

Picayune Strand and Fakahatchee Estuary Water Reservations Request for Rule Adoption

February 12, 2009

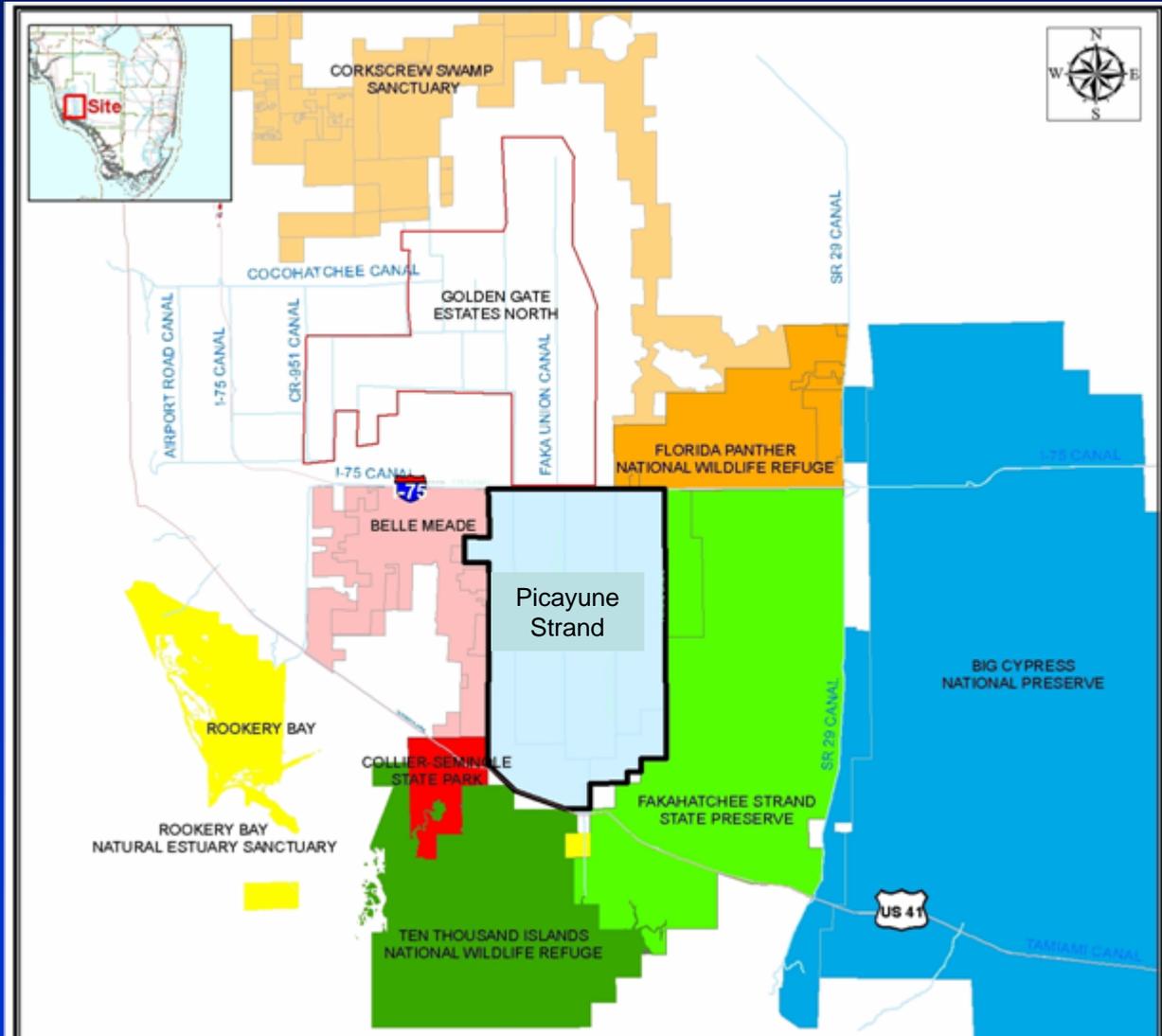
Chip Merriam
Deputy Executive Director
Water Resources



OVERVIEW

- **Adopt new rules and amend existing rules in Florida Administrative Code:**
 - **New Chapter 40E-10 that identify the water reserved from allocation for the Picayune Strand and Fakahatchee Estuary**
 - **Revisions to Chapters 40E-2 & 40E-20 to specify how consumptive use permit applicants will show that reserved water will not be withdrawn**
- **Water is reserved as identified in the Project Implementation Report for the Picayune Strand Restoration Project**

