplies, necessary to meet projected demands within the next five and ten year periods and additional years if the planning period is longer than 10 years. Any capital improvements projects needed in the first five-year period must be included in the financially feasible Five-Year Schedule of Capital Improvements. The assessment should also:
  - (a) Identify any alternative water supply projects that the City is considering for implementation.
  - (b) Identify the City's water conservation practices that will reduce water demands.
  - (c) Describe the City's reliance on Indian River County Utilities or other suppliers to provide water service to any part of the City, including how the suppliers will account for and meet the City's projected water needs in their consumptive use permits.
  - (d) Describe the need to maintain, revise, or enact agreements with other water suppliers.
  - (e) Describe the City's role in implementing the provision of reuse water to meet nonpotable water demands. The City's Letter of Understanding with DCA indicates that the City is in the early planning stages relative to implementing a central wastewater system. Reuse could be a component of that plan.

This exercise is being done as part of the 2035 Plan update in response to the SSA for DCA 09-01. However, the EAR acknowledges that the Plan must contain the assessments noted above. Please refer to Appendix C addressing the requirement emanating from changes to State statute and Chapter 2 providing an analysis of the potable water supply needs of the City.

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- d. Capital Improvements: Indicate in the EAR whether the City has completed any annual updates to the 5-Year Schedule of Capital Improvements to include its participation in funding water supply-related projects, including reuse facilities and development of any alternative water supply projects, or any privately funded projects that the City intends to rely on to achieve and maintain adopted level-of-service standards when approving new development.

The EAR, in Chapter 2, discusses the City's projects contained within the current 5-year Capital Improvement Program. Currently, there are no reuse facilities or alternative water supply projects being planned within the City. The City also does not anticipate reliance on any privately funded projects to achieve and maintain adopted level-of-service standards when approving new development. Beyond the 5-year timeframe, the City may rely upon Community Development Districts, City services, or service agreements with other public providers for the provision of certain infrastructure as part of the development of the large tracts of vacant land recently annexed into the City. The EAR has identified a need to coordinate with Indian River County to effectuate an interlocal agreement for water services as an extension of the current emergency water agreement that is currently in place.

- e. Water supply concurrency: Indicate in the EAR when the City updated or will update its concurrency system to address the revised requirements of Section 163.3180(2)(a), F.S., which became effective July 1, 2005. To meet the requirements, the City's comprehensive plan and land development regulations must ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the City anticipates issuing a certificate of occupancy. Additionally, the City must include consultation with the applicable water supplier (for example, Fellsmere Utilities Department and Indian River County Utilities) during the permit review process and prior to the approval of a building permit, to determine if adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. Below is an example policy that provides enabling language for the concurrency requirements:

"The City shall issue no development orders or development permits without first consulting with the applicable water supplier (for example, Fellsmere Utilities Department and Indian River County Utilities) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent."

The requirement noted above is addressed Appendix C that sets forth the requirements emanating from changes to State statute. An EAR-based amendment will be identified to implement this requirement.

- f. Intergovernmental coordination: Describe in the EAR how the City will update the Intergovernmental Coordination Element (ICE) to address cooperative efforts with other local governments, utilities, regional water supply authorities, and water management districts with regard to potable water and reuse services. Below is a suggested policy to add to the ICE to ensure the necessary coordination between the City and SJRWMD.

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“The City will participate in the development of updates to SJRWMD’s Water Supply Assessment and District Water Supply Plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the City.”

The requirement noted above is addressed Appendix C that sets forth the requirements emanating from changes to State statute. An EAR-based amendment will be identified to implement this requirement.

g. Future land use map (FLUM) amendments: If the comprehensive plan includes criteria for approving FLUM amendments, the EAR should indicate whether the criteria need to be updated to address the adequacy of planned water supply sources and facilities to support FLUM amendments submitted to DCA for review.

(1) SJRWMD worked with DCA/DEP/WMDs to develop future land use map amendment guidelines, which are available on the DCA Web site at

<http://www.dca.state.fl.us/fdcp/dcp/WaterSupplyPlanning/Files/WSDA.pdf>

(2) SJRWMD developed a Potable Water Availability Worksheet for use by local governments submitting comprehensive plan amendments to determine the availability of potable water resources to serve proposed development. The worksheet is available at:

[http://floridaswater.com/localgovernments/potable\\_water\\_worksheet.doc](http://floridaswater.com/localgovernments/potable_water_worksheet.doc)

The requirement noted above is addressed Appendix C that sets forth the requirements emanating from changes to State statute. An EAR-based amendment will be identified to implement this requirement.

