Rules of the South Florida Water Management District

SURFACE WATER MANAGEMENT BASIN AND RELATED CRITERIA Chapter 40E-41, F.A.C.

Amended October 21, 2001

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CHAPTER 40E-41
SURFACE WATER MANAGEMENT BASIN AND RELATED CRITERIA

40E-41.011 Policy and Purpose.
The rules in this part establish supplemental Environmental Resource Permit criteria for specified basins which insure that development within named basins incorporates the appropriate environmental, water quantity and water quality control measures necessary to protect the integrity of the public investments in the basin and minimize adverse impacts to the water resources of the District. Criteria delineated in this chapter are in addition to criteria specified in Chapter 40E-4, 40E-40 or 40E-400 F.A.C. The criteria, exemptions and additional requirements specified in this part are not intended to supersede or rescind the terms and conditions of any valid Environmental Resource Conceptual Approval, Construction or Operation Permit or Surface Water Management Conceptual Approval, Construction or Operation Permit, or certification order issued pursuant to ss. 403.501-.518 and 403.52-.5365 F.S. prior to the effective date of this part. In addition, the rules establish additional criteria for the named basins which insure that the use of the District's works or land is consistent with the policies of the District.
Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New 9-3-81, Formerly 16K-34.01, Amended 4-11-85, 4-20-94, 10-21-01.

PART I WESTERN C-9 BASIN

40E-41.020 — Scope of Part I.
The rules in this part shall apply to projects within the Western C-9 Basin.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 4-11-85.

40E-41.023 — Western Canal 9 Basin Boundary.
The Western Canal 9 Basin is generally depicted in Figure 41-1, and specifically shall include the area within the following boundaries: In Dade and Broward Counties, Florida, as follows:
BEGINNING at the Southeast corner of Section 12, Township 52 South, Range 40 East; Thence, bear Westerly along the Section Lines to the intersection thereof with State Road No. 25; Thence, Northwesterly and Northerly along State Road No. 25 to the intersection thereof with State Road No. 820; Thence, Easterly along State Road No. 820 to the intersection thereof with the East line of Section 14, Township 51 South, Range 40 East; Thence, Southerly along Section Lines to the Northwest corner of Section 1, Township 52 South, Range 40 East; Thence, Easterly along the Section Line to the Northeast corner of said Section 1; Thence, Southerly along the Section Lines to the Southeast corner of said Section 12 to the POINT OF BEGINNING.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 9-3-81, Formerly 16K-34.02.

40E-41.033 — Implementation.
(1) The effective date of this part is October 2, 1977.
(2) The rules contained in this Chapter will be applied to all new projects which do not have complete applications, as evidenced by a letter of completeness under Rule 40E-1.603(9)(a), F.A.C. on the effective date of the rule. An application deemed complete prior to the effective date of a rule shall be governed by the rule in effect at the time the application became complete.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 9-3-81, Formerly 16K-34.03, Amended 4-20-94.

40E-41.043 — Application of Part I.
All projects located within the Western Canal 9 Basin requiring permits pursuant to Rule 40E-4.041 shall be constructed, altered, operated, maintained and

abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-41.063, F.A.C. unless specifically exempted in Rules 40E-4.051 or 40E-41.053, F.A.C. The most restrictive criteria will be applicable unless the applicant can demonstrate to the District's satisfaction through accepted methodology that the purpose and intent of this part will be fulfilled using alternate criteria.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416, 373.426 FS.
History — New 9-3-81, Formerly 16K-34.04, Amended 4-20-94.

40E-41.053 — Exemptions.
Projects which have received final approval of construction plans, or equivalent approval, from local government prior to the effective date of this part are hereby exempt from the fill encroachment criteria specified in Subsection 40E-41.063(4), F.A.C. All other criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-41.063, F.A.C. must be strictly met.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 9-3-81, Formerly 16K-34.05, Amended 4-20-94.

40E-41.063 — Conditions for Issuance of Permits in the Western Canal 9 Basin.
(1) For design purposes the 100-year, 25-year and 10-year flood frequency elevations are established as 7.3 feet, 6.8 feet and 6.5 feet mean sea level, respectively.
(2) For systems designed to be pumped from fully diked areas, discharge shall be limited to three-fourths of an inch per twenty-four hours, or the criteria in Rules 40E-4.301 and 40E-40.302, F.A.C. whichever is more restrictive. In addition, no pumping shall be permitted when Canal 9 stages at pump tailwater exceed the 25-year peak elevation of 6.8 feet mean sea level.
(3) All direct connections to Canal 9 shall be designed to prevent lowering of the groundwater table below elevation 2.5 feet mean sea level. All indirect connections to Canal 9 shall be designed to prevent lowering of the groundwater table by installing the discharge facilities at a discharge elevation no lower than six inches below average existing ground elevation for the project. Nothing in this subsection shall be construed to preclude the construction and operation of discharge facilities designed to temporarily lower the groundwater table below these elevations immediately prior to the arrival of a major storm event.
(4) Fill encroachment criteria
(a) The volume encroached by development between average existing ground surface and elevation 7.0 feet mean sea level shall not exceed 2.0 feet times the total area of the property.
(b) For diked areas with on-site retention of runoff, the area diked shall not exceed the encroachment volume specified in paragraph (a) divided by the difference between average existing ground elevation within the dike and elevation 5.75 feet mean sea level. This will require all such projects on land of average elevation less than 3.75 feet mean sea level to preserve some area

outside of the dikes with no fill. The preserved area shall be located so as to preserve natural basin flow patterns for lands outside the dikes.
(c) Typical development schemes using these criteria are depicted in Figure 41-2.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 9-3-81, Formerly 16K-34.06, Amended 4-20-94.

40E-41.091 — Publications, Rules and Interagency Agreements Incorporated by Reference.
All publications, rules and interagency agreements incorporated by reference are set forth in Rule 40E-4.091, F.A.C.
Specific Authority 120.54(8), 373.044, 373.046, 373.113, 373.171, 373.414, 403.812 FS.
Law Implemented 120.54(8), 373.046, 373.403, 373.413, 373.414, 373.416, 373.429 FS.
History — New 11-15-92, Amended 1-23-94, 4-20-94, 10-3-95.

PART II KISSIMMEE RIVER BASIN

\40E-41.120 — Scope of Part II.
The rules in this part shall apply to projects within the Kissimmee River Basin.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 5-1-85.

40E-41.121 — Definitions.
When used in this Part:
(1) "Pre-project" means the hydrologic conditions which existed prior to the construction of the canal known as C-38.
(2) "Floodplain" means that area depicted on Figure 41-3, Plates 1 through 5. The large scale originals of these plates are located at the main office of the District.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 5-1-85.

40E-41.123 — Kissimmee River Basin Boundary.
The Kissimmee River Basin boundary is generally described in Figure 41-4 and shall specifically include the area within the following boundaries:
Begin at the intersection of the Southerly right of way line of U.S. 98 (S. R. 700) and the West line of Section 16, Township 35 South, Range 31 East; Thence, Northerly along said West line of Section 16 and Section 9, Township 35 South, Range 31 East, to the Southwest corner of Section 4, Township 35 South, Range 31 East; Thence, Easterly along the South line of said Section 4 to the Southeast corner of said Section 4; Thence, Northerly along the East line of said Section 4

to the Southeast corner of Section 33, Township 34 South, Range 31 East; Thence, Westerly along the South line of said Section 33 to the Southwest corner of said Section 33; Thence, Northerly along the section lines to the Southeast corner of Section 20, Township 34 South, Range 31 East; Thence, Westerly along the section lines to the Southwest corner of Section 19, Township 34 South, Range 31 East and the range line between Ranges 30 and 31 East; Thence, Northerly along said range line to the Southeast corner of Section 36, Township 32 South, Range 30 East on the Polk-Highlands County line; Thence, Westerly along said Polk-Highlands County line, also being the section line to the Southwest corner of said Section 36; Thence, Northerly along the section lines to the Southeast corner of Section 11, Township 32 South, Range 30 East; Thence, Westerly along the South line of said Section 11 to the Southwest corner of said Section 11; Thence, Northerly along the section lines to the Southeast corner of Section 34, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 34 to the Southwest corner of said Section 34; Thence, Northerly along the section lines to the Southeast corner of Section 16, Township 31 South, Range 30 East; Thence, Westerly along the South line of said Section 16 to the Southwest corner of the East one-half (E 1/2) of said Section 16; Thence, Northerly along the one-half section lines to the Northwest corner of the West one-half (W 1/2) of Section 4, Township 31 South, Range 30 East, on the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast corner of the West one-half (W 1/2) of Section 5, Township 31 South, Range 31 East; Thence, Southerly along the one-half section line of said Section 5 to the Southeast corner of said West one-half (W 1/2) of Section 5; Thence, Easterly along the section lines to the Southwest corner of Section 4, Township 31 South, Range 32 East; Thence, Northerly along the West line of said Section 4 to the Northwest corner of said Section 4 and the township line between Townships 30 and 31 South; Thence, Easterly along said township line to the Northeast corner of Section 6, Township 31 South, Range 33 East; Thence, Southerly along the East line of said Section 6 to the Northwest corner of Section 8, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 8, to the Northeast corner of said Section 8; Thence, Southerly along the section lines to the Northwest corner of Section 28, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 28, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 28 to the Northeast corner of the West one-half (W 1/2) of said Section 28; Thence, Southerly along the one-half section line to the Northwest corner of the East one-half (E 1/2) of Section 33, Township 31 South, Range 33 East; Thence, Easterly along the North line of said Section 33 to the Northeast corner of said Section 33 and the Easterly boundary line of the South Florida Water Management District; Thence, Southerly along the section lines and the said Easterly boundary line of the South Florida Water Management District to the Osceola-Okeechobee County Line and the Southeast corner of Section 33, Township 32 South, Range 33 East; Thence, Easterly continuing along said Easterly boundary line and said County Line to the Northwest corner of Section 3, Township 33 South, Range 34 East; Thence, Southerly along the