Project Location



Reservation Process to Date

- Rule development initiated: **February 2008**
- Scientific peer review: **June 24-26, 2008**
- Rule development workshops: **June 17, July 24, August 27, September 24 & 30, October 22 & 23, December 1**
- WRAC updates: **July 3 and September 16, 2008**
- Governing Board Workshops: **August 13 and October 8**
- Governing Board Authorizes notice of rulemaking: **December 2, 2008**

Summary of Comments Received on Draft Rule

- Florida Electric Power Coordinating Group, Inc. support limiting scope of rule to Picayune Strand/Fakahatchee Estuary
- Audubon and Everglades Foundation recommend
 - Eliminate 0.1 ft drawdown threshold
 - Expand to include all water to Fakahatchee Estuary
 - Implement monitoring and adaptive management plan to ensure rule effectiveness

Summary of Comments Received on Draft Rule, con't

- Florida Department of Agriculture and Consumer Services
 - Request development of implementation guidance utilizing Water Use Focus Group process

Summary of Comments

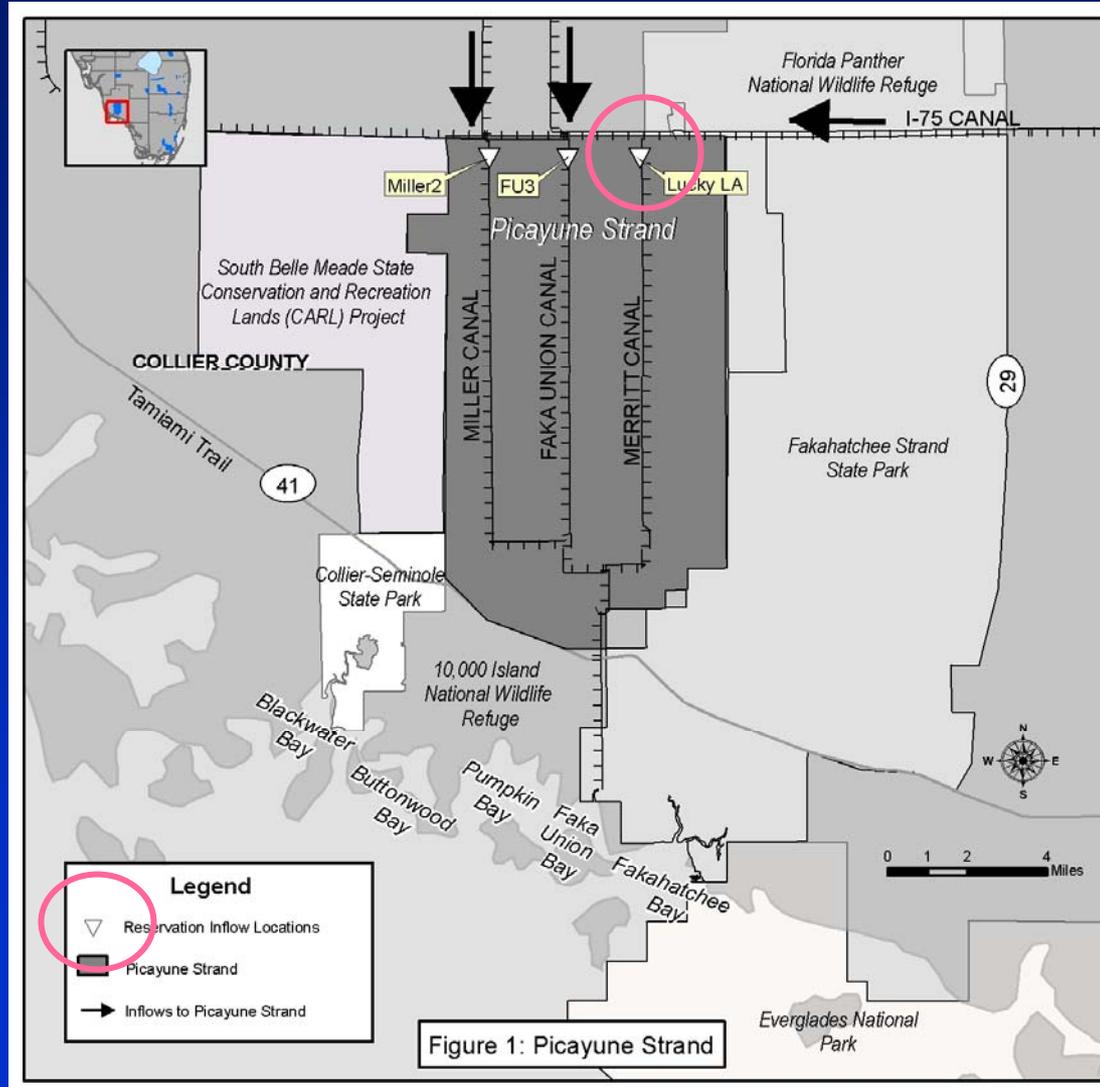
Received on Draft Rule, con't

- Collier County focused on Statement of Estimated Regulatory Costs (SERC)
- Proposed four lower cost regulatory alternatives
 - No action on rule until identify date to complete restoration project
 - Delay implementation of rule until complete restoration project
 - Include water use permit applications in definition of existing legal uses
 - Demonstrate compliance with empirical data
- Staff analyzed alternatives and recommend revising SERC to reject proposed alternatives

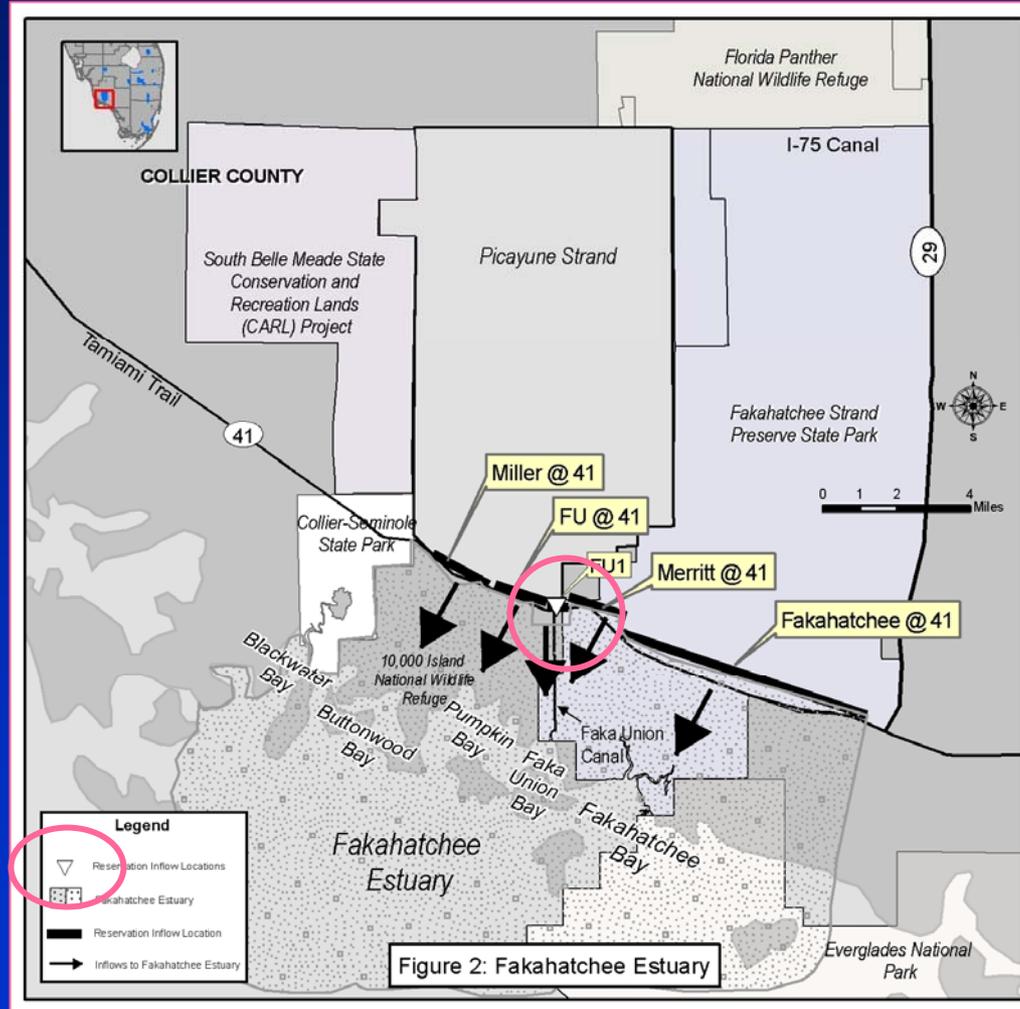
Proposed Rule Text Changes Based on Comments Received

