SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

ADM 06-02

January 21, 2003

Mr. Rick Dent, Chairman
Loxahatchee River Management Coordinating Council
c/o South Florida Water Management District
210 Atlantic Avenue
Stuart, Florida 34994

Dear Chairman Dent and Council Members:

Subject: South Florida Water Management District's Response to Resolution No. 02-20

On behalf of the District's Water Supply Department, I would like to thank the LRMCC for participation in the development of minimum flow and level (MFL) criteria for the Loxahatchee River. The Council has provided staff with information and insights throughout this process. The District has reviewed the LRCC's Resolution No. 02-02 regarding the MFL criteria proposed for the Northwest Fork of the Loxahatchee River. We believe that the Final Rule language that addresses the majority of issues identified in the resolution. The following provides a summary of the District's response to each key point presented in the resolution as well as an update of activities associated with the ongoing rule development process.

Project Status

On December 13, 2002, the District's Governing Board authorized staff to publish the proposed MFL Rule for the NW Fork of the Loxahatchee River in the Florida Administrative Weekly. Final adoption of the MFL Rule is scheduled for the Governing Board's regular meeting, Pubic Hearing agenda, on Thursday, February 13, 2003. A copy of the MFL Rule (40E-8) is provided as an attachment to this letter.

District's Response to Resolution No. 02-02

On page two, the resolution asserts that the proposed MFL "...will not protect, maintain, nor restore conditions below river mile 9.2 which existed at the time Chapter 83-358 was adopted...." The District's interpretation of 1985 and 1995 aerial photography surveys as well as recent (2000-2001) onsite vegetation surveys show that little change has occurred in the extent and distribution of the freshwater floodplain swamp along the Loxahatchee River corridor since the mid-1980's. Vegetation maps published in the Loxahatchee River Environmental Impact Statement (1984) and by the Florida Department of Natural Resources (FDNR 1993) show the same conditions as observed in the 1985 and 1995 aerial photos and our recent vegetation surveys. This finding, and explanations of why river mile 9.2 was selected as the point where significant harm occurs, are documented in Chapter 5 of the MFL technical document.

GOVERNING BOARD

Trudi K. Williams, P.E., *Chair*
Lennart E. Lindahl, P.E., *Vice-Chair*
Pamela Brooks-Thomas
Michael Collins
Hugh M. English
Gerardo B. Fernández
Patrick J. Gleason, Ph.D.,P.G.
Nicolás J. Gutiérrez, Jr., Esq.
Harkley R. Thornton

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

Specific Points:

1. ***The SFWMD should work closely with, and offer all possible assistance to the DEP in their effort to develop a plan for the enhancement of the river.***

   The proposed MFL rule for the Northwest Fork of the Loxahatchee River includes a commitment by the District to work with the FDEP to "...restore freshwater flows to the Northwest Fork of the Loxahatchee River beyond the MFL by developing programs and projects that will provide surface water flows as identified in a practical restoration goal and plan, to be developed with the Florida Department of Environmental Protection...." [*from Subsection (5) (a)*].

2. ***If the SFWMD adopts a MFL of 35 cfs for the River in December 2002 as currently proposed...if adopted shall clearly acknowledge that the adopted MFL is an interim MFL.***
   The proposed rule states that the "...MFL will be reviewed within two years of adoption and revised, if necessary, to ensure consistency with the restoration goal and plan....". [*from Subsection (4) (d)*]. The rule also includes an agreement to "...revise the MFL and the associated recovery and prevention strategy, as necessary, to be consistent with established restoration goals and future water reservations...." [*from Subsection (5) (d)*].

3. ***The SFWMD and the COE should include the enhancement of the River as an objective in the Northern Palm Beach Comprehensive Everglades Restoration Plan and include as a temporary value in that planning process a MFL of at least 65 cfs until a specific number is developed through joint research with the DEP River enhancement planning effort.***

   The proposed rule includes an agreement to "...implement the restoration plan through structural and non-structural projects associated with the Comprehensive Everglades Restoration Plan and the regional water supply plan..." [from *Subsection (5) (b)*]. The District, through implementation of the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP) has identified 65 cfs as the target baseflow for the NW Fork of the Loxahatchee River. This target is also referenced in the final draft of the MFL technical document on pages 106, 157, 161, 162, and 165. This planning objective has been forwarded to the NPB-CERP team.