West line of said Section 3, to the Southwest corner of said Section 3; Thence, Easterly along the South line of said Section 3 to the Southeast corner of said Section 3 and the East boundary of the South Florida Water Management District; Thence, Southerly, continuing along said Easterly boundary line and along the section lines to the Southeast corner of Section 34, Township 34 South, Range 34 East; Thence, Easterly, continuing along said Easterly boundary line and the township line between Townships 34 and 35 South, to the Northeast
corner of Section 1, Township 34 South, Range 34 East; Thence, Southerly along the East line of said Section 1 to the Southeast corner of the North one-half (N 1/2) of said Section 1; Thence, Westerly along the one-half section line to the Southwest corner of the North one-half (N 1/2) of said Section 1; Thence, Southerly along the West line of said Section 1 to the Northeast corner of Section 11, Township 35 South, Range 34 East; Thence, Westerly along the North line of said Section 11, to the Northeast corner of Section 10, Township 35 South, Range 34 East; Thence, Southerly along the East line of said Section 10 to the Southeast corner of the North one-half (N 1/2) of said Section 10; Thence, Westerly along the one-half section line to the Southwest corner of said North one-half (N 1/2) of Section 10; Thence, Southerly along the West line of said Section 10 to the Northeast corner of Section 16, Township 35 South, Range 33 East; Thence, Westerly along the North line of said Section 16 to the Northwest corner of the East one-half (E 1/2) of said Section 16; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half (E 1/2) of Section 28, Township 35 South, Range 34 East; Thence, Easterly along the section lines to the Northeast corner of the West one-half (W 1/2)
of Section 34, Township 35 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southeast corner of the West one-half (W 1/2) of Section 3, Township 36 South, Range 34 East; Thence, Westerly along the section lines to the Northeast corner of the West one-half (W 1/2) of Section 9, Township 36 South, Range 34 East; Thence, Southerly along the one-half section lines to the Southwest corner of the East one-half (E 1/2) of Section 16, Township 36 South, Range 34 East; Thence, Easterly along the section line to the Northeast corner of Section 21, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northwest corner of Section 34, Township 36 South, Range 34 East; Thence, Easterly along the North line of said Section 34, to the Northeast corner of said Section 34; Thence, Southerly along the East line of said Section 34 to the Northeast corner of Section 3, Township 37 South, Range 34 East; Thence, Westerly to the Northwest corner of the East one-half (E 1/2) of said Section 3; Thence, Southerly along the one-half section line to the intersection thereof with the Southerly right of way line of the Seaboard Coast Line Rail Road (The Family Line); Thence, Northwesterly along said Southerly right of way line to the intersection thereof with the West line of Section 33, Township 36 South, Range 34 East; Thence, Southerly along the section lines to the Northeast corner of Section 20, Township 37 South, Range 34 East; Thence, Westerly along the North line of said Section 20 to the Northwest corner of said Section 20; Thence, Southerly along the section lines to the intersection

thereof with the Southerly right of way line of South Florida Water Management District's Levee 48 Tieback; Thence, Westerly along said Southerly right of way line and the Southerly right of way line of South Florida Water Management District's Canal 41A to the intersection thereof with the West line of Section 35, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of State Road 70; Thence, Westerly along said Southerly right of way line of State Road 70 to the intersection thereof with the West line of Section 29, Township 37 South, Range 33 East; Thence, Northerly along the section lines to the Southeast corner of Section 7, Township 37 South, Range 33 East; Thence, Westerly along the South line of said Section 7 to the Southwest corner of the East one-half (E 1/2) of said Section 7; Thence, Northerly along the one-half section line of said Section 7 to the Northwest corner of said East one-half (E 1/2) of Section 7; Thence, Westerly along the section lines to the Southwest corner of the East one-half (E 1/2) of Section 1, Township 37 South, Range 32 East; Thence, Northerly along the one-half section line of said Section 1 to the Northwest corner of the East one-half (E 1/2) of said Section 1; Thence, Westerly along the North line of said Section 1 to the Northwest corner of said Section 1; Thence, Northerly along the section lines to the Southeast corner of Section 14, Township 36 South, Range 32 East; Thence, Westerly along the section lines to the Southwest corner of the East one-half (E 1/2) of Section 17, Township 36 South, Range 32 East; Thence, Northerly along the one-half section lines to the Southeast corner of the Northwest one-quarter (NW 1/4) of Section 8, Township 36 South, Range 32 East; Thence, Westerly along the South line of said Northwest one-quarter (NW 1/4) of Section 8 and the South line of the North one-half (N 1/2) of Section 7, Township 36 South, Range 32 East to the Southwest corner of said North one-half (N 1/2) of Section 7 and the range line between Ranges 31 and 32 East; Thence, Northerly along said range line to the Northeast corner of Section 1, Township 36 South, Range 31 East and the Township line between Township lines 35 and 36 South; Thence, Westerly along said township line to the Southwest corner of Section 36, Township 35 South, Range 31 East; Thence, Northerly along the West line of said Section 36 to the Southeast corner of Section 26, Township 35 South, Range 31 East; Thence, Westerly to the Southwest corner of said Section 26; Thence, Northerly along the section lines to the intersection thereof with the Southerly right of way line of U.S. 98 (S.R. 700); Thence, Westerly along said Southerly right of way line to the West line of Section 16, Township 35 South, Range 31 East and the POINT OF BEGINNING.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 5-1-85.

40E-41.133 — Implementation.
The effective date of this part is May 1, 1985.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 5-1-85.

40E-41.143 — Application of Part II.
(1) All projects located within the Kissimmee River Basin requiring permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-40.302 and 40E-41.163, F.A.C. unless specifically exempted by section 373.406, Florida Statutes.
(2) The criteria set forth in Rule 40E-41.163 shall be considered more restrictive than that set forth in Rule 40E-4.301 and 40E-40.302, F.A.C. The most restrictive criteria will be applicable unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this part will be fulfilled by the use of alternate criteria.
(3) All projects located within the Kissimmee River Basin requiring permits pursuant to Rules 40E-6.041 and 40E-6.331 shall comply with the criteria set forth in Rules 40E-6.301 and 40E-41.165.
(4) The criteria set forth in Rule 40E-41.165 shall be considered more restrictive than that set forth in Rule 40E-6.301. The most restrictive criteria will be applicable.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.413, 373.416 FS.
History — New 5-1-85, Amended 4-20-94.

40E-41.160 — Content of Application.
All projects located within the Kissimmee River Basin requiring permits pursuant to Rule 40E-4.041, F.A.C. shall submit the information specified by Rule 40E-4.101 or 40E-40.112, F.A.C. as appropriate, and the following information:
(1) For projects wholly or partially within the floodplain the status of the project as a development of regional impact must be indicated by a final approved development order or a binding letter issued by the Department of Community Affairs.
(2) For projects requiring a permit under Chapter 40E-6, F.A.C., the applicant shall submit all information required under Rule 40E-6.101, F.A.C.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 5-1-85, Amended 4-20-94.

40E-41.163 — Conditions for Issuance of Surface Water Management Permits in the Kissimmee River Basin.
(1) Allowable discharge for projects within the Kissimmee River Basin shall be based upon the post-development discharge rate not exceeding the pre-project development discharge rate during a design storm of a 10 year, 3 day duration.
(2) No net encroachment into the floodplain will be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation.

(3) Projects within the St. Johns River Water Management District which require a permit from the South Florida Water Management District to drain into the Kissimmee River Basin shall comply with the criteria set forth in this part.
(4) Other than an approved drainage connection to the Kissimmee River, the district works or land may not be utilized as part of the applicant's project.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-1-85.

40E-41.165 — Conditions for Issuance of Right of Way Permits in the Kissimmee River Basin.
(1) Use of the district's works or lands which may interfere with the proposed Kissimmee River restoration shall not be allowed.
(2) Any drainage connection to the Kissimmee River must be part of a surface water management system approved under Rule 40E-41.163.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.413 FS.
History — New 5-1-85.

PART III C-51 BASIN

40E-41.220 — Scope and Policy of Part III.
The rules in this part shall apply to new construction in the C-51 Basin.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-13-87.

40E-41.221 — Definitions.
When used in this Part:
(1) "Basin" means the C-51 Basin as legally described in Florida Administrative Code Rule 40E-41.223, (Basin Boundary) and as depicted on Figure 41-5.
(2) "Western C-51 Basin" means that portion of the C-51 Basin west of State Road Seven as depicted on Figure 41-6 and described in Florida Administrative Code Rule 40E-41.223(1), (Western Basin Boundary).
(3) "Eastern C-51 Basin" means that portion of the C-51 Basin east and west of State Road Seven as depicted on Figure 41-7 and described in Florida Administrative Code Rule 40E-41.223(2), (Eastern Basin Boundary).
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-15-87.

