

1 **40E-10.021 Definitions.**

2 (1) through (6) No Change.

3 (7) Everglades Agricultural Area (EAA) Reservoir – A reservoir located in Palm Beach
4 County, Florida, south of the City of South Bay between the Miami and North New River
5 Canals as described in Appendix 3 and depicted in Figure 3-5.

7 **40E-10.031 Water Reservations Implementation.**

8 (1) through (5) No Change

9 (6) Water reserved for the protection of fish and wildlife released via operation from the
10 EAA Reservoir is defined in subsection 40E-10.061(3)(a), F.A.C.

12 **40E-10.061 Water Reservation Areas: Lower East Coast Planning Area.**

13 (1) through (2) No change.

14 (3) EAA Reservoir:

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

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

21 ~~(c) Model simulations of the draft operating protocol predict the EAA Reservoir, together~~
22 ~~with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey~~
23 ~~825,000 acre feet of surface water during an average annual water year (May-April) (see Figure~~
24 ~~3-7), thereby increasing existing flows on average annually to the Central Everglades by 370,000~~
25 ~~acre feet over the period of simulation (1965-2005). Within 90 days of approval of the Final~~
26 ~~Project Operating Manual or Final System Operating Manual for the EAA Reservoir, the District~~
27 ~~shall publish a Notice of Rule Development to revise the reservation contained in paragraph 40E-~~
28 ~~10.061(3)(a), F.A.C., above, and criteria in Section 3.11.6 of the Applicant's Handbook,~~
29 ~~incorporated by reference in Rule 40E-2.091, F.A.C. Said rulemaking must result in an adopted~~
30 ~~rule that is in effect, unless subject to legal proceedings or legislative ratification, within two~~
31 ~~years of publication of the Notice of Rule Development and before the EAA Reservoir is deemed~~
32 ~~operational pursuant to paragraph 40E-10.061(3)(b), F.A.C., above.~~

33 (d) The reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and the criteria
34 contained in Section 3.11.6 of the "Applicant's Handbook for Water Use Permit Applications
35 within the South Florida Water Management District" (Applicant's Handbook), incorporated by
36 reference in Rule 40E-2.091, F.A.C., shall ~~will~~ be revised in light of changed conditions or new
37 information. ~~The reservation and criteria in Section 3.11.6 of the Applicant's Handbook,~~
38 ~~incorporated by reference in Rule 40E-2.091, F.A.C., will be revised before the EAA Reservoir~~
39 ~~is deemed operational, including an approved system or project operating manual, and any~~
40 ~~difference between the quantity of water actually made available and the quantity simulated will~~
41 ~~be reconciled.~~

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

47 **40E-2.091 Publications Incorporated by Reference.**

48 (1) The “Applicant’s Handbook for Water Use Permit Applications within the South Florida
49 Water Management District – _____, 2020”
50 (<http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX>) is incorporated by reference
51 herein.

52 (2) The following forms and materials are referenced in the “Applicant’s Handbook for
53 Water Use Permit Applications within the South Florida Water Management District –
54 _____, 2020” (<http://www.flrules.org/Gateway/reference.asp?No=RefXXXXX>) and
55 are incorporated herein:

56 (a) through (f) No Change.

57 (g) Subsections referenced in Section 3.3.6 of the “Environmental Resource Permit
58 Applicant’s Handbook, Volume I (General and Environmental)”, (June 1, 2018)
59 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09390>) incorporated by reference in
60 paragraph 62-330.010(4)(a), F.A.C., as follows:

61 1. through 9. No Change.

62 (3) No Change.

63 (4) The publications incorporated herein are available at no cost by contacting the South
64 Florida Water Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL
65 33406, 1 (800) 432-2045, ext. 6805 or (561) 682-6805.

66
67 **3.11.6 Everglades Agricultural Area (EAA) Reservoir**

68 The Everglades Agricultural Area Reservoir Water Reservation, as stated in paragraph 40E-
69 10.061(3)(a), F.A.C., protects the Central Everglades Planning Project water needed for fish and
70 wildlife within the Lower East Coast Everglades Waterbodies. Renewals of existing permits and
71 Applications received deemed complete before the conditions identified in paragraphs 40E-
72 10.061(3)(b)&(c), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2,
73 F.A.C., as applicable, do not use water reserved under paragraph 40E-10.061(3)(a), F.A.C. In
74 accordance with Section 373.1501(5)(d), F.S., the quantity of water available to existing legal
75 users is not diminished by the reservation rule.