



Settlement suggested in Peace River water feud

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Polk County governments want to block Peace River Authority's additional withdrawals

A potential lengthy and costly legal battle over water withdrawals from the Peace River may be averted if all of the parties accept a proposed compromise.

The board of the Peace River Manasota Regional Water Supply Authority (Sarasota County Commissioner Alan Maio, Manatee County Commissioner Priscilla Whisenant Trace, Charlotte County Commissioner Ken Doherty and DeSoto County Commisisoner Elton A. Langford) will hold a closed session with attorney Douglas Manson on Wednesday to discuss the possible settlement.

Patrick Lehman, the authority's executive director, said he hopes that an agreement can be reached that satisfies all parties – including Polk County, the Polk Regional Water Cooperative and the municipalities of Lakeland, Fort Meade, Wauchula, Bartow and Winter Haven, which sued to block the regional water utility from taking more Peace River water.

"They need options, let's face it," Lehman said of Polk's interest in finding additional water supplies.

The Southwest Florida Water Management District, which regulates water resources across a broad area, suggested a way to quench all of the parties' future thirst that Lehman says takes in the "broader picture."

Yet it involves making Hillsborough County part of that regional solution.

Conflicting interests

The Peace River authority supplies drinking water to Sarasota, Charlotte and DeSoto counties and the city of North Port.

Although Manatee County is a founding member of the authority, it does not rely on the Peace River for its water supply. Manatee benefits because the authority reduces Sarasota County's need for water from Manatee's reservoir and wellfields.

The authority draws water from the Peace River during the rainy season and stores it underground and in two reservoirs to distribute during the dry months.

Currently, the authority's permits from the Southwest Florida Water Management District (commonly called Swiftmud) allow it to withdraw a maximum 120 million gallons per day from the river. It has contracts to provide up to 34.8 million gallons daily.

Although it does not need the additional supply now, the authority wants to add a third, square-mile reservoir at its facility in south DeSoto County. It asked Swiftmud to update its permits to allow up to 258 million gallons to be diverted daily from the river and for it to supply its customers with up to 80 million gallons a day.

Swiftmud intended to issue those permits.

Yet local governments in Polk County filed legal challenges that a mediator will consider on Oct. 8.

Currently, the Peace River authority oversees the only utility to withdraw surface water from the waterway that meanders through Polk, Hardee, DeSoto and Charlotte counties.

Yet the Polk governments say their "traditional groundwater supplies may be insufficient" to satisfy future demand.

The Polk Regional Water Cooperative filed pending applications with Swiftmud to withdraw surface water from the Peace River and the Alafia River. Its petition, as well as the other legal challenges, claim its water use request, when combined with the Peace River Authority's, would reduce the minimal flow needed to sustain the river.

The Peace River Authority disagrees with that assessment, since most of the river's watershed is south of Polk County and its intake for its water treatment plant is 105 miles downstream of the river's headwaters.

A possible compromise

Last week, Swiftmud Executive Director Brian Armstrong suggested a compromise to the Polk Regional Water Cooperative.

Hillsborough County intends to inject reclaimed water into the aquifer where seawater has intruded. By doing so, it would push back and retain fresh groundwater in the aquifer in the eastern part of the county.

Armstrong suggested the Polk cooperative become a partner in the project with Hillsborough, sharing in the cost as well as the well water.

Polk County Commissioner George Lindsey, chairman of the PRWC, told the Lakeland Ledger after Armstrong's presentation that the proposal deserves consideration.

"If this is a viable, cost-effective solution that results in more water and less cost then it should be investigated," Lindsey said. "The consensus is we are willing to talk. However, the details always follow."

Lehman said Hillsborough County's staff are receptive to the idea but its County Commission has yet to discuss it.

And all of the litigants will have to analyze it during next week's mediation.

"There are a lot of moving parts," Lehman said. Yet the compromise could be "an opportunity for everyone to win."

If all parties cooperate and it takes the Peace River Authority a year or so before it gets its updated permits, "that's not a deal killer for us," Lehman said.