40E-41.223 — C-51 Basin Boundary.
The C-51 Basin is generally depicted in Figures 41-5, 41-6 and 41-7 and specifically includes land described below.
(1) Western C-51 Basin Boundary. Begin at the intersection of S. R. 80 (Southern Blvd.) and S. R. 7 (U. S. Highway No. 441) in Section 36, Township 43 South,

Range 41 East; thence, westerly along S. R. 80 1000 feet; thence, southerly along a line 1000 feet west of and parallel with S. R. 7 to the north line of Section 1, Township 44 South, Range 41 East; thence, westerly along the north line of Section 1, Township 44 South, Range 41 East to the east line of Section 2, Township 44 South, Range 41 East; thence, southerly along the east line of Sections 2, 11 and 14, Township 44 South, Range 41 East to the southeast (SE) corner of said Section 14; thence, westerly along the south line of Sections 14, 15, 16, 17 and 18, Township 44 South, Range 41 East to the range line between Ranges 40 and 41 East; thence, southerly along said range line to the intersection thereof with South Florida Water Management District's Levee 40; thence, northwesterly and northerly along said Levee 40 and along Levee 8 to the south line of Section 21, Township 43 South, Range 40 East; thence, easterly along the south line of Sections 21 and 22, Township 43 South, Range 40 East to the southeast (SE) corner of said Section 22; thence, northerly along the east line of said Section 22 to the northeast (NE) corner of said Section 22; thence, westerly along the south line of Section 15, Township 43 South, Range 40 East to the southwest (SW) corner of said Section 15; thence, northerly along the west line of Sections 15 and 10, Township 43 South, Range 40 East to the intersection thereof with the "M" Canal of the City of West Palm Beach; thence, northerly, northeasterly and easterly along said "M" Canal to the range line between Ranges 41 and 42 East; thence, southerly along said range line to the southwest (SW) corner of Section 19, Township 43 South, Range 42 East; thence, southerly along S.R. 7 to the Point of Beginning.

(2) Eastern C-51 Basin Boundary.

(a) Begin at the intersection of the Florida East Coast Railway and SR 802 (Lake Worth Road) in Section 21, Township 44 South, Range 43 East; thence, Westerly along SR 802 to SR 7 (U. S. Highway No. 441); thence, North along the East line of Section 25, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 25; thence, Westerly along the North line of said Section 25 to the Southwest (SW) corner of Section 24, Township 44 South, Range 41 East; thence, North along the west line of Sections 24, 13, 12, and 1, Township 44 South, Range 41 East to the Northwest (NW) corner of said Section 1; thence, Easterly along the North line of said Section 1 to a line that is 1,000 feet west of and parallel with the East line of Section 36, Township 43 South, Range 41 East; thence, North along said line to the intersection thereof with Canal 51; thence, Easterly along Canal 51 to SR 7; thence, North along SR 7 to the Southwest (SW) corner of Section 19, Township 43 South, Range 42 East; thence, North along the West line of said Section 19 to the Northwest (NW) corner of said Section 19; thence, Easterly along the North line of said Section 19 and the North line of Section 20, Township 43 South, Range 42 East to the Southwest (SW) corner of Section 16, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 16 to the Northwest (NW) corner of said Section 16; thence, Easterly along the North line of said Section 16 to the Southwest (SW) corner of Section 10, Township 43 South, Range 42 East; thence, Northerly along the West line of said Section 10 to the Northwest (NW) corner of said Section 10; thence, Easterly along the North line of said Section 10

to Florida's Turnpike; thence, Southerly along Florida's Turnpike to the North line of Section 23, Township 43 South, Range 42 East; thence, Easterly along the North line of said Section 23 to the Northeast (NE) corner of said Section 23; thence, Southerly along the East line of said Section 23 to SR 704 (Okeechobee Road); thence, Easterly along SR 704 to Palm Beach Lakes Boulevard; thence, Northeasterly along Palm Beach Lakes Boulevard to Interstate 95; thence, Southeasterly along I-95 to Congress Avenue; thence, Northeasterly along Congress Avenue to the North line of Section 20, Township 43 South, Range 43 East; thence, Easterly along the North line of said Section 20 to the Westerly bank of the canal connecting Clear Lake and Lake Mangonia; thence, Northerly, Easterly, Southerly, and Westerly along the shore of Lake Mangonia to the Easterly bank of said canal to the Northerly shore of Clear Lake; thence, Easterly and Southerly along the shore of Clear Lake to the Westerly extension of First Street; thence, Easterly along said extension and along First Street to the Florida East Coast Railway; thence, Southerly along the Florida East Coast Railway to the Point of Beginning.
(b) And Begin at the Northeast (NE) corner of Section 36, Township 44 South, Range 41 East on SR 7; thence Southerly along SR 7 to the Southeast (SE) corner of Section 24, Township 45 South, Range 41 East; thence, Westerly along the South line of said Section 24, and the east one-half of Section 23, Township 45 South, Range 41 East to the intersection thereof with South Florida Water Management District's Levee 40; thence, Northwesterly along said Levee 40 to the Southwest (SW) corner of Section 33, Township 44 South, Range 41 East; thence, Easterly along the South line of said Section 33 and the South line of Section 34; Township 44 South, Range 41 East to the Southwest (SW) corner of Section 35, Township 44 South, Range 41 East; thence, North along the West line of said Section 35 to the Northwest (NW) corner of said Section 35; thence, Easterly along the North line of said Section 35 and the North line of Section 36, Township 44 South, Range 41 East to the Northeast (NE) corner of said Section 36 and the POINT OF BEGINNING.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-15-87.

40E-41.233 — Implementation.
The effective date of this part is May 15, 1987.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-15-87.

40E-41.243 — Application of Part III.
(1) All projects located within the C-51 Basin which propose to discharge directly or indirectly into C-51 Canal or which are connected directly or indirectly in the C-51 Basin and which require permits pursuant to Rule 40E-4.041, F.A.C. or this Part shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, or 40E-40.302, F.A.C.

(Surface Water Management, Conditions for Issuance of a Permit) and 40E-41.263, F.A.C., (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin) unless specifically exempted by Rule 40E-4.051, F.A.C. (Surface Water Management, Exemptions).
(2) The criteria in Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.
(3) All projects located within the C-51 Basin requiring permits pursuant to Florida Administrative Code Rules 40E-6.041, (Works of the District, Consent Required), and 40E-6.331 (Works of the District, Modification of Permits), shall comply with the criteria set forth in Florida Administrative Code Rules 40E-6.301, (Works of the District, Conditions for Issuance of Permits), and 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin).
(4) The criteria in Florida Administrative Code Rule 40E-41.265, (Conditions for Issuance of Right-of-Way Permits in the C-51 Basin), shall apply unless the applicant can demonstrate through accepted scientific and technical methodology that the purpose and intent of this rule chapter is fulfilled by the use of alternate criteria.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.086, 373.413, 373.416 FS.
History — New 5-15-87, Amended 4-20-94.

40E-41.260 — Content of Application.
(1) All projects located within the C-51 Basin which require a permit from the District shall submit detailed plans showing the existing topography and proposed finished grading and detailed design calculations which demonstrate the proposed project's effect on net storage from the Basin for events up to and including the 100 year frequency event.
(2) In addition all projects in the C-51 Basin which require permits pursuant to Rule 40E-4.041, F.A.C., (Surface Water Management, Permits Required), shall submit the information specified by Rules 40E-4.101 or 40E-40.112, F.A.C., (Surface Water Management, Content of Application), and all projects located in the C-51 Basin which require a permit pursuant to Rule 40E-6.041, F.A.C., (Works of the District, Consent Required), shall submit the information required under Rule 40E-6.101, F.A.C., (Works of the District, Content of Application).
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-15-87, Amended 4-20-94.

40E-41.263 — Conditions for Issuance of Surface Water Management Permits in the C-51 Basin.
The following criteria shall apply:
(1)(a) The allowable discharge shall be based upon the post development discharge rate not exceeding the pre-development discharge rate during a

design storm of a 10-year 3-day duration as depicted on Figure 41-8. Pre-development discharge rate shall be calculated by the formula:
Q = C sub e X A/640
Where
Q = allowable flow in cubic feet per second (cfs);
A = Project size in acres;
C sub e = discharge coefficient under existing/present conditions
(b) This criteria is not intended to limit inflows to the C-51 canal to the rates specified in subsection (a) above during non-flood conditions. Discharge capacity up to 27 cfs during non-flood conditions shall be considered on a case-by-case basis pursuant to the criteria in Rule 40E-4.091(1)(a), Florida Administrative Code, (Basis of Review) and Rule 40E-4.301, Florida Administrative Code, (Conditions for Issuance).
(2) Finished building floor elevations shall be above the most restrictive of the following:
(a) the 1 in 100 year storm elevations as determined by peak flood stage of the C-51 Basin as depicted on the attached Figure 41-9,
(b) the Federal Flood Insurance Rate Map, or
(c) the on-site stage created by a 100-year 3-day storm event assuming no off-site discharge.
(3) No net encroachment into the floodplain shall be allowed. Any water storage volume removed from the floodplain must be accommodated by an equal volume of open storage compensation. Water storage volume shall be computed by utilizing Figure 41-9. For the purposes of this part, the minimum volume of water which must be accommodated on site shall be that quantity equal to the volume stored below the level shown on Figure 41-9 and above the existing grades. Compensation for any reduction in soil storage also shall be accommodated on site.
(4) All criteria in the Basis of Review which is incorporated and adopted by Florida Administrative Code Rule 40E-4.091, (Surface
Water Management, Publications Incorporated by Reference).
(5) Projects located within the Western C-51 Basin described in Florida Administrative Code Rule 40E-41.223, (Western C-51 Basin Boundary), shall provide one half inch of dry retention/detention pretreatment as part of the required retention/detention.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History — New 5-15-87.

40E-41.265 — Conditions for Issuance of Right-of-Way Permits in the C-51 Basin.
Any drainage connection to C-51 within the C-51 Basin must be part of a surface water management system approved under Florida Administrative Code Rule 40E-41.263, (Conditions for Issuance of Surface Water Management Permits in the C-51 Basin).
Specific Authority 373.044, 373.113 FS.

Law Implemented 373.085, 373.086 FS.
History — New 5-15-87.

