# Offset Requirements

1. In view of the statutory recognition in section 373.709(2)(a)2., F.S., that “…alternative water supply options for agricultural self-suppliers are limited,” the Department recognizes that the districts may participate in developing offsets for proposed uses for the purposes of protecting the MFL water bodies consistent with the goals of the Implementation Strategy.
2. For the purposes of this document, “Demonstrated 2025 Demand” means the quantity of water needed to meet demands in 2025. This quantity of water is for use in determining the amount of offset that would be needed at the MFL Compliance Point(s). Nothing in this paragraph will be utilized to reduce a permittee’s allocation. Demonstrated 2025 Demand will be calculated utilizing the methodologies described in section 2.2 of the St. Johns River Water Management District (SJRWMD) Applicant’s Handbook: Consumptive Uses of Water for applicants and permittees located within SJRWMD and in section 2.3 of the Suwannee River Water Management District (SRWMD) Water Use Permit Applicant’s Handbook for applicants and permittees located within (SRWMD). For agricultural, recreational, and landscape irrigation uses, the Demonstrated 2025 Demand will be based on the average annual allocation which is the amount of supplemental irrigation required during a five in ten rainfall condition.
3. Additional Review Criteria for all Individual Permit Applicants:
	1. Evaluation of Potential Impacts: All applications, including applications for renewals, modifications, and new uses, shall be evaluated for their potential impact on the MFL Compliance Point(s) utilizing best available information. Potential impacts to the MFL water bodies shall be assessed based on potential changes to flow at the MFL Compliance Point(s).
	2. Unless otherwise provided by law, new permits (including all applications for new water withdrawals after [*effective date*]) must meet one of the following criteria:
		1. Applications that do not demonstrate a potential impact to the MFL Compliance Point(s) shall be issued provided the applicant meets the conditions for issuance.
		2. Applications that demonstrate a potential impact to the MFL Compliance Point(s) shall provide reasonable assurance of elimination or offset of the potential impact. Such applications shall be considered consistent with the Implementation Strategy, provided the applicant meets all other existing conditions for issuance.
	3. Unless otherwise provided by law, renewals and modifications (including all Authorized Uses as of [*effective date*]) must meet one of the following criteria:
		1. Applications that do not demonstrate a potential impact to the MFL Compliance Point(s) based on the total requested allocation shall be issued provided the applicant meets the conditions for issuance.
		2. Renewal and modification applications that demonstrate a potential impact to the MFL Compliance Point(s) based on the total requested allocation shall provide reasonable assurance of elimination or offset of that portion of the requested allocation that exceeds the applicant’s Demonstrated 2025 Demand and that results in potential adverse impacts to the MFL Compliance Point(s). Such applications shall be considered consistent with the Implementation Strategy provided the applicant meets all other existing conditions for issuance.

* 1. Unless otherwise provided by law, Authorized Uses as of [the effective date of this rule] shall be considered consistent with the Implementation Strategy provided the permittee does not exceed its Demonstrated 2025 Demands. Such permits shall not be subject to modification during the term of the permit due to potential impacts to the MFL Compliance Point(s). Existing permitted uses with projected water demands greater than its Demonstrated 2025 Demand shall, within five years of the effective date of this rule, provide reasonable assurance of elimination or offset of that portion of their allocation that exceeds the applicant’s Demonstrated 2025 Demand. Nothing in this section shall be construed to alter the District’s authority to enforce or modify a permit under circumstances not addressed in this provision.
	2. The amount of offset credit for retiring individual permitted uses will be limited to the amount of reduction in potential impacts at the MFL Compliance Point(s) associated with the permanently retired quantity in excess of the amount needed to address the proportionate share of impacts resulting from its Demonstrated 2025 Demand. In no case shall the credit for the retired quantity exceed the available offset associated with the Demonstrated 2025 Demand, actual permitted allocation, or the average of the last 5 years of use, whichever is less.
	3. Nothing contained in this document shall be construed to require a permittee in Florida to be responsible for recovery from impacts to an MFL water body from water users in Georgia, or in any case to be responsible for more than its proportionate share of impacts to the MFL Compliance Point(s) that fails to meet the established minimum flow or level.