- No changes recommended

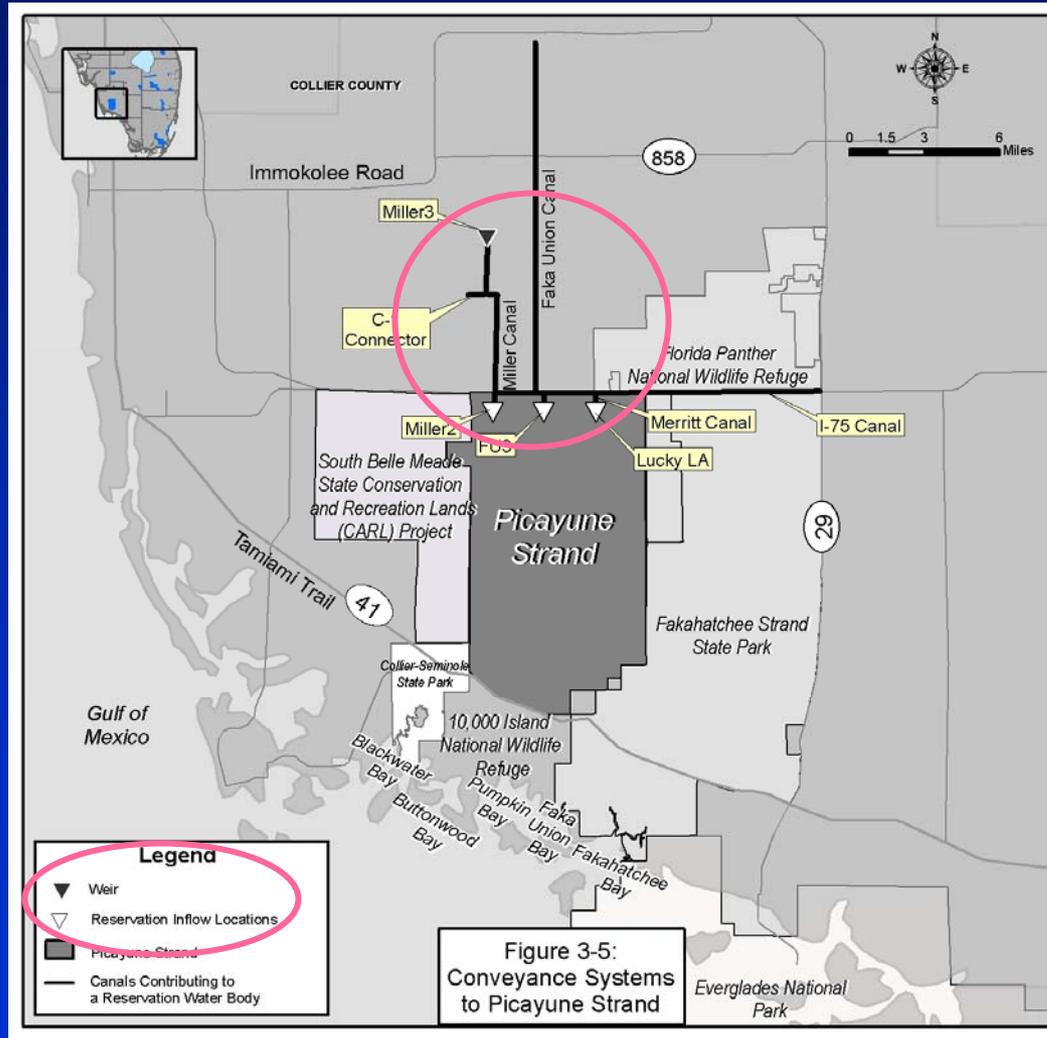
Correction to Figure 1



Correction to Figure 2



Correction to Figure 3-5



Next Steps

- **Publish Notice of Change in Florida Administrative Weekly to correct maps**
 - 21 days
- **Concurrently revise SERC, send to Collier County and make available to public**
- **File Final Rule with Department of State**
 - rule effective 20 days after filing

Recommended Action

Adopt new Rules 40E-10.011, 40E-10.021, 40E-10.031, and 40E-10.041, F.A.C., and to amend Rules 40E-2.011, 40E-2.091, 40E-2.301, 40E-2.331, 40E-20.091, 40E-20.301, 40E-20.302 and 40E-20.331, F.A.C., and Sections 1.7.5.2, 1.8, 2.5.2, 2.5.3 and 3.11.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", to identify the quantity, location and timing of waters reserved from allocation for the protection of fish and wildlife for the Picayune Strand and Fakahatchee Estuary associated with the Comprehensive Everglades Restoration Plan Picayune Strand Restoration Project, and to establish regulatory criteria to protect the reserved water from consumptive use.