



# Water Reservation Rule

Governing Board Meeting  
December 10, 2020



Don Medellin  
Applied Sciences Bureau

# Water Reservations

Section 373.223(4), F.S.

- Reserve water for the protection of fish and wildlife or public health and safety
- Prevent use of reserved water by consumptive users
- Existing legal users are protected
- Reservation may be used for the protection of fish and wildlife to aid in the restoration of natural systems



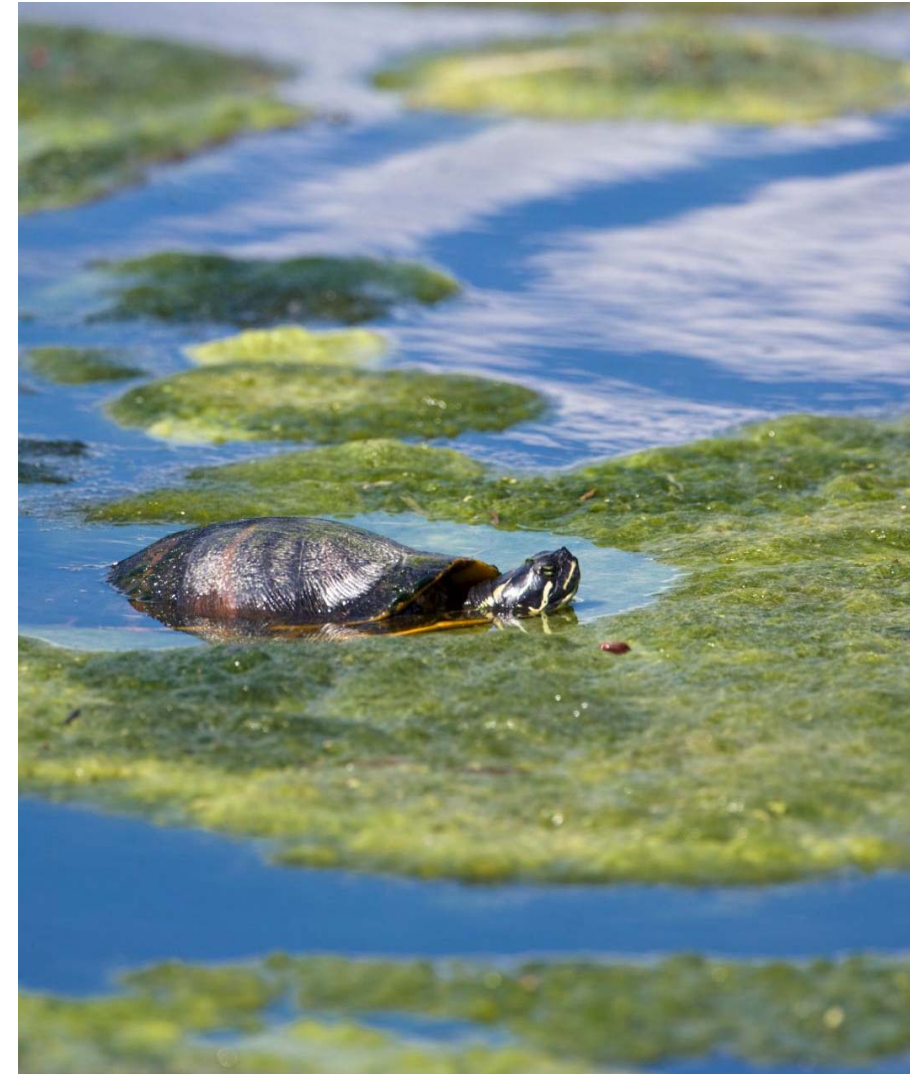
Osprey (*Pandion haliaetus*) with bass (*Micropterus* sp.) on Merritt's Mill Pond.