4. ***During the development of the Project Implementation Report (PIR) for the NPB-CERP, the SFWMD and the COE shall ensure the entire River watershed is considered in the planning process including those sub-basins located in Martin County as well as Palm Beach County, as was mandated in Chapter 83-358***

The District, with the FDEP, has committed to examine the entire Loxahatchee watershed in its restoration planning effort. This includes areas within both Palm Beach and Martin Counties. Similarly, the commitment of the NPB-CERP effort to examine the entire watershed for water supply options for the river was presented to the Coordinating Council during the November 2002 meeting and during the December 17th Loxahatchee Restoration Vision meeting in Jupiter. In addition, the District is in the process of updating the LEC Water Supply MODFLOW model to include both northern Palm Beach and southern Martin counties within its model domain.

5. ***The SFWMD and the COE shall ensure that during the development of the PIR for the NPB-CERP, project components are considered for construction in all areas of the watershed that will provide additional water and are sized to be able to meet the River's needs in consideration of, and in coordination with the DEP River enhancement planning effort.***

The District has committed to this request as explained in comment # 4 above.

6. ***The SFWMD, COE and DEP should ensure that as River enhancement objectives are identified, a modified MFL will be adopted that, in conjunction with the environmental water reservation that the Water Resources Development Act of 2000 requires to be developed and included in the NPB-CERP PIR shall (A) reflect seasonal variations, protects non-consumpive uses such as recreation, and fish and wildlife utilization of the Loxahatchee River ecosystem including both freshwater and estuarine portions; and (B) maintain conditions that provide for the propagation of cypress trees and a complete natural forested floodplain understory and animal community, and protects and enhances a healthy estuarine natural community.***

As previously mentioned, the proposed rule commits to revise the proposed MFL to be consistent with established restoration goals and future water reservations. The MFL rule also recognizes "... that natural seasonal fluctuations in water flows are necessary to ensure that the functions of the Loxahatchee River are protected. This restoration goal and plan will include a more complete set of seasonally managed flow criteria for the river that are driven primarily by natural rainfall and runoff patterns within the watershed...."

During the MFL development process District staff reviewed the possibility of including a seasonal flow variation component. Seasonal flow variations were not considered appropriate at this time because:

- Average flows and typical peak flows to the river tend to follow normal seasonal rainfall patterns and currently appear appropriate for protect existing resources within the watershed.

- The primary problem that impacts the river are low flow and zero flow events, which are experienced during the dry season and during extended droughts.
- There is little evidence indicating that low flows during any other time of year (other than the dry season) are currently impacting the resource due to an existing facility, water withdrawal or water management practice.

7. ***In consideration of the above six items, this Council recommends that a coordinated effort shall be undertaken by both the SFWMD and the DEP to adopt a restorative MFL. Both agencies shall agree to and determine the location of a mile marker within the River to which design of allowable dry season salinity intrusion will be acceptable. Such location shall be between mile marker 6 and Kitching Creek, after which a restoration plan shall be prepared in conjunction with other agencies and completed not later than twelve months from adoption of this resolution.***

As stated previously, the District and the FDEP have agreed to partner together to develop a practical restoration goal and plan for the Loxahatchee River and estuary. Once that plan has been developed, its is the District's intent to "...revise the MFL and associated recovery and prevention strategy, as necessary, to be consistent with established restoration goals and future water reservations...." [*from Subsection (5) (d)*]. The NPB-CERP planning process is viewed by the District as the appropriate vehicle to address the restoration needs of the system and determine the seasonal flow requirements of the river. The Council's recommendation to establish the location of the revised MFL between river mile 6 and 8 (Kitching Creek) as is not based on the results of research and modeling studies associated with the ongoing restoration effort. The District is required by state law to develop the MFL on best available data. Therefore it is our position to wait until all the required environmental assessments; public hearings and other associated restoration planning processes are complete before we can commit to the final location of a "restorative MFL" along the Loxahatchee River.