PART IV WATER PRESERVE AREA BASINS IN PALM BEACH & BROWARD COUNTIES

40E-41.320 — Scope, Policy, and Implementation of Part IV.
The purpose of these rules is to protect areas that are necessary for water supply, water storage, water quality improvement, and ecological restoration. Further, it is an objective of the District to reduce the loss of groundwater through seepage or discharge to coastal receiving waters. The protection of lands within and adjacent to the Water Preserve Areas is crucial to the success of Everglades restoration, flood protection and water supply enhancement efforts. Because of their hydrological and biological relationships to the Everglades, the region' s water supply and other unique natural areas and resources, the lands within and adjacent to the Water Preserve Area require supplemental Environmental Resource Permit criteria. The purpose of such criteria is to protect the current and future functions of aquifer recharge, water storage, flood attenuation, water quality enhancement and wildlife habitat provided by lands within and adjacent to the Water Preserve Area. The purpose of this rule is also to limit seepage from the water conservation areas across the protective levees and ultimately to tide.
Specific Authority 373.044, 373.113, 373.114 FS.
Law Implemented 373.413, 373.416, 373.4592 FS.
History —New 10-21-01.

40E-41.321— Definitions.
(1) " Water Preserve Area " or " WPA" means: those component areas identified in Figures 1, 2, 3, 4, 5 and 6.
(2) " Water Preserve Area Basin" or " WPAB" means: the WPA and all or a portion of those drainage basins located adjacent to, or planned to discharge into, the WPA as identified in Figures 1, 2, 3, 4, 5 and 6.
(3) " Protective Levees" means: for the purposes of this rule, those portions of levees L-33, L-35, L-35A, L-36, L-37, L-38 and L-40 adjacent to Water Conservation Areas 1, 2A, 2B, 3A and 3B as identified in Figure 3.
(4) " Overburden" means: for the purposes of this rule, the layer of existing natural soil material as shown in Figures 1, 2, 4, 5 and 6.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.085, 373.413, 373.416 FS.
History —New 10-21-01.

40E-41.323 — Water Preserve Area & Water Preserve Area Basin Boundaries.
(1) The WPA boundaries are shown in Figures 1, 2, 3, 4, 5 and 6.
(2) The WPAB includes all or a portion of the following drainage basins as shown in Figures 1, 2, 3, 4, 5, and 6.
(a) Palm Beach County: Acme Basin B
C-51 East (west of SR 7)
C-16 (west of the Florida Turnpike)
C-15 (west of the Florida Turnpike)
Hillsboro Canal (west of the Florida Turnpike)

(b) Broward County: C-11 West
C-9 West
Hillsboro Canal (west of the Florida Turnpike)

Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 10-21-01.

40E-41.333 — Implementation.
(1) The effective date of this part is 10/21/01.
(2) The rules contained in this part will be applied to all projects which do not have complete applications, as evidenced by a letter of completeness under Rule 40E-1.603(1)(a) F.A.C., on the effective date of the rule. An application deemed complete prior to the effective date of a rule shall be governed by the rule in effect at the time the application became complete.
(3) Permit applications submitted pursuant to a valid conceptual approval shall be evaluated in accordance with Rule 40E-4.305 F.A.C. (Conceptual Approvals).
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 10-21-01.

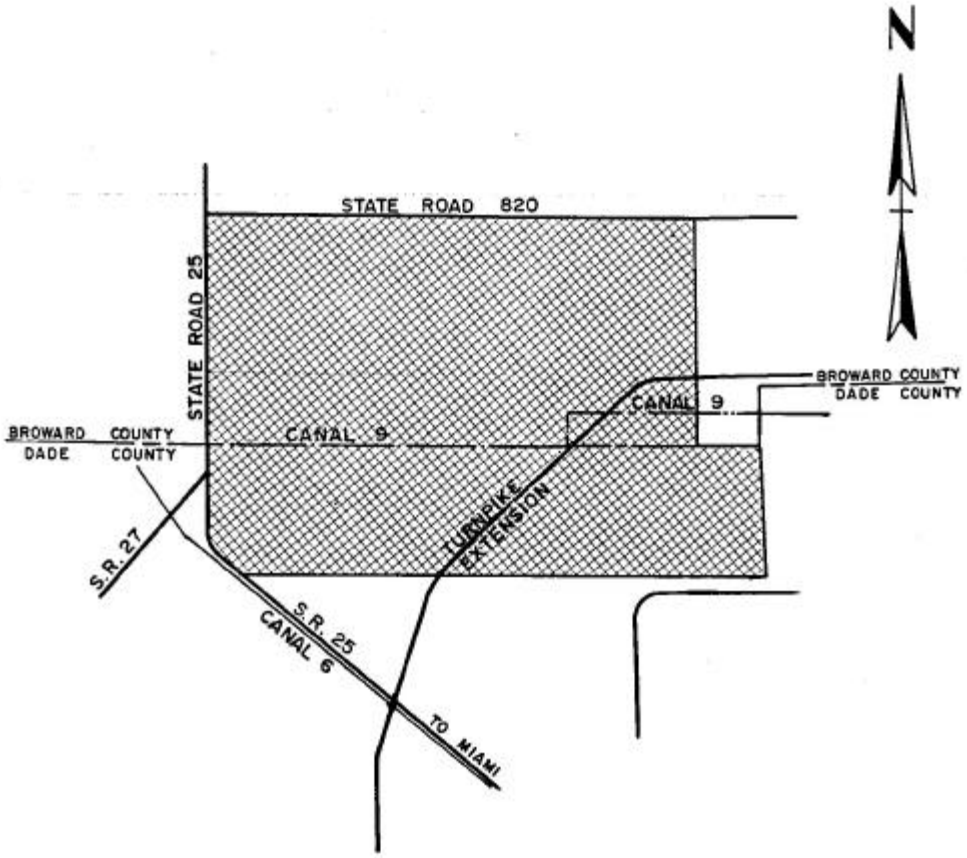
40E-41.343 — Application of Part IV.
All projects located within the WPA, WPAB, or adjacent to the Protective Levees which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301 and 40E-4.302, or Rule 40E-40.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and 40E-41.363 (Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees).
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 10-21-01.

40E-41.360 — Permit Thresholds.
All systems proposed within the boundaries of the WPA shall require an individual permit.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 10-21-01.

40E-41.363 — Conditions for Issuance of Environmental Resource Permits and Surface Water Management Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees.
(1) In order to obtain a permit under this part, an applicant must provide reasonable assurance that the proposed activities will meet the requirements of this section; not be

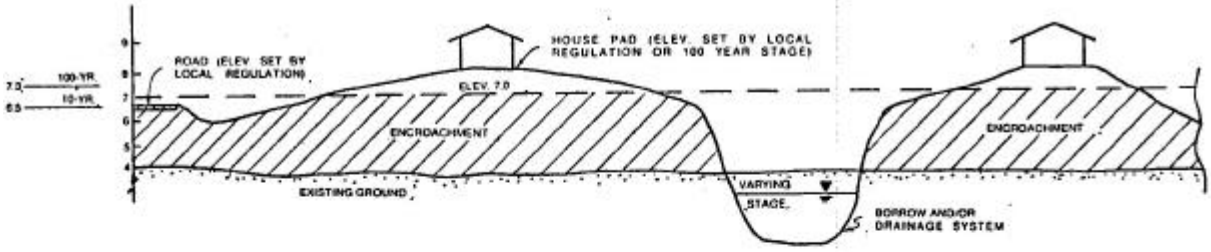
harmful to the water resources; and be consistent with the purposes and objectives set forth in Rule 40E-41.320, F.A.C.
(2) Projects located within one mile of existing or proposed WPA components, or the Protective Levees, shall leave sufficient overburden in place to prevent seepage increases eastward into surface water bodies, such as surface water management lakes, canals, ditches or ponds, in accordance with the following design criteria:
(a) Proposed excavations located within one-quarter mile of the existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least three-quarters of the existing overburden.
(b) Proposed excavations located from one-quarter mile to one-half mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least half of the existing overburden.
(c) Proposed excavations located from one-half mile to one-mile from existing or proposed WPA components or the Protective Levees shall maintain an overburden thickness of at least one-quarter of the existing overburden.
(d) Figures 1, 2, 4, 5 and 6 show the thickness of existing overburden within the WPA, WPAB and adjacent to the Protective Levees.
(3) Notwithstanding (2)(a)-(d) above, applicants can:
(a) Provide site-specific technical information documenting the presence of sufficient overburden above the production zone of thesurficial aquifer system to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas; or,
(b) Propose an alternative engineering design, such as installation of a synthetic liner, muck back-filled trench or other seepage barrier, with site-specific technical information to demonstrate that a proposed excavation will not cause adverse seepage or hydrologic impacts to the WPA or Water Conservation Areas.
(4) Proposed projects within the WPA, WPAB or adjacent to the Protective Levees shall not lower existing water table elevations.
(5) In addition to the water quality treatment volumes required in section 5.2.1.of the Basis of Review, projects within the WPA or WPAB shall provide an additional fifty (50) percent retention / detention water quality treatment.
(6) No dredging or filling of wetlands shall be permitted in the WPA, except where necessary to provide access to upland sites; allow an economically viable use of private property; facilitate relocation or installation of essential public services such as electricity, transportation, telecommunications and water supply in locations compatible with the WPA objectives when it has been demonstrated that such services cannot be located outside the WPA; or to facilitate the objectives of the WPA or Comprehensive Everglades Restoration Plan.
(7) Reduced mitigation ratios set forth in sections 4.3.2.4 and 4.3.9 (Melaleuca Rule) of the Basis of Review shall not apply in the WPA.
(8) In order to qualify for the reduced mitigation ratios set forth in section 4.3.2.4 and 4.3.9 (Melaleuca Rule) of the Basis of Review, projects located within the WPAB shall:
(a) provide a management plan for the control of exotic and nuisance species;
(b) maximize the spatial extent and connectivity of wetlands, wetland mitigation areas and open space; and

(c) incorporate a minimum of 50% native trees, shrubs and ground cover in the project landscape plan.
(9) The exotic and nuisance species management plan referenced in (8)(a) shall include as a minimum the following. All invasive exotic plants defined by the Florida Exotic Pest Plant Council (EPPC) as Category I plants will be removed or killed in-place during initial wetland construction, restoration and enhancement phase of the mitigation project or onsite natural area clearing. Subsequent regrowth of the invasive exotic and undesirable vegetation will be maintained at or below five (5) percent of coverage of the wetland mitigation area. During the construction restoration and enhancement phases of the mitigation project and as part of the perpetual maintenance of the mitigation areas, every effort will be taken to attain zero percent coverage of exotic/nuisance plant species immediately following maintenance activities.
(10) Mitigation for proposed impacts incurred in the WPA or WPAB must be provided within the WPAB, or at a mitigation bank or Regional Offsite Mitigation Area with an approved mitigation service area that includes the impact site, provided all other applicable criteria are met.
Specific Authority 373.044, 373.113 FS.
Law Implemented 373.413, 373.416 FS.
History — New 10-21-01.