**2. Policies and projects to protect water resources are consistent with the SJRWMD’s surface water improvement and management program (SWIM) or basin initiatives**

Most of the City is located in the SJRWMD’s Upper St. Johns River Basin (USJRB) Basin <http://floridaswater.com/upperstjohnsriver/index.html>. In addition, part of the City is located in the Indian River Lagoon (IRL) Basin <http://floridaswater.com/itsyourlagoon/index.html>. SWIM plans for both basins and the Comprehensive Conservation and Management Plan for the IRL Basin can be accessed at: [http://www.floridaswater.com/SWIMplans/2007\\_USJRB\\_SWIM\\_Plan.pdf](http://www.floridaswater.com/SWIMplans/2007_USJRB_SWIM_Plan.pdf); [http://www.floridaswater.com/SWIMplans/2002\\_IRL\\_SWIM\\_Plan\\_Update.pdf](http://www.floridaswater.com/SWIMplans/2002_IRL_SWIM_Plan_Update.pdf); and [http://floridaswater.com/itsyourlagoon/pdfs/CCMP\\_Update\\_2008\\_Final.pdf](http://floridaswater.com/itsyourlagoon/pdfs/CCMP_Update_2008_Final.pdf). To meet the water quality improvement goals relative to both basins, the City’s EAR should describe the programs and associated comprehensive plan revisions that address the following:

a. Stormwater management and reducing freshwater discharges to the Indian River Lagoon: Identify City or cooperatively funded stormwater system upgrades or retrofit projects that address water quality or flooding issues, including those specified in any master stormwater plan.

The City has not developed a master stormwater plan. There are no persistent flooding concerns within the City. All private development is required to meet the water quality requirements of the

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SJRWMD. The public drainage system within the City is owned and operated by the Fellsmere Water Control District. The City has a long history of partnering with the FWCD to meet mutually compatible goals. Water quality has been identified as one such area of mutual cooperation. An EAR-based amendment will be identified in the EAR setting forth the actions the City intends to take to partner with the FWCD to improve water quality discharging from the public systems in the City.

- b. Implementation of reuse: This should be covered in addressing the water supply planning requirements described under SJRWMD issue 1.

This exercise is being done as part of the 2035 Plan update in response to the SSA for DCA 09-01. However, the EAR acknowledges that the Plan must contain potable and nonpotable water demands within the Conservation Element. Please refer to Appendix C addressing the requirement emanating from changes to State statute and Chapter 2 providing an analysis of the potable water supply needs of the City.

- c. On-site sewage disposal systems: The City's Letter of Understanding with DCA indicates that the City is in the early planning stages relative to implementing a central wastewater system. Replacement of deficient on-site sewage disposal systems could be a component of that plan. In addition, the City could define its role in ensuring on-site sewage disposal systems are maintained.

Noted.

**3. Policies are consistent with water resource development projects identified in SJRWMD's *District Water Supply Plan 2005***

- a. Abandoned artesian well plugging program <http://floridaswater.com/abandonedwells/index.html>
- b. Wellhead protection [<http://www.dep.state.fl.us/water/groundwater/wellhead.htm>], which is a component of the aquifer protection program
- c. Protection of aquifer recharge areas, also a component of the aquifer protection program (The recharge to the Floridan aquifer 2005 data in the natural resources section of SJRWMD's GIS data download table at <http://floridaswater.com/gisdevelopment/docs/themes.html> can be used to map recharge areas).
- d. Technical assistance relative to the projects listed above can be provided by SJRWMD staff as follows:
1. Delineation of wellhead protection areas, contact Doug Munch at [dmunch@sjrwmd.com](mailto:dmunch@sjrwmd.com) or at (386) 329-4173.
  2. Delineation of significant aquifer recharge areas, contact Don Boniol at [dboniol@sjrwmd.com](mailto:dboniol@sjrwmd.com) or at (386) 329-4188.
  3. Development of appropriate comprehensive plan policies and land development regulations, contact Peter Brown at [pbrown@sjrwmd.com](mailto:pbrown@sjrwmd.com) or (386) 329-4311.

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Policies in the Plan are consistent with the above noted guidances and have previously been found in compliance. Any changes in statute or rule that may have affected these areas has been addressed in Appendix C. No action is required.

**4. Policies promote and encourage the use of low impact development techniques (For example, provide development incentives for water efficient developments such as those that use the Florida Water Star<sup>SM</sup> program, a point-based certification program similar to the federal Energy Star program.)**

For additional information about the Water Star program go to <http://floridaswater.com/floridawaterstar/index.html>.