Based on the information provided above, we believe that the District has replied to the majority the LRCC's concerns in the Final MFL Rule language. Recognizing this fact, we hope that the Council express its support for the MFL Rule and continue to work with the SFWMD and its other federal, state and local partners to protect this outstanding natural resource. Again, thank you for your continued interest in the water resources of South Florida.

Sincerely,

John D Mallet for

Kenneth G. Ammon, P.E.
Director
Water Supply Department

KA/ks
Attachment – Rule 40-8 F.A.C.

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MGT 10-06-06
Docket #02-07

December 26, 2002

Susan Stafford
Joint Administrative Procedures Committee
Holland Building, Room 120
600 South Calhoun Street
Tallahassee, Florida 32399-1300

Subject: Proposed Rulemaking – 40E-8, F.A.C. RE: Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River

Dear Ms. Stafford:

The proposed changes to 40E-8, F.A.C. will be published in Florida Administrative Weekly on January 10, 2003. These revisions will be presented at the February 13, 2003 Governing Board meeting, seeking authorization to file the proposed revisions for adoption. I intend to file these rules with the Department of State on or around February 27, 2003 as long as there are no comments or changes required.

I will send you the information required pursuant to §120.54(3)(a)4., Fla. Stat. prior to that time. At this time I would appreciate it if you could review the proposed changes prior to the February 13, 2003 Governing Board meeting.

Thank you for your assistance. If you have any questions, please contact me at Suncom 229-6294.

Sincerely,

Cecile Ross
Senior Attorney
Office of Counsel

CR/jlj

Enclosure

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Water Supply Planning and Development

RULE TITLES	RULE NOS.
Purpose and General Provisions	40E-8.011
Definitions	40E-8.021
Minimum Flows and Levels: Surface Waters	40E-8.221
Prevention and Recovery Strategies	40E-8.421

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels for the Loxahatchee River, in accordance with Chapter 373, Florida Statutes.

SUMMARY: The proposed rule establishes minimum flows and levels ("MFLs") for the Northwest Fork of the Loxahatchee River identifying when salinity levels and minimum flows would cause significant harm to the water resources and ecology of the area. The MFLs are established using best available information. The Technical Documentation to Support Development of Minimum Flows and Levels for the Loxahatchee River is available on the District's website at www.sfwmd.gov/org/wsd/mfl/index.html.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None was prepared.

SPECIFIC AUTHORITY: §§9, 10 P.L 83-353, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS

(b) Cypress Creek which extends westward from river mile 10.6 to the intersection of Gulf Stream Citrus Road (*latitude 26.96484, longitude 80.1855)* located approximately one mile west of the Florida Turnpike and includes its natural river channels and contiguous floodplain as determined by state wetland delineation criteria;

(c) Kitching Creek which extends from river mile 8.1 (*latitude 26.9908, longitude 80.1540)* northward through Jonathan Dickinson State Park to north of Bridge Road *(longitude 27.05513, latitude 80.17580)*, including its natural river channels and contiguous floodplain as determined by state wetland delineation criteria, and;

(d) Hobe Grove Ditch which extends west from river mile 9.1(*latitude 26.9854, longitude –80.1594)* westward to the Hobe-St. Lucie Conservancy District pump station outfall (*latitude 26.5908, longitude 80.1031)* including its natural river channels and contiguous floodplain as determined by state wetland delineation criteria.

(20) ~~(19)~~ Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

(21) ~~(20)~~ Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are projected to be violated within twenty (20) years of the

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE LISTED BELOW.

TIME AND DATE: February 13, 2003, 8:30am

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact, Dave Swift (internet: dswift@sfwmd.gov), at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1-800-432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1-800-432-2045, extension 6294, or 561-682-6294. Although Governing Board meetings, hearings, and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, at 561-682-6371 at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

40E-8.011 Purpose and General Provisions

Subsection (1) through (4) No Change.