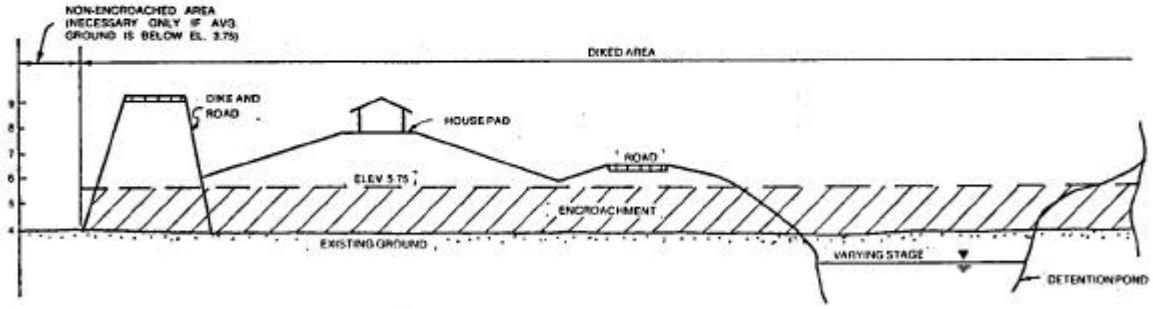


WESTERN CANAL 9 BASIN BOUNDARY

Figure (41 - 1)