An EAR-based amendment will be identified to consider the development of policies that promote and encourage the use of low impact development techniques.

**5. Policies to protect water resources are not in conflict with the SJRWMD's environmental resource (ERP) and consumptive use permitting rules.** SJRWMD's rules and handbooks can be accessed from the E-permitting Web page at <http://floridaswater.com/permitting/index.html>.

An EAR-based amendment will be identified to incorporate the above requirement.

**6. Future Land Use Map designations assigned to SJRWMD's land and easements allow planned management activities.**

An EAR-based amendment will be identified to incorporate the above requirement.

**7. Proposed transportation corridors or facilities do not impact SJRWMD's land or easements.**

An EAR-based amendment will be identified to incorporate the above requirement.

**8. Policies that identify the SJRWMD as a receiver of easements include the statement "subject to SJRWMD's acceptance."** SJRWMD will review proposed easements that are not required by SJRWMD-issued permits, but may not accept them.

An EAR-based amendment will be identified to incorporate the above requirement.

**FOR ADDITIONAL INFORMATION**

**1. Other information sources**

- a. SJRWMD's District Water Management Plan <http://floridaswater.com/dwmp/index.html>. This version of the Plan has active links to various resources.
- b. GIS resources <http://floridaswater.com/gisdevelopment/docs/themes.html>

Noted.

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**2. SJRWMD personnel resources**

- a. Policy Analyst – Peter Brown at [pbrown@sjrwmd.com](mailto:pbrown@sjrwmd.com) or (386) 329-4311
- b. Intergovernmental Coordinator – Ann Benedetti at [abenedetti@sjrwmd.com](mailto:abenedetti@sjrwmd.com) or 321-676-6606
- c. IRL Basin Program Manager – Troy Rice at [trice@sjrwmd.com](mailto:trice@sjrwmd.com) or (321) 984-4928
- d. USJR Basin Program Manager – Hector Herrera at [hherrera@sjrwmd.com](mailto:hherrera@sjrwmd.com) or 386-329-4327
- e. Florida Water Star Program Coordinator – Deirdre Irwin at [dirwin@sjrwmd.com](mailto:dirwin@sjrwmd.com) or (386) 546-8437

Noted.
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**Exhibit 1: Statutory changes relative to water supply planning to address in EAR document**

Comprehensive plans should address all current statutory and rule requirements. Below is a listing of statutory changes made in 2002, 2004, and 2005 (SB 360 and SB 444) relative to water supply planning that are of interest to SJRWMD. The EAR should indicate how the City is addressing the cumulative legislative changes made in 2002, 2004, and 2005 (SB 360 and SB 444) to Chapter 163, *Florida Statutes* (F.S.), regarding water supply planning requirements in comprehensive plans. DCA's Work Table for Chapter 163 Part II can be accessed at

<http://www.dca.state.fl.us/fdcp/dcp/EAR/files/WorkTableCh163.doc>

<u>DCA No.</u>	<u>Item</u>	<u>Citation</u>
<b>2002 Legislative Changes</b>		
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)
113	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities. <b>NOTE: 2005 legislation replaced this requirement, see #145 (6(c) below</b>	163.3177(6)(c)
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)
<b>2004 Legislative Changes</b>		
127	Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs. <b>NOTE: 2005 legislation replaced the requirement relative to consideration of the regional water supply plan, see #152 below</b>	163.3191(2)(1)
137	(13): Created to require local governments to identify adequate <b>water supply sources</b> to meet future demand for the established planning period.	163.3167(13)

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- 139 (6)(c): Extended the deadline adoption of the **water supply facilities work plan** amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments. 163.3177(6)(c)  
**NOTE: 2005 legislation deleted 2006 deadline and established a deadline based on approval of an updated regional water supply plan, see #145 (6)(c) below**

**2005 Legislative Changes**

- 145 (3)(a)5: Required the comp plan to include a **5-year schedule of capital improvements**. Outside funding of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement. 163.3177(3)(a)(5)
- (6)(a): Requires the future land use element to be based upon the **availability of water supplies** (in addition to public water facilities). 163.3177(6)(a)
- (6)(c): Required the **potable water element** to be updated within 18 months of an updated regional water supply plan to incorporate the **alternative water supply projects** and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments. 163.3177(6)(c)
- (6)(h)1.: The intergovernmental coordination element must address coordination with **regional water supply authorities**. 163.3177(6)(h)(l)
- 149 (2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy. 163.3180(2)(a)
- 152 (2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply work plan. 163.3191(2)(l)