(5) In concert with establishment of the MFL for the Northwest Fork of the Loxahatchee River in Rule 40E-8.221(5), F.A.C. the District commits to the

following activities that are described in greater detail in the Recovery and Prevention Strategy section, Rule 40E-8.421 (6), F.A.C.:

(a) Restore freshwater flows to the Northwest Fork of the Loxahatchee River beyond the MFL by developing programs and projects that will provide surface water flows as identified in a practical restoration goal and plan, to be developed with the Florida Department of Environmental Protection.

(b) Implement the restoration plan through structural and non-structural projects associated with the Comprehensive Everglades Restoration Plan and the regional water supply plan;

(c) Establish water reservations to deliver and protect water supplies for restoration of the Loxahatchee River; and

(d) Revise the MFL and the associated recovery and prevention strategy, as necessary, to be consistent with established restoration goals and future water reservations.

(e) Establish Minimum Flows and levels for other tributaries to the Northwest Fork of the Loxahatchee River including Loxahatchee Slough, Cypress Creek, Kitching Creek and Hobe Grove Ditch as committed to in the District's Priority Water Body List, as updated.

Specific Authority: §§9,10 P.L. 83-358, 373.044, 373.113, 373.171 FS.

Law Implemented: 373.016, 373.036, 373.0361, 373.042, 373.0421, F.S.

History – New 9-10-01, Amended _____.

40E-8.021 Definitions

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The terms defined in Rule 40E-8.021, F.A.C. shall apply throughout the District's consumptive use permit rules. In the event of a conflict or difference between the definitions contained in Rule 40E-8.021, F.A.C. and the definitions set forth in other District rules, the definitions in this Rule 40E-8.021, F.A.C., shall control for purposes of this chapter.

(1) through (18) No change.

(19) Northwest Fork of the Loxahatchee River: Means those areas defined below (see Map 1, incorporated herein):

(a) Northwest Fork of the Loxahatchee River that has been federally designated as Wild, Scenic and Recreational uses (as defined in the Loxahatchee River Wild and Scenic River Management Plan 2000), including the river channel that extends from river mile 6.0 (*latitude 26.9856, longitude 80.1426*) located near the eastern edge of Jonathan Dickinson State Park and continues upstream to the G-92 structure (*latitude 26.91014, longitude 80.17578*), including the C-14 Canal. The river channel includes the physical water flow courses and adjacent floodplain up to the limits of the floodplain swamp and wetlands within Riverbend Park, as determined by state wetland delineation criteria;

establishment of the minimum flow or level, if said prevention strategies are not implemented.

(22) ~~(21)~~ Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

(23) ~~(22)~~ Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

(24) ~~(23)~~ St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41).

(25) ~~(24)~~ St. Lucie River South Fork - means the surface waters that extend from the culverts located at state plane coordinates x 902,512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

(26) ~~(25)~~ St. Lucie Estuary - means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

(27) ~~(26)~~ Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

(28) ~~(27)~~ Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority: §§9, 10 P.L 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

Law Implemented: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

History: New 9-10-01, Amended 11-6-02, _____.

40E-8.221: Minimum Flows and Levels Surface Waters.

The MFLs contained in this Part identify the point at which further withdrawals would cause significant harm to the water resources, or ecology, of the area as applicable, pursuant to Sections 373.042 and 373.0421, F.S. It is the District's intent to correct or prevent the violation of these MFLs through management of the water resources and implementation of a recovery strategy.

(1) through (3) No Change.

(4) Northwest Fork of the Loxahatchee River.

(a) An enhanced freshwater regime is necessary to prevent significant harm to the water resources and ecology of the Northwest Fork of the Loxahatchee River, pursuant to Sections 373.042 and 373.0421, F.S. By establishing the

MFL set forth in subsections (b) and (c), along with implementation of the associated recovery strategy, it is the interim goal of the District to provide sufficient freshwater flows to create at River Mile 9.2 the freshwater regime found at River Mile 10.2.

(b) A MFL violation occurs within the Northwest fork of the Loxahatchee River when an exceedance, as defined in subsection (c), occurs more than once in a six year period.