Source: <http://nykography.weebly.com>



# Water Reservations

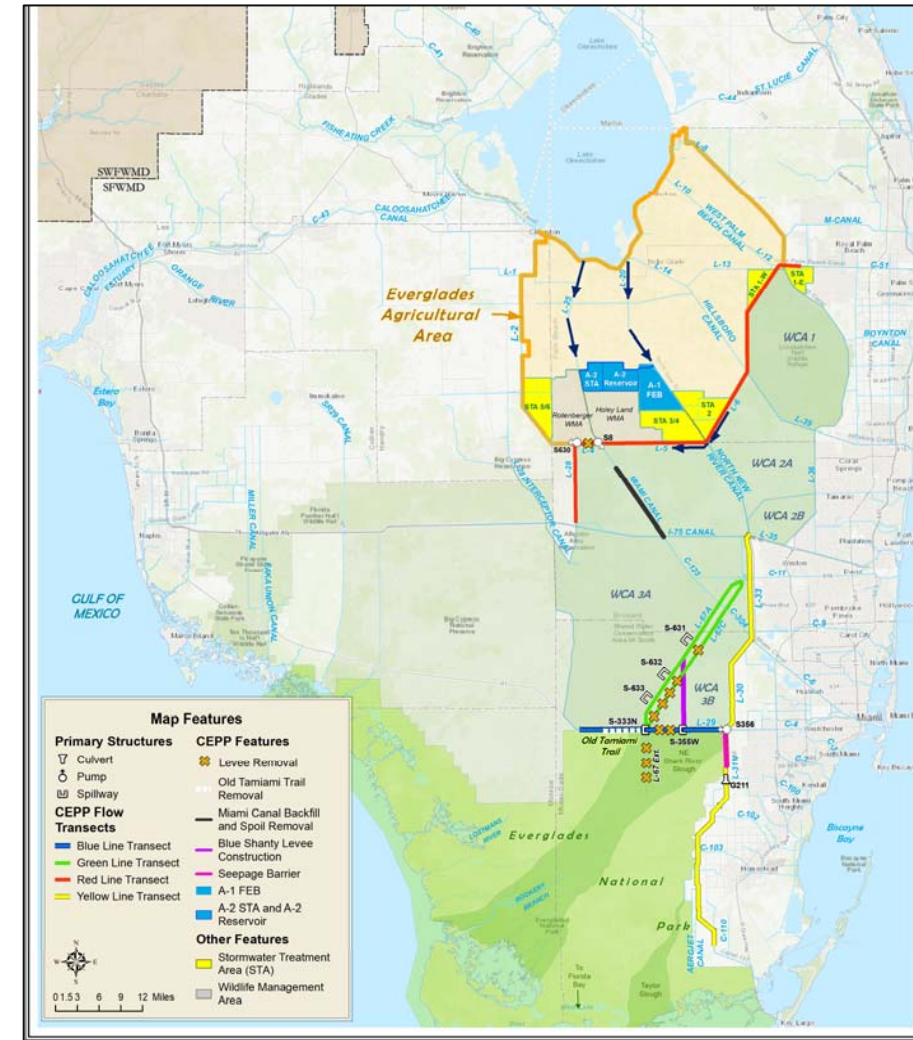
- Subject to periodic review and revision in light of changed conditions
- Prospective reservations are permissible
- District focused on reserving water needed to meet the targets for approved CERP projects
- Legal protection of the water is required before the District and the USACE can execute a Project Partnership Agreement (PPA) to cost-share and start the construction of CERP project features



