

face and ground waters; 3) To develop and regulate works to provide water storage for beneficial use; 4) To provide for the prevention of damage from floods, soil erosion, and over-drainage; 5) To provide for the preservation of natural resources, fish, and wildlife; 6) To promote development of recreational facilities; and 7) To promote health, safety, and the general welfare of the people of Florida.

The Florida Water Resources Act was responsible for the division of the State of Florida into 5 Water Management Districts whose boundaries were based on historical watershed areas (Figure 4). One of those Districts created was the South Florida Water Management District (SFWMD), which was a reworked version of the Central and Southern Flood Control District. Under the Act, the Land and Water Adjudicatory Commission, consisting of the Governor and his Cabinet, was given the power and duty to review, rescind, or modify any of the District's policies, excepting only those policies which dealt entirely with internal management. In addition, the Florida Department of Environmental Regulation (FDER) assumed the State-wide responsibility of supervising the Districts.

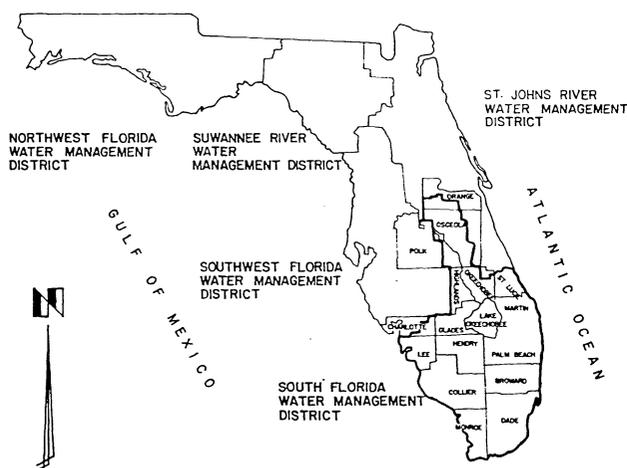


Figure 4
The five water management districts of Florida.

The SFWMD consists of a governing board made up of 9 gubernatorial appointees who must undergo Florida State Senate confirmation. Next in the hierarchy is an Executive Director who operates with a staff of over 900 employees (Knecht, 1986). The SFWMD is authorized to: 1) Sue or be sued; 2) Appoint or remove agents or employees; 3) Issue orders to implement and enforce the Water Resources Act and regulations; 4) Survey and investigate water resources within its boundaries; 5) Issue permits allowing people to make use of SFWMD facilities; 6) Clean, straighten, or redir-

ect the course of any waterway; 7) Provide works which the Governing Board deems appropriate to fulfill the SFWMD's charge; 8) Condemn land needed for rights of way; 9) Sell or lease land; 10) Replenish ground water; 11) Impose restrictions on one or more water uses; 12) Limit, apportion, or rotate uses if necessary; 13) Declare water shortages; and 14) Establish permit fees (Tilley, Lynne, and Boggess, 1985). The SFWMD has actively pursued all of its authorized activities, except for the establishment of permit fees.

The SFWMD mission, as stated on the covers of their public informational fact sheets (SFWMD, 1985b) is "to manage water and related resources for the benefit of the public and in keeping with the needs of the region". Listed as key elements of the mission are protection and enhancement of the environment, ensuring adequate water supply, providing flood protection, and ensuring adequate water quality. The SFWMD continues to say that the mission is accomplished through "the combined efforts of planning and research, operations and maintenance, community and government relations, land management, regulation, and construction". It is obvious from the above, that the old Flood Control District, whose primary responsibility was flood control in spite of a long list of charges, had evolved into the well rounded SFWMD with wide ranging and balanced goals.

The EAA lies entirely within the SFWMD boundaries, and is therefore subject to all regulations imposed by the District. Each individual farm, landowner, or drainage district must have both a surface water permit and a consumptive use permit to operate legally. Growers in the EAA depend on the SFWMD's judicial use of their broad powers and on their careful examination of all possible effects prior to their implementing management strategies.

The Current Dilemma

Recently, environmental interests in south Florida focused attention on the eutrophic state of Lake Okeechobee and the changing environments in the WCAs. In response, on August 26, 1985, Governor Graham wrote to the Secretary of the FDER, Victoria J. Tschinkel, requesting a study of the conditions that could be affecting the water conservation, water quality, and biological characteristics of Lake Okeechobee (Knecht, 1986). Secretary Tschinkel responded on October 1, 1985, agreeing to review and implement all feasible options to reduce nutrient levels entering the Lake.

A part of the study objectives was directed at evaluating the water quality and quantity of irrigation and drainage water in the EAA. Secretary Tschinkel agreed that the procedures being followed by the SFWMD at the time were insufficient