(c) A MFL exceedance occurs within the Northwest Fork of the Loxahatchee River when:

1. Flows over Lainhart Dam decline below 35 cfs for more than 20 consecutive days; or

2. The average daily salinity concentration expressed as a 20-day rolling average exceeds two parts per thousand. The average daily salinity will be representative of mid-depth in the water column (average of salinities measured at 0.5 meters below the surface and 0.5 meters above the bottom) at river mile 9.2 (latitude 26.9839, longitude 80.1609)

(d) In addition to this MFL, which is intended to achieve partial enhancement of the Northwest Fork of the Loxahatchee River to prevent significant harm, restoration of the Loxahatchee River beyond the MFL will be addressed pursuant to Rule 40E-8.421(6), F.A.C. and other applicable provisions of state law. This MFL will be reviewed within two years of adoption and revised, if necessary, to ensure consistency with the restoration goal and plan identified pursuant to Rule 40E-8.421, F.A.C. or other applicable provisions of state law.

Specific Authority: §§9, 10 P.L 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

Law Implemented: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

History: New 9-10-01, Amended 11-6-02, _____ .

40E-8.421 Prevention and Recovery Strategies

(1) through (6) No change.

(7) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable, consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2 and 40E-21, F.A.C., shall apply to consumptive use direct and indirect withdrawals from surface and groundwater

sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) In addition to implementation of this MFL recovery strategy, the District commits to restore freshwater flows to the Northwest Fork of the Loxahatchee River above the MFL through Chapter 373, F.S. and the Comprehensive Everglades Restoration Plan and its associated authorities. The District will continue to partner with the Florida Department of Environmental Protection in establishing a practical restoration goal and plan for the Loxahatchee River watershed. Recognizing that natural seasonal fluctuations in water flows are necessary to ensure that the functions of the Loxahatchee River are protected, this restoration goal and plan will include a more complete set of seasonally managed flow criteria for the river that are driven primarily by natural rainfall and runoff patterns within the watershed.

(c) The District shall continue to operate the G-92 structure and associated structures to provide approximately 50 cfs or more over Lainhart Dam to the Northwest Fork of the Loxahatchee River, when the District determines that water supplies are available.

(d) Additionally, it is the intent of the District to continue the current operational protocols of the G-92 structure so as not to reduce the historical high, average and low flows as estimated over the 30 year period of rainfall record used as the basis for the MFL for the Northwest Fork of the Loxahatchee River.

(e) It is the District's intent to implement, along with other partners, projects to meet the practical restoration goal developed according to subsection (b).

Projects contained in the Comprehensive Everglades Restoration Plan, the LEC Plan and the NPBCCWMP will provide increased storage and conveyance within the basin with a goal of providing more water for restoration of the Northwest Fork of the Loxahatchee River.