GRAVITY DRAINAGE SYSTEM



PUMPED RETENTION SYSTEM

Figure 41-2 TYPICAL DEVELOPMENT SCHEMES

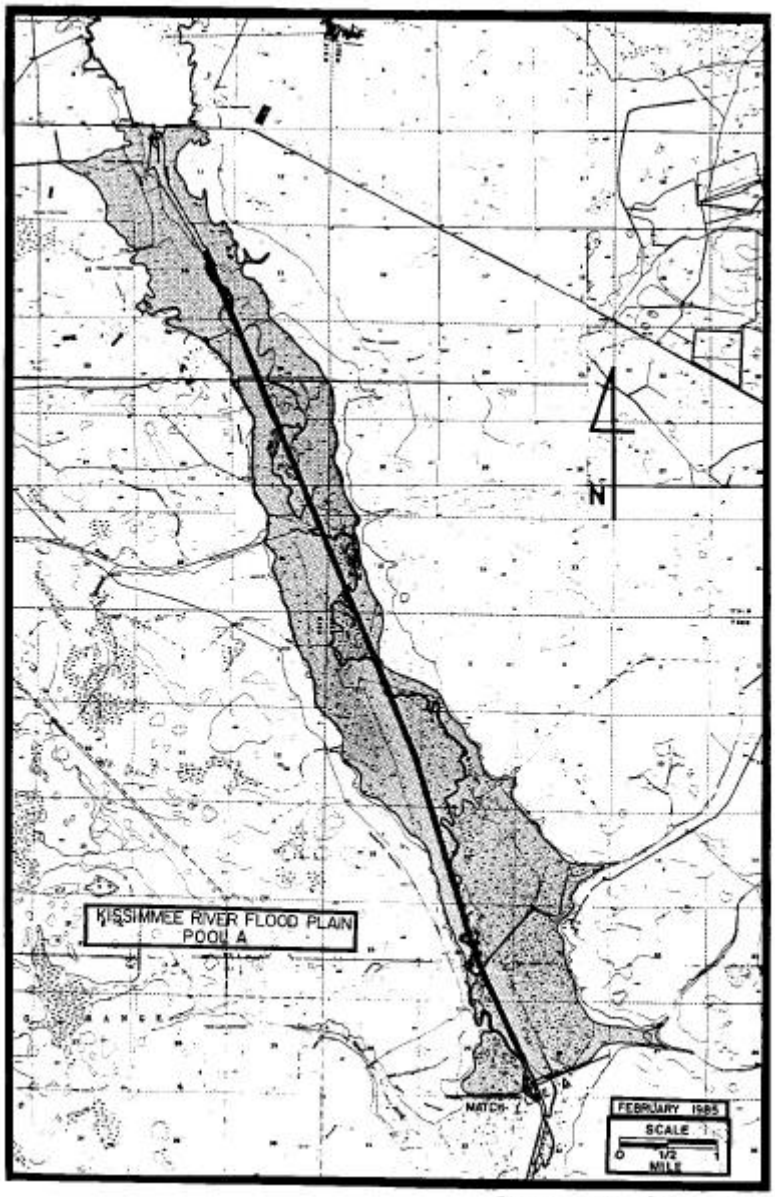


Figure 41-3, Plate 1 of 5

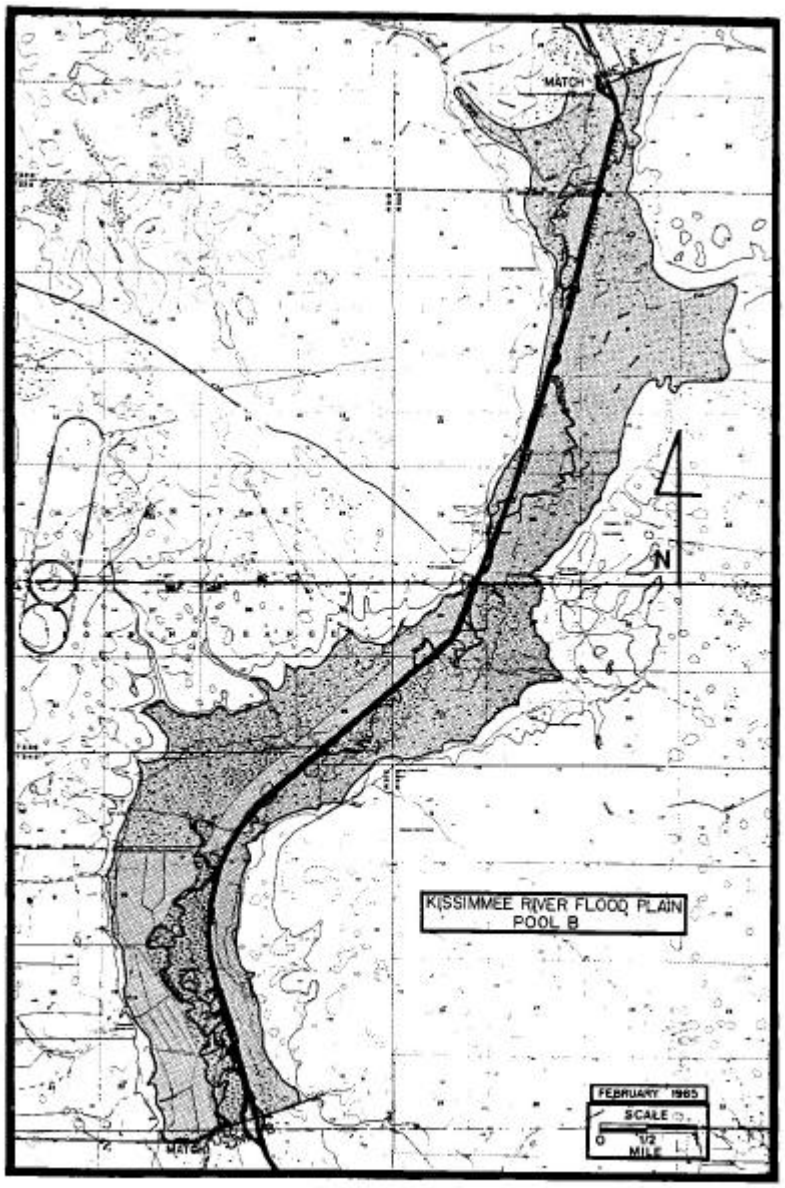


Figure 41-3, Plate 2 of 5

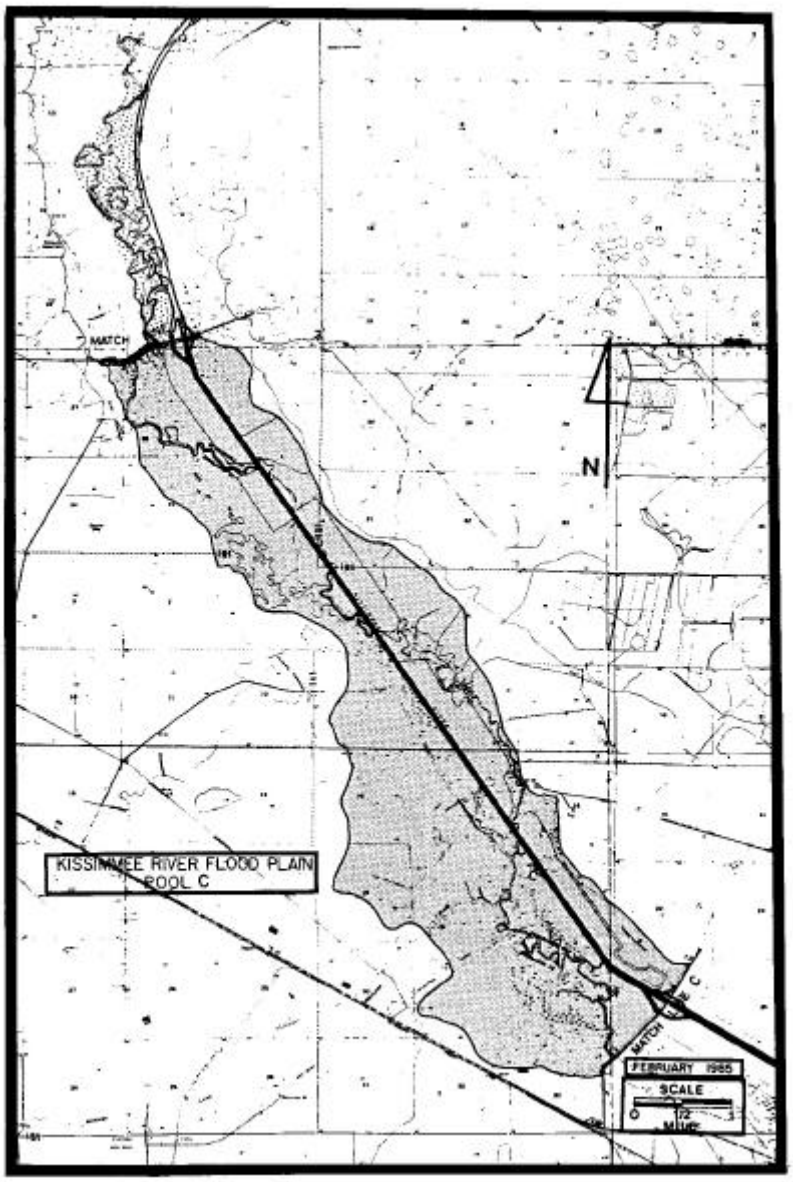


Figure 41-3, Plate 3 of 5

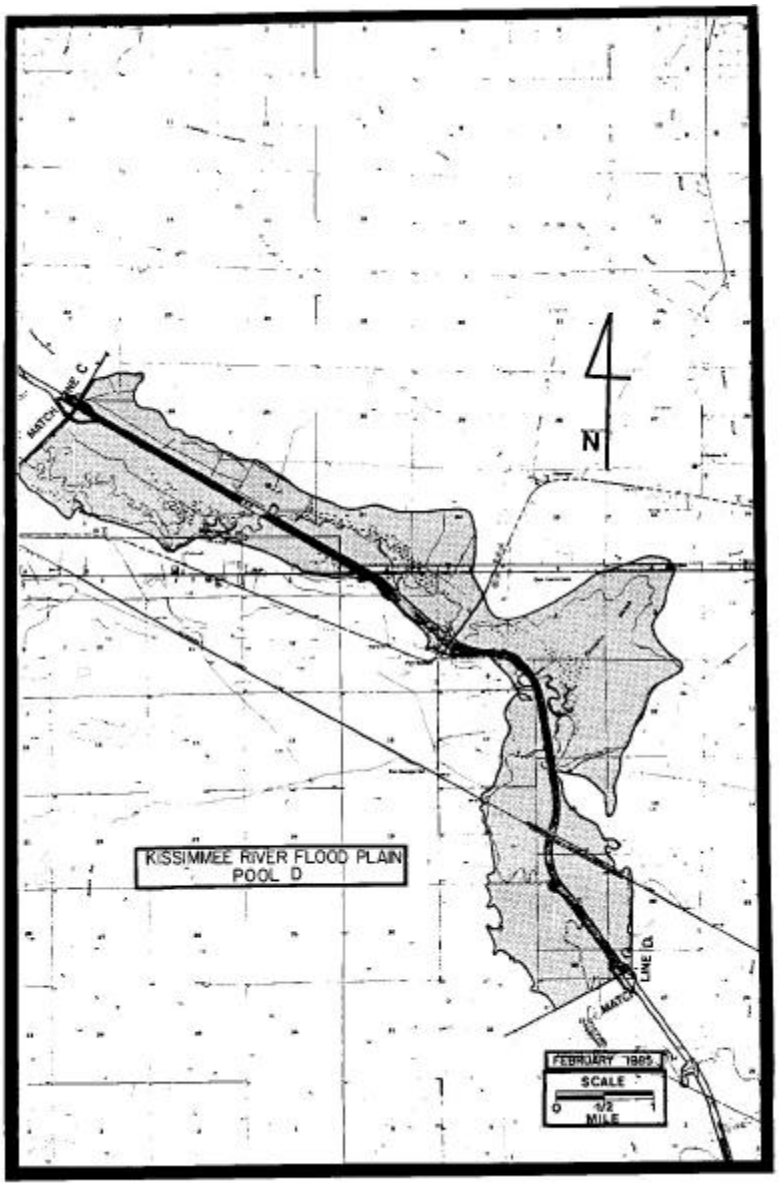


Figure 41-3, Plate 4 of 5

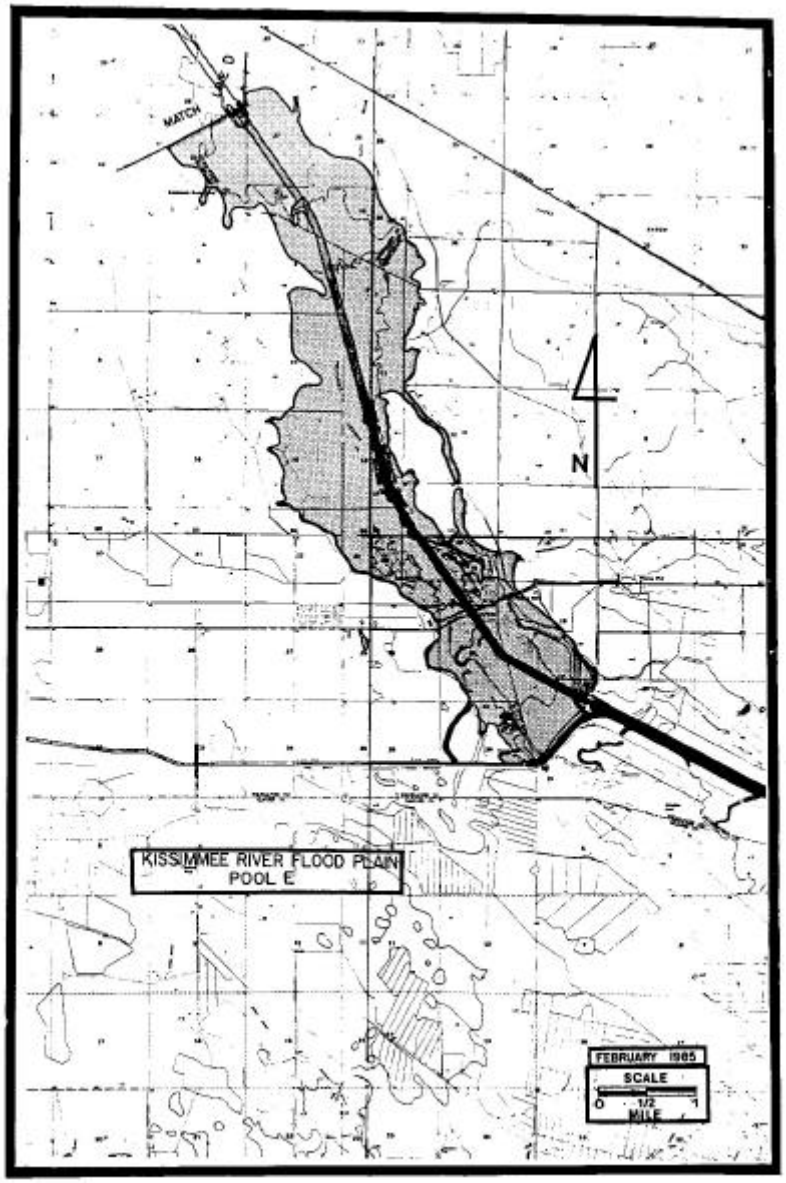
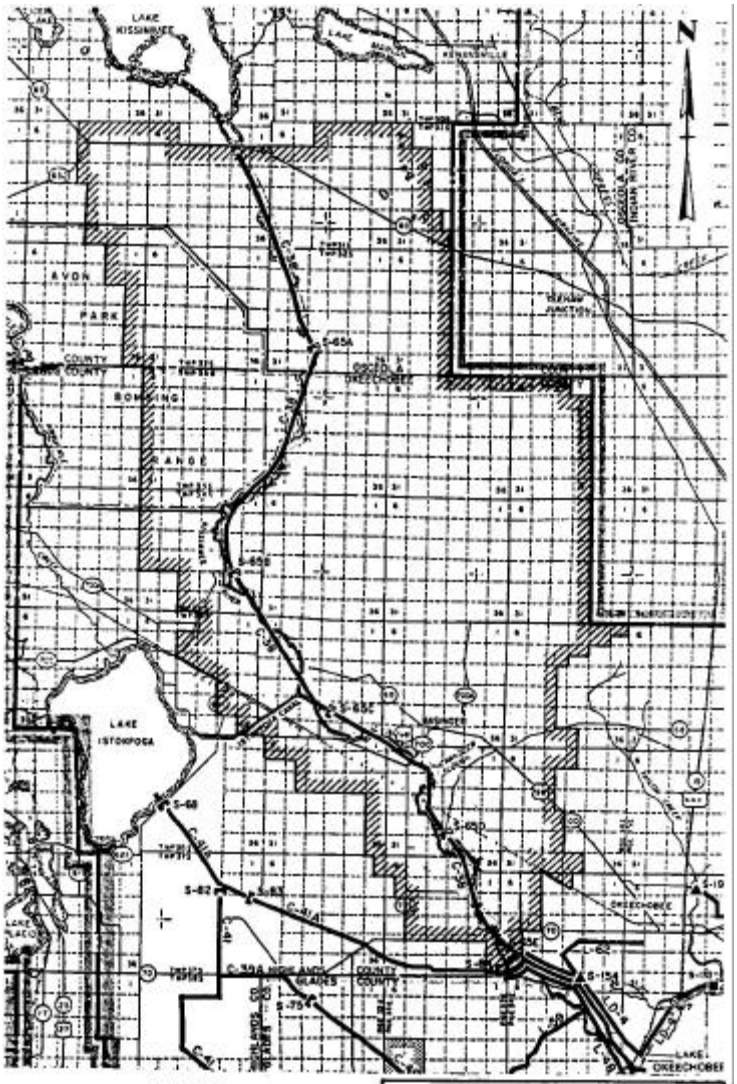