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# Project Purpose

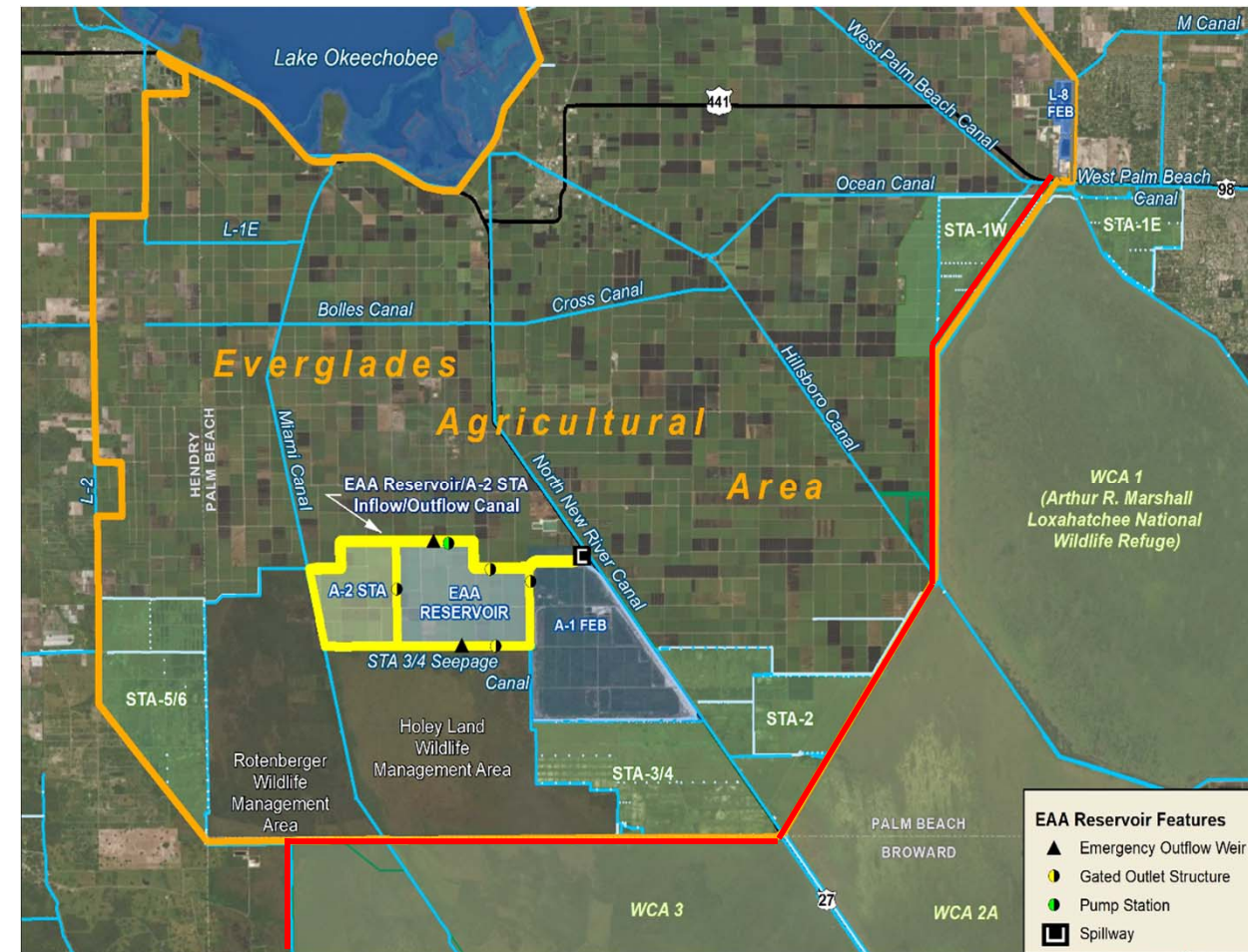
- Purpose of the Central Everglades Planning Project is to improve the quantity, quality, timing, and distribution of water flows from Lake Okeechobee to the Central Everglades, Everglades National Park, and Florida Bay
  - Decreases damaging discharges to the northern estuaries
  - Increases restoration flows to the Everglades
- The additional storage and treatment features provided by CEPP increases the average annual flow across the redline by an estimated 370K ac-ft