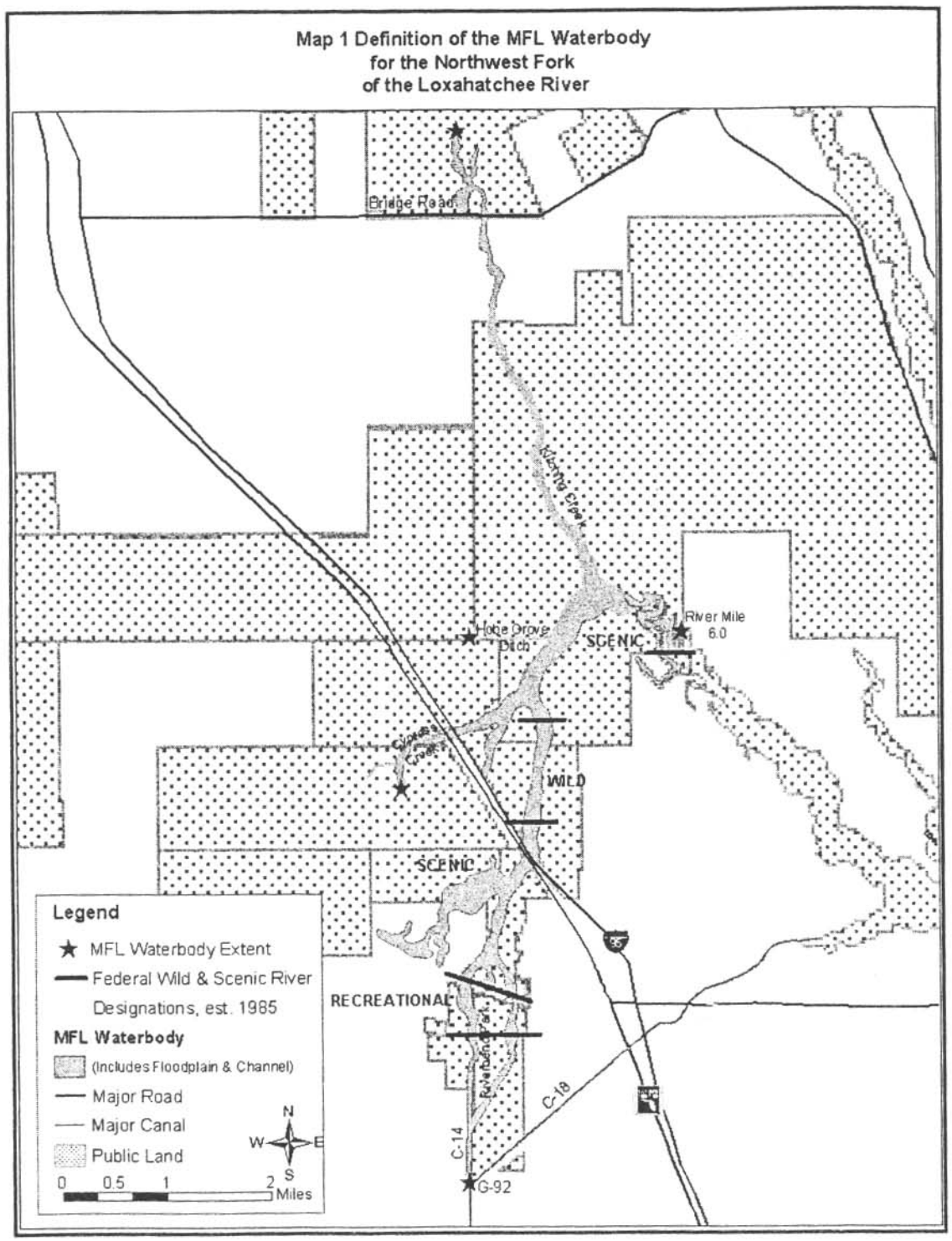
(f) To protect water made available for the recovery and restoration of the Loxahatchee River through implementation of these associated projects, the District intends to adopt water reservations for the Loxahatchee River, pursuant to Section 373.223(4), F.S., on a project by project basis over the next 20 years. In addition, the SFWMD intends to adopt an initial reservation to protect existing water used for protection of fish and wildlife, consistent with the practical restoration goal identified for the Loxahatchee River, by 2004. Future reservations related to the Loxahatchee River will be consistent with the reservations being developed for restoration of the Everglades under CERP, and will reflect the needs of the natural system through a range of hydrologic conditions. These water reservations are intended to prevent the future allocation to consumptive uses the freshwater intended for restoration of the Loxahatchee River. The reservations will be implemented through the consumptive use permit program, operational protocols, water shortage rules, and other appropriate provisions in Chapter 373, F.S.

(g) As reservations are adopted to restore the Loxahatchee River beyond that to be achieved by the MFL, the District shall revise the minimum flow and level and associated prevention and recovery strategy, as appropriate, under Sections 373.042 and 373.0421, F.S., to be consistent with the reservation.

Specific Authority §§9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS.

Law Implemented: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

History: New 9-10-01, Amended 11-6-02, _____.



NAME OF PERSON ORIGINATING THE PROPOSED RULE: Kenneth G. Ammon, Director, Water Supply Division

NAME OF PERSON OR SUPERVISOR WHO APPROVED PROPOSED RULE:

Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED: December 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

November 1, 2002, November 22, 2002, November 27, 2002.