Figure 41-3, Plate 5 of 5



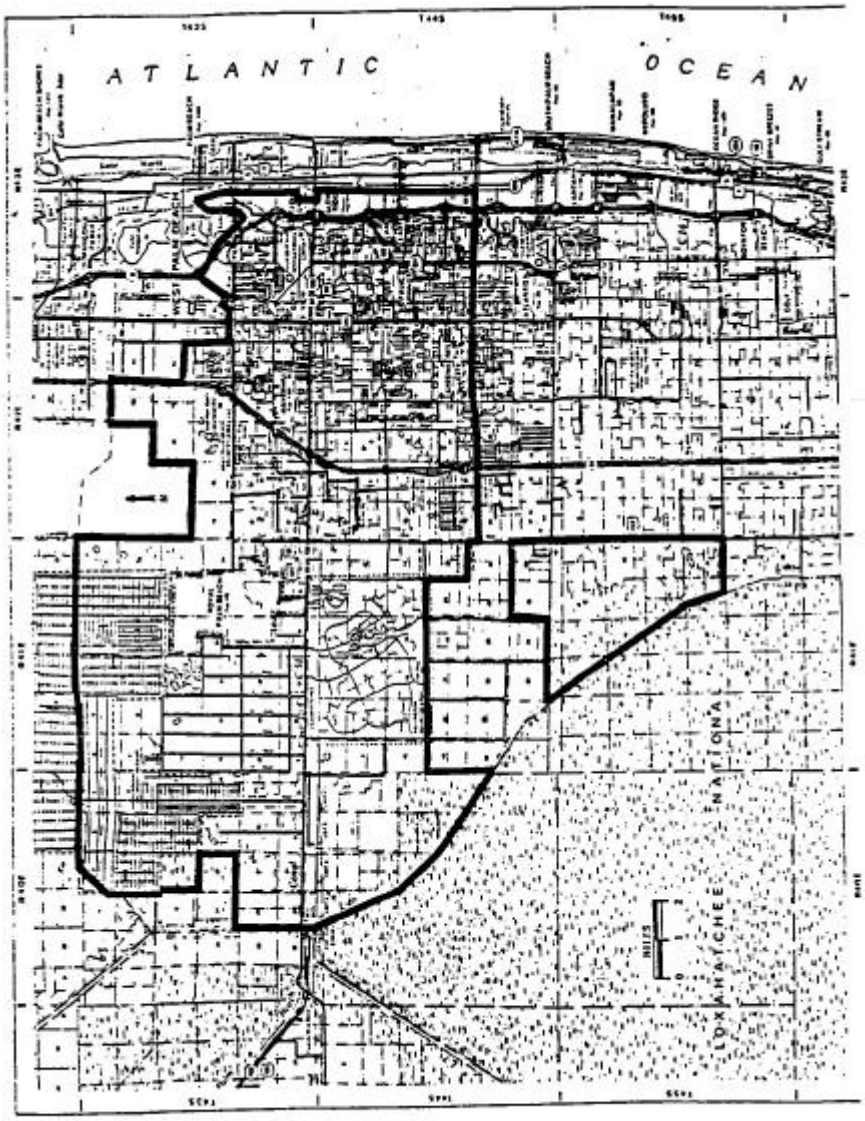
LEGEND

BOUNDARY OF KISSIMMEE RIVER BASIN

BASE MAP TAKEN FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT DRAWING NUMBER, FO-32

SOUTH FLORIDA WATER MANAGEMENT DISTRICT WEST PALM BEACH, FLORIDA	
BOUNDARY OF KISSIMMEE RIVER BASIN	
DRN H.J.E.	CKD C.Z.
DATE APRIL 9, 1984	SCALE 1" = 2 MILE
DRAWING NO. C-38-SK-99	SHEET 1 OF 1

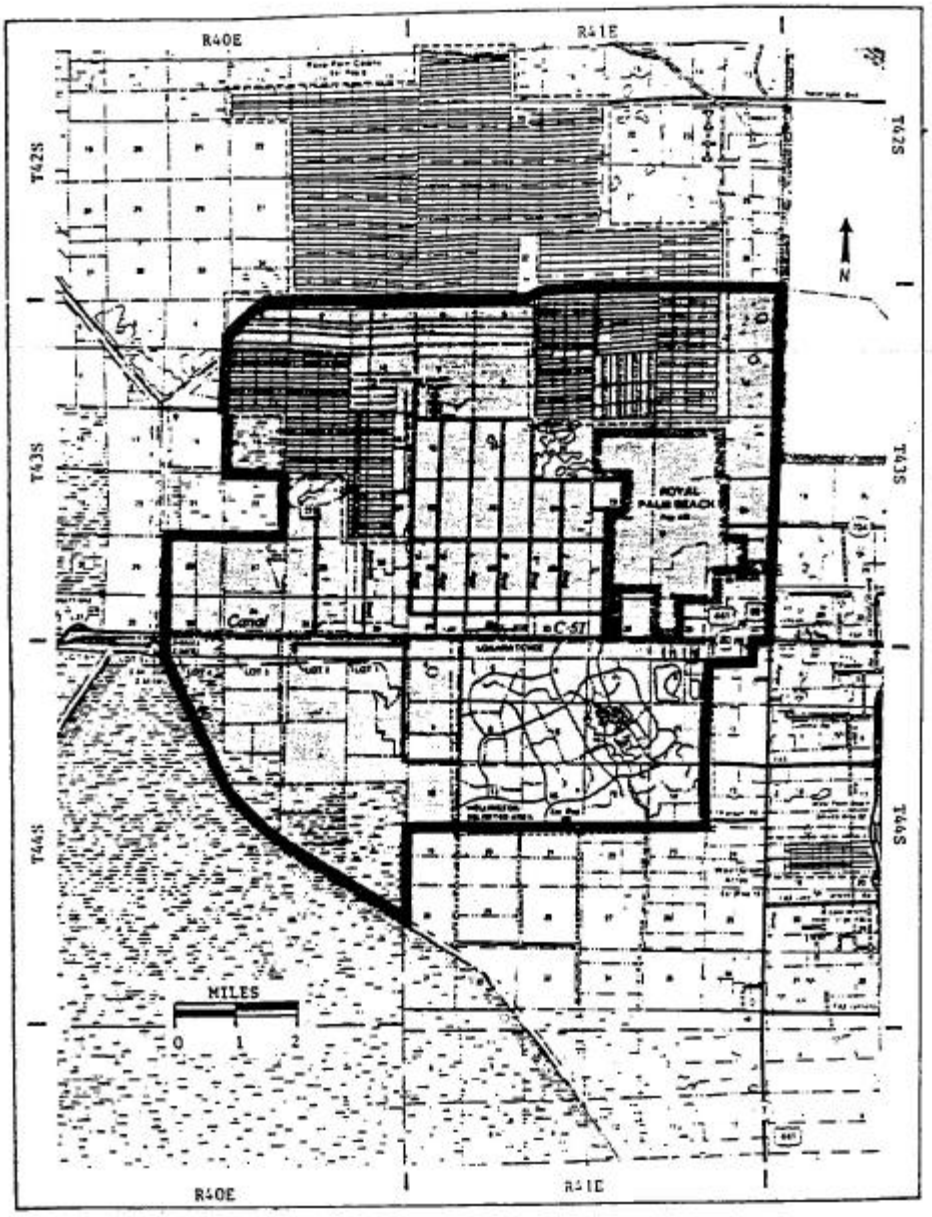
Figure 41-4



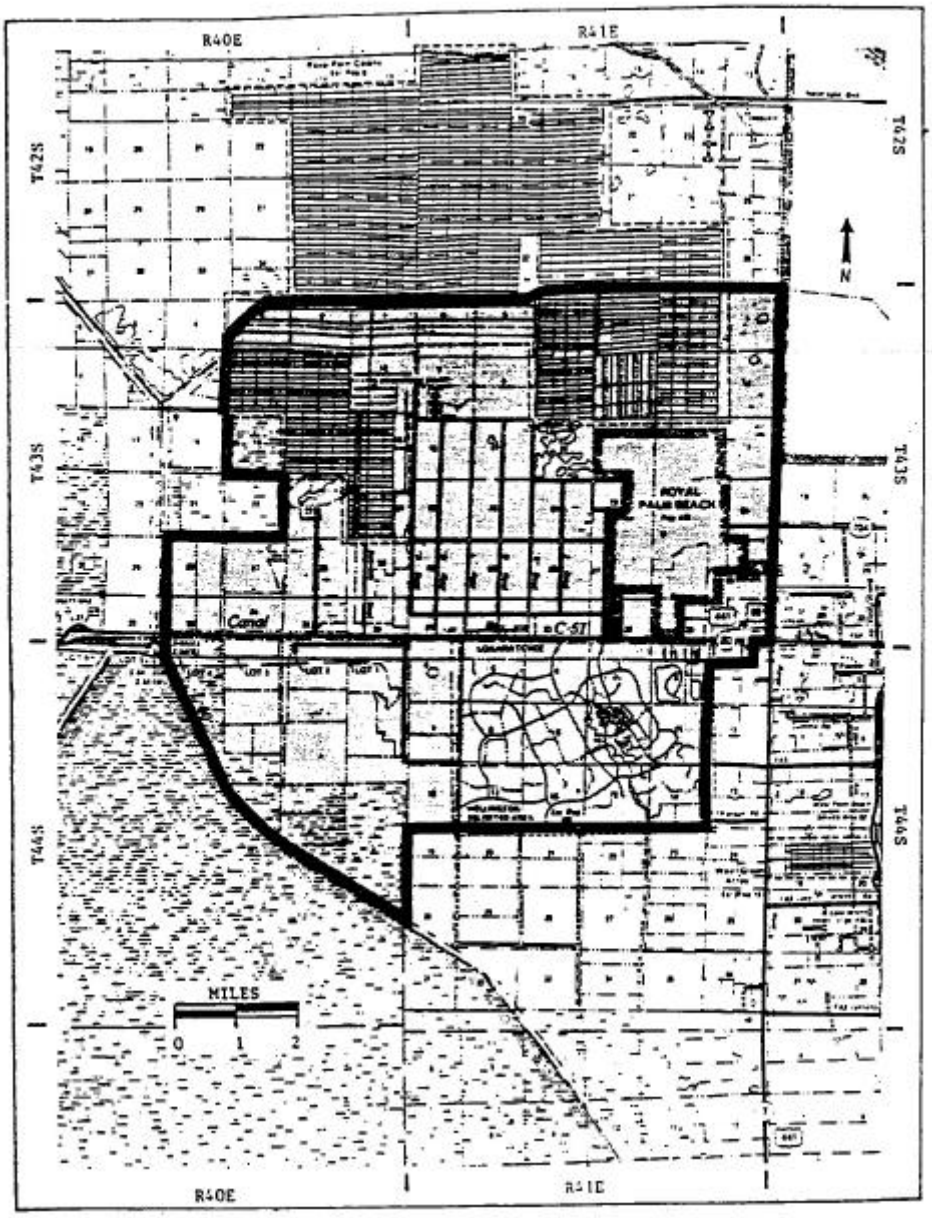
C-51 BASIN
FIGURE 41-5

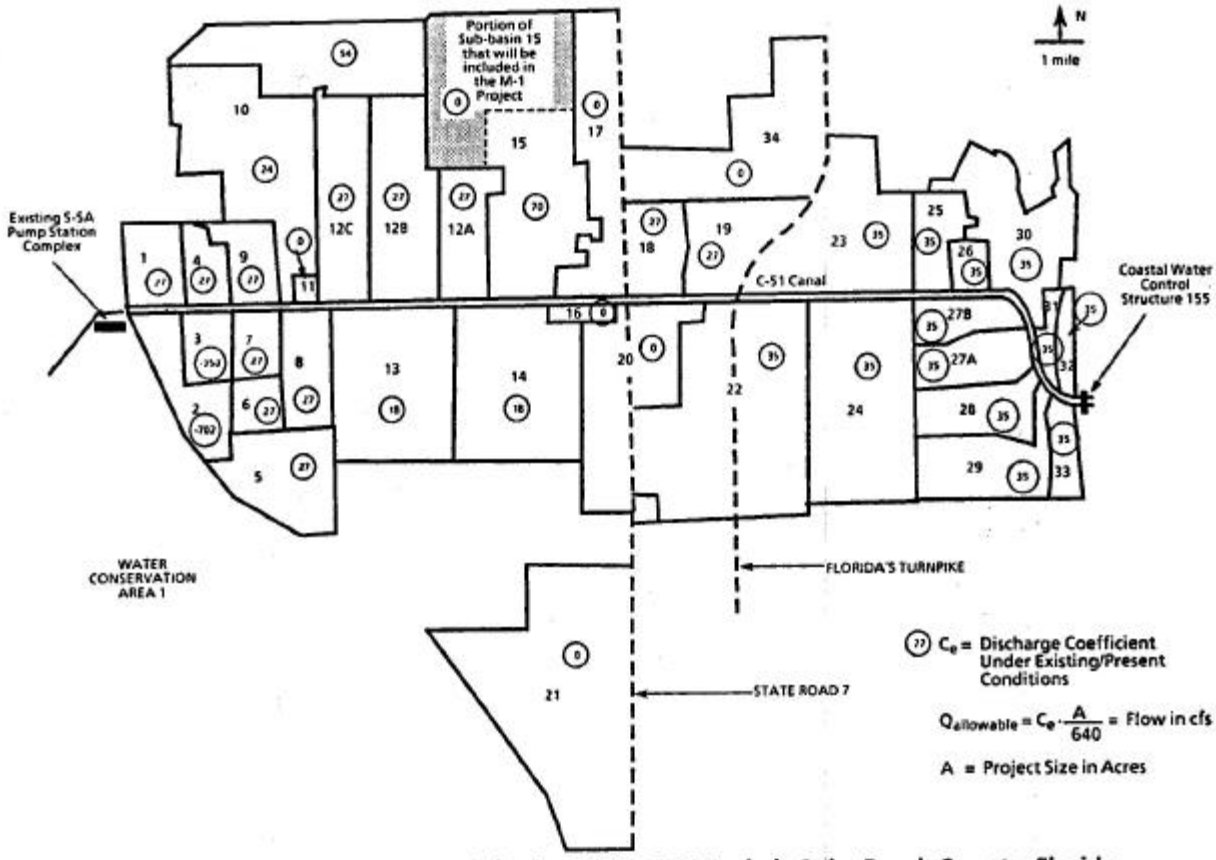
C-51 Basin

Figure 41-6

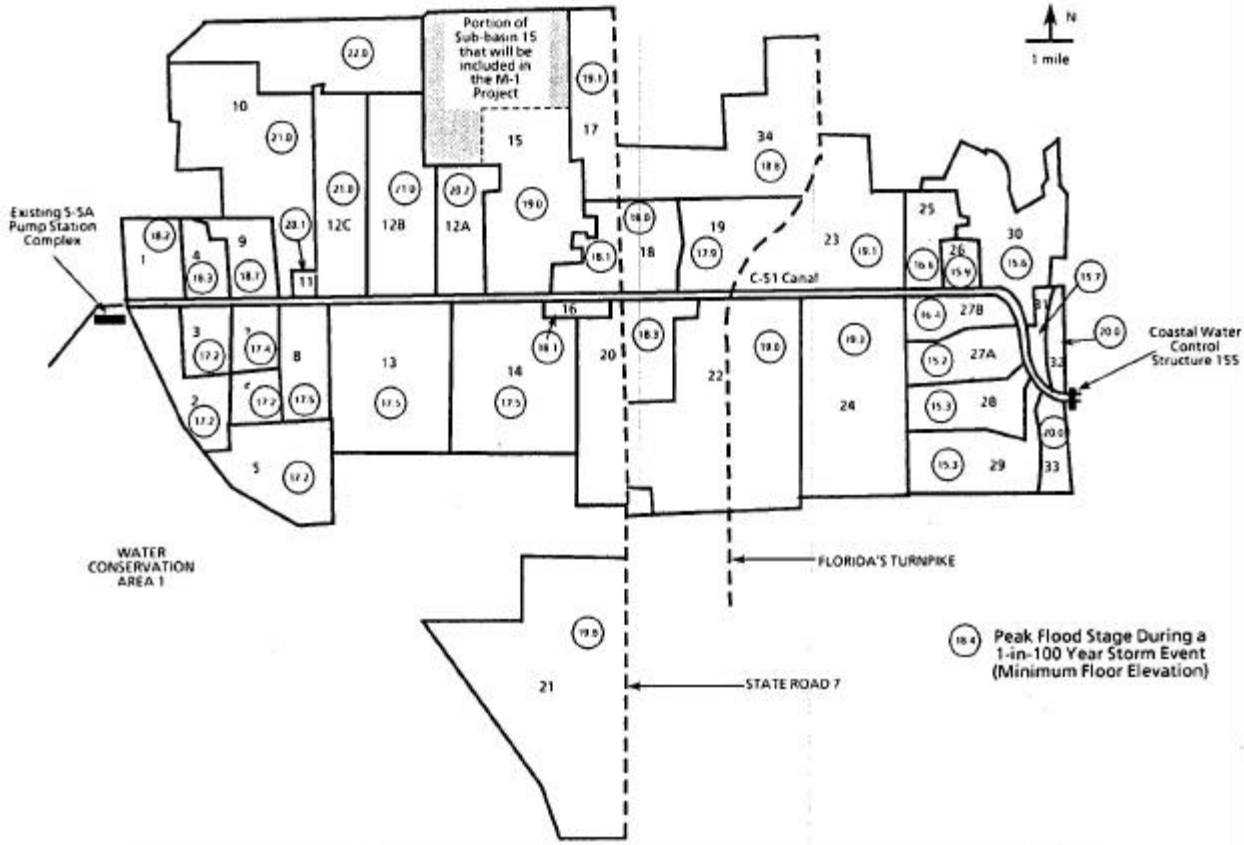


C-51 Basin
Figure 41-6





Discharge Coefficients for the Sub-basins of the C-51 Basin in Palm Beach County, Florida.
Figure 41-8



Peak Flood Stage (Ft. NGVD) During a 1-in-100 Year Storm Event and Minimum Floor Elevation, Prior to Completion of S-319.

Figure 41-9