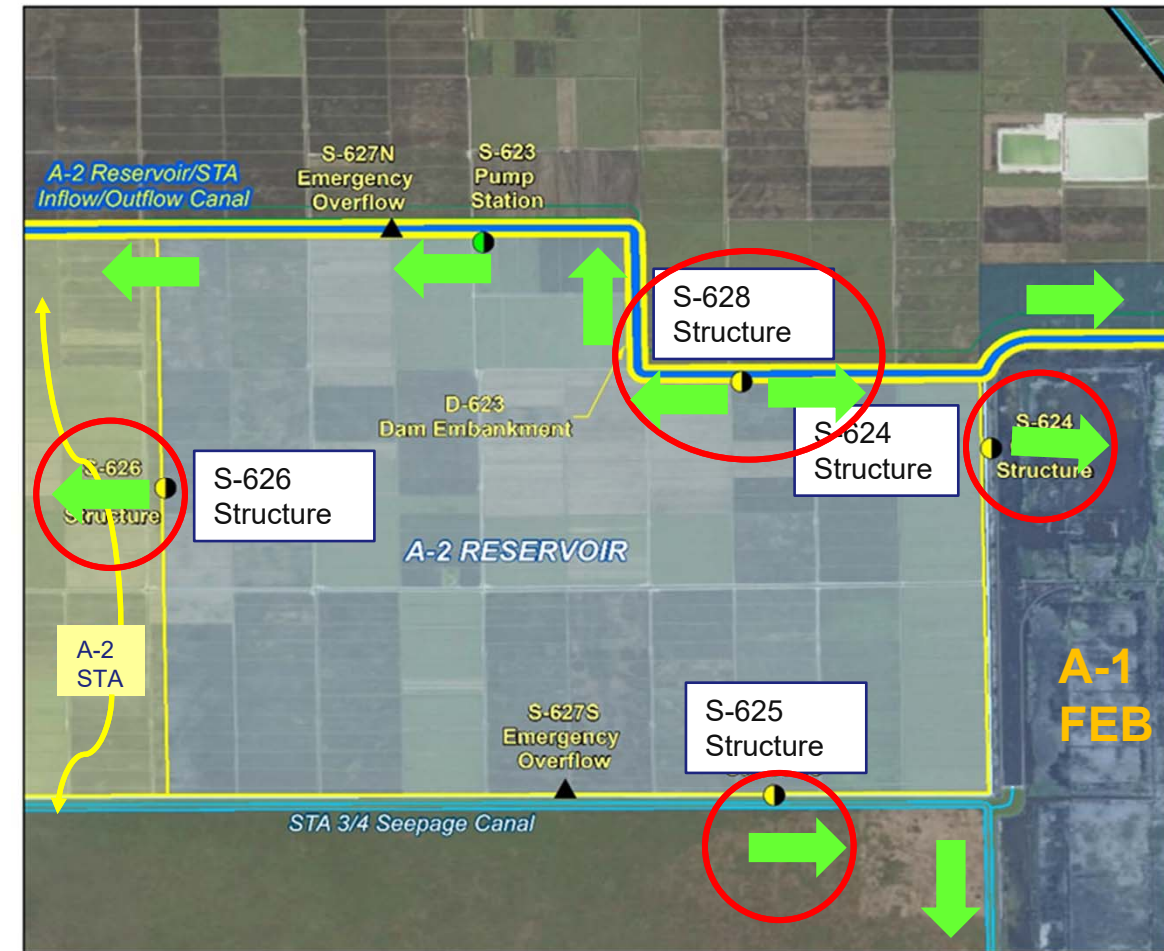
# EAA Reservoir Project Features

- The EAA Reservoir is the main storage feature of CEPP, which also includes additional treatment and conveyance features as described in the:
  - Project Implementation Report (2014)
  - Post Authorization Change Report (2018)
  - Environmental Impact Statement (2020)
- Additional 240,000 acre-feet of effective detention attenuates EAA basin runoff and Lake Okeechobee regulatory releases
- Flows are attenuated during the wet season and carried over into the dry season



# Rule Components

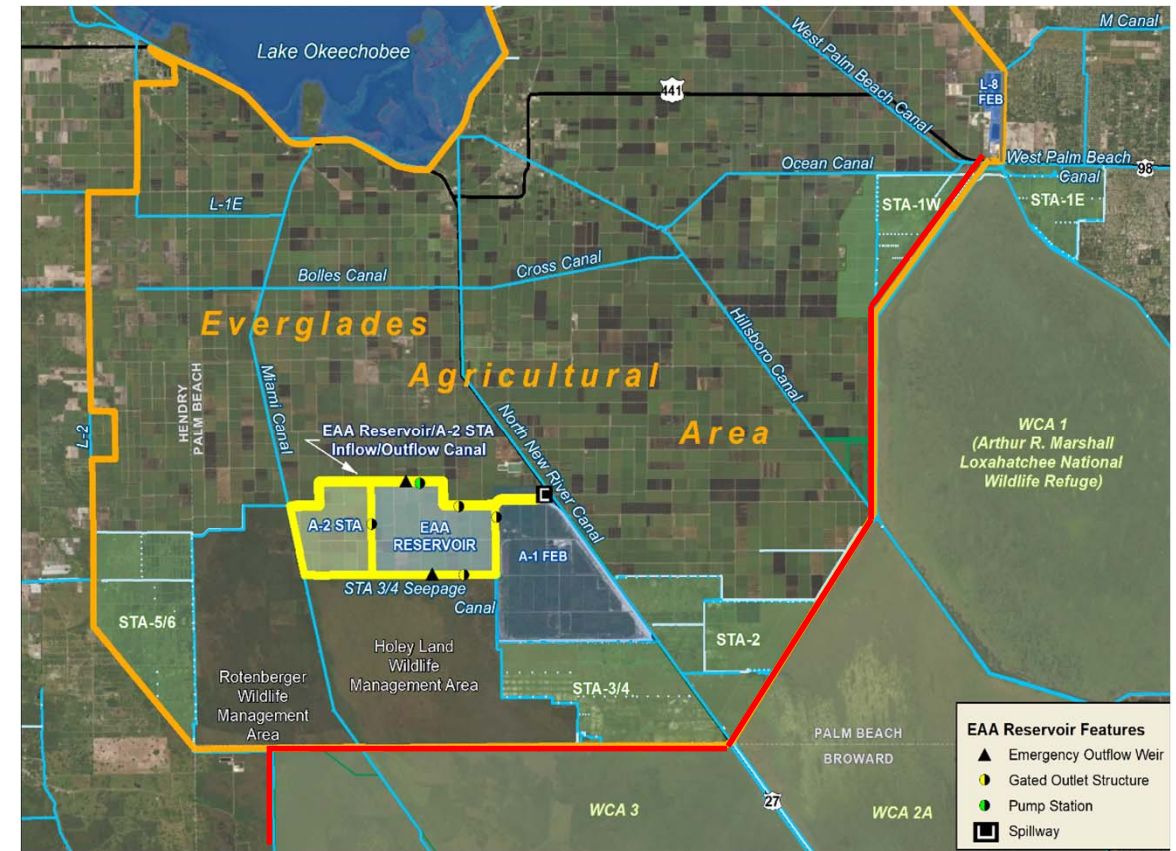
1. All surface water released, via operation, from the EAA Reservoir that is directed to the Lower East Coast Everglades Waterbodies through structures S-624, S-625, and S-626
2. Estimation of flows delivered to the Central Everglades
3. Reservation will be revisited before the reservoir is deemed operational
4. Non-reserved is estimated water through the S-628 structure



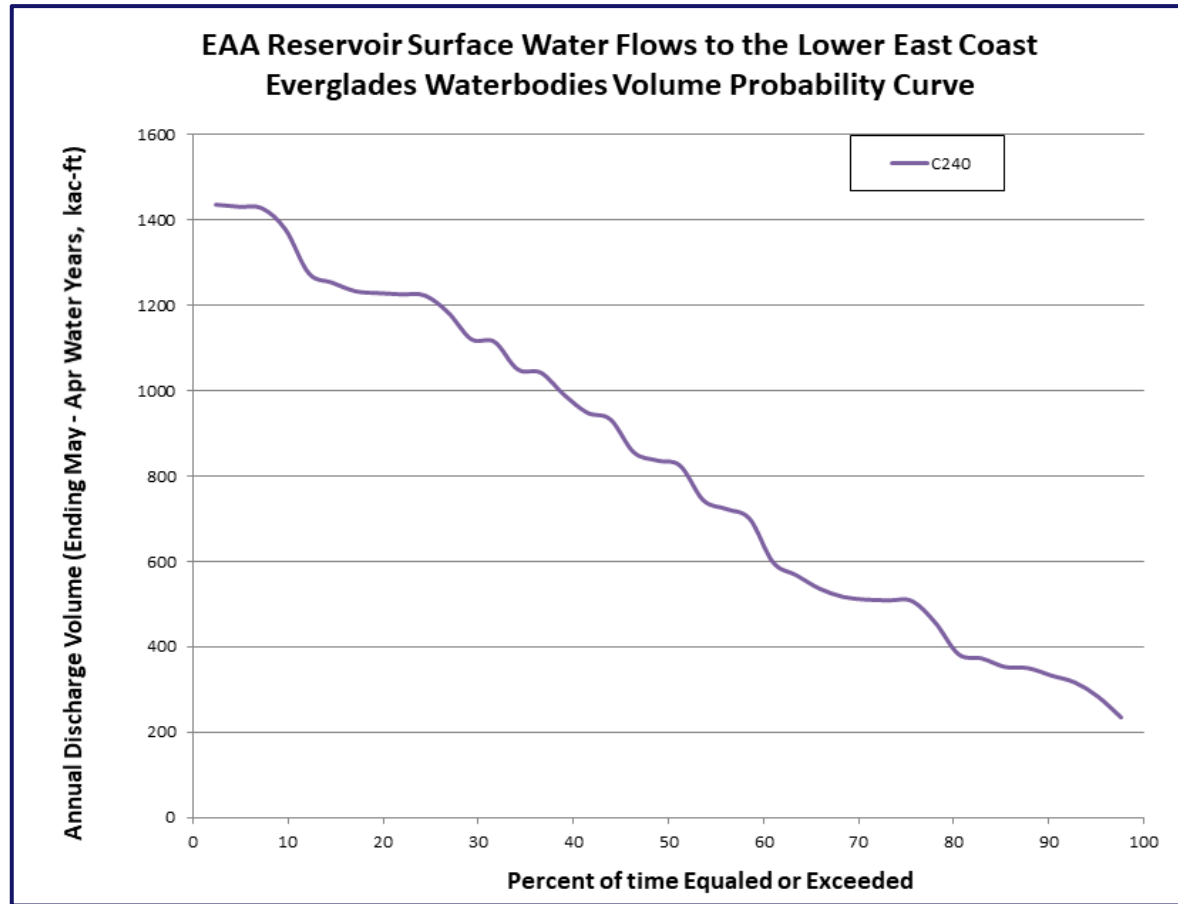


# EAA Reservoir Flows

- Based on model simulations, on average annual water year (May-Apr), 825,000 acre-feet of water from the EAA Reservoir flows to the A-2 STA, STA-2, STA-3/4, and/or A-1 FEB
- When combined with existing flows from Lake Okeechobee, EAA runoff, the A-1 FEB, and the STAs, the additional water released across “the redline” is 370,000 acre-feet on average annually

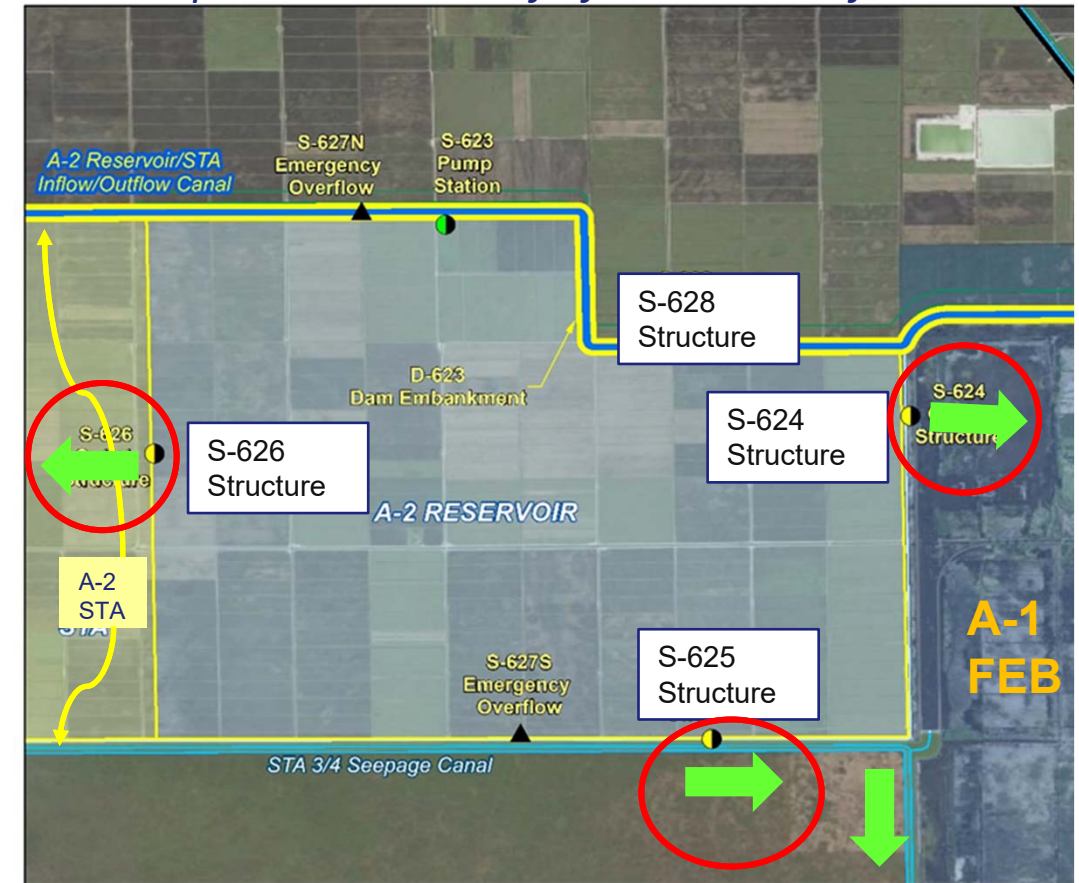


# Water Prospectively Reserved for Fish and Wildlife



Volume of surface water discharged from reservoir through structures S-624, S-625, and S-626

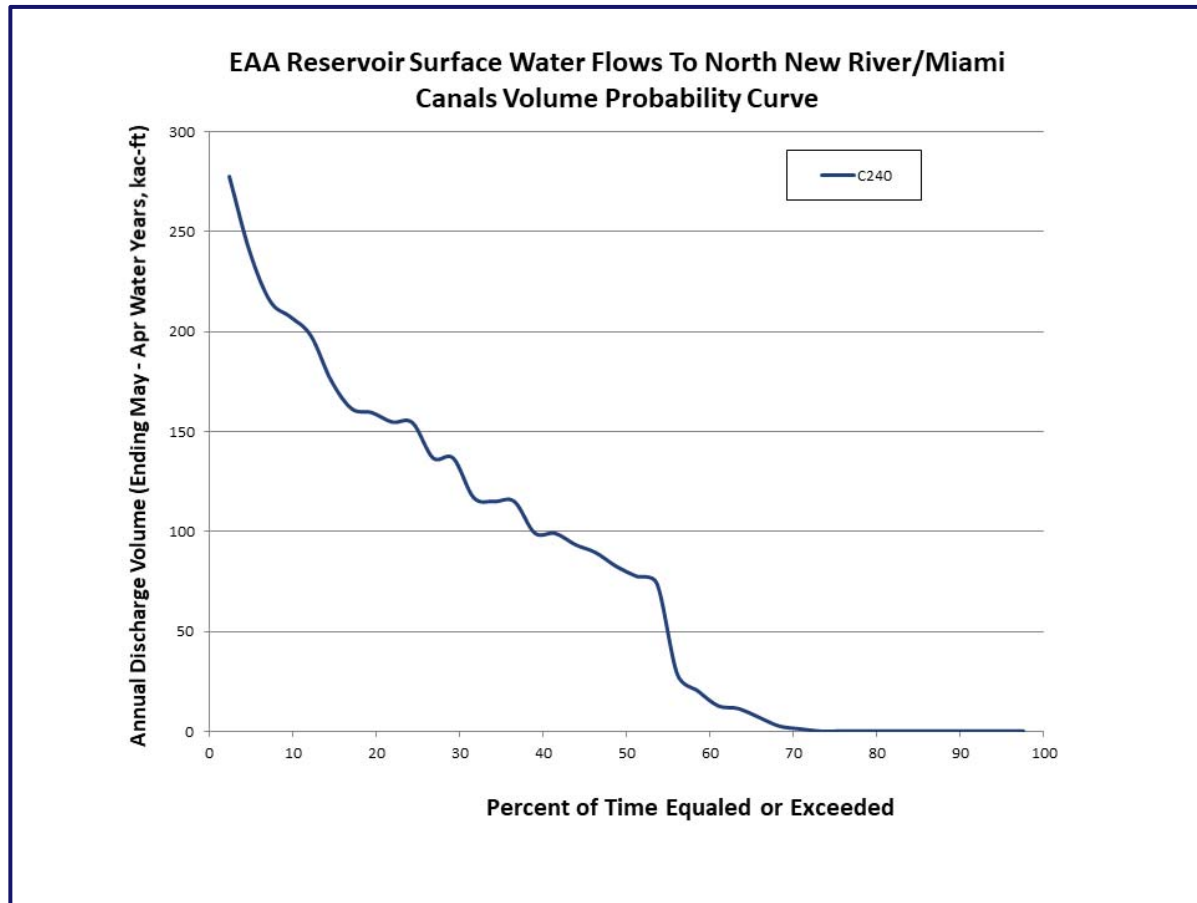
*Average annual water year discharge of 825 kaf predicted to benefit fish and wildlife*



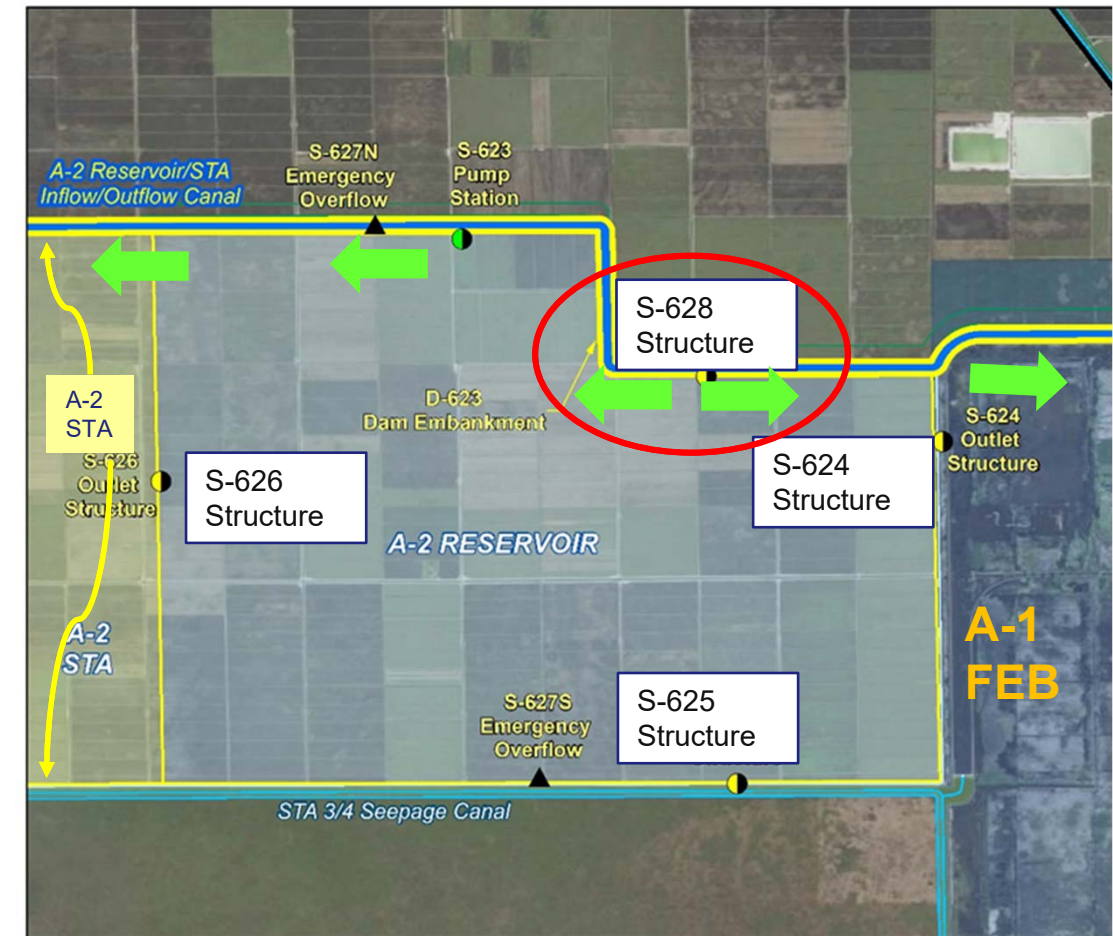


# Volume of Water NOT Reserved for Fish and Wildlife

*Average annual water year discharge of 82,000 kaf predicted to North New River and Miami Canals*



Volume of surface water discharged from reservoir through structure S-628



## Key Project Milestones for Water Reservation

- April 9, 2020 - Governing Board authorized Notice of Rule Development
- April 21, 2020 - Draft technical document completed for peer review
- May 29, 2020 - Public Peer Review Session conducted
- June 18, 2020 - Final Peer Review Report received
- July 14, 2020 - Rule Development Workshop #1
- August 6, 2020 - Rule Development Workshop #2
- October 8, 2020 – Notice of Propose Rule





## Public Comments – Stakeholder Letters

- City of Okeechobee
- City of West Palm Beach
- Florida Farm Bureau
- Florida Fruit and Vegetable Association
- Lake Worth Drainage District
- Palm Beach County
- Seminole Tribe of Florida
- South Florida Water Coalition



## Summarized Comments

- Reservation should be 370kac-ft as identified in the EAA Reservoir's Project Implementation Report
- Draft rule is not needed due to existing restricted allocation area rules
- Concern that the rights of existing legal users are being diminished
- Concern that existing legal users could be adversely affected - uncertainty about the operation of the reservoir
  - Quantities and the timing of discharges
  - Lake Okeechobee schedule revisions



## EAA Reservoir Reservation Schedule

Project Milestone	Date	
Public Peer Review Session	May 29, 2020	✓
Rule Development Workshop #1	July 14, 2020	✓
Rule Development Workshop #2	August 6, 2020	✓
Notice of Proposed Rule*	October 8, 2020	✓
Rule Adoption Hearing	December 10, 2020	
Rule Effective Date **	January 13, 2021	

\*Governing Board action required

\*\* Provided no changes are made

# THANK YOU

## EAA Reservoir - Reservation Project Team

- Jennifer Brown
- Michael “Clay” Brown
- Emily Canney
- Mark Cook
- Toni Edwards
- Natalie Kraft
- Dong Yoon Lee
- Don Medellin
- Brenda Mills
- Matt Morrison
- Alberto Naya
- Sue Newman

- Laura Scala-Olympio
- Jan Sluth
- Leslye Waugh

### Managers:

- Jessica Frost
- Lawrence Glenn
- Jennifer Leeds
- Jennifer Reynolds
- Fred Sklar
- Simon Sunderland
- Walter Wilcox



## Recommended Action

**Adopt Proposed Amendments to Rules 40E-10.021, 40E-10.031, 40E-10.061, and 40E-2.091, Florida Administrative Code, and the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District” for the Everglades Agricultural Area Reservoir Water Reservation with any changes pursuant to the public hearing and staff recommendations.**

## Rule Language Revisions

### 40E-10.061 Water Reservation Areas: Lower East Coast Planning Area.

(1) through (2) No change.

#### (3) EAA Reservoir:

(a) All surface water released, via operation, from the EAA Reservoir that is directed to the Lower East Coast Everglades Waterbodies through structures S-624, S-625, and S-626 (see Figure 3-6) is reserved from allocation.

(b) The water prospectively reserved under this subsection is not available for fish and wildlife until the Governing Board makes a formal determination, pursuant to state and federal law, that the EAA Reservoir is operational.

(c) Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) (see Figure 3-7), thereby increasing existing flows on average annually to the Central Everglades by 370,000 acre-feet over the period of simulation (1965-2005). The reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and the criteria contained in Section 3.11.6 of the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District” (Applicant’s Handbook), incorporated by reference in Rule 40E-2.091, F.A.C., will be revised in light of changed conditions or new information. The reservation and criteria in Section 3.11.6 of the Applicant’s Handbook, incorporated by reference in Rule 40E-2.091, F.A.C., will be revised before the EAA Reservoir is deemed operational, including an approved system or project operating manual, and any difference between the quantity of water actually made available and the quantity simulated will be reconciled.

(d) Water released from the EAA Reservoir through structure S-628 is not reserved. Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 82,000 acre-feet of surface water during an average annual water year through structure S-628 (see Figure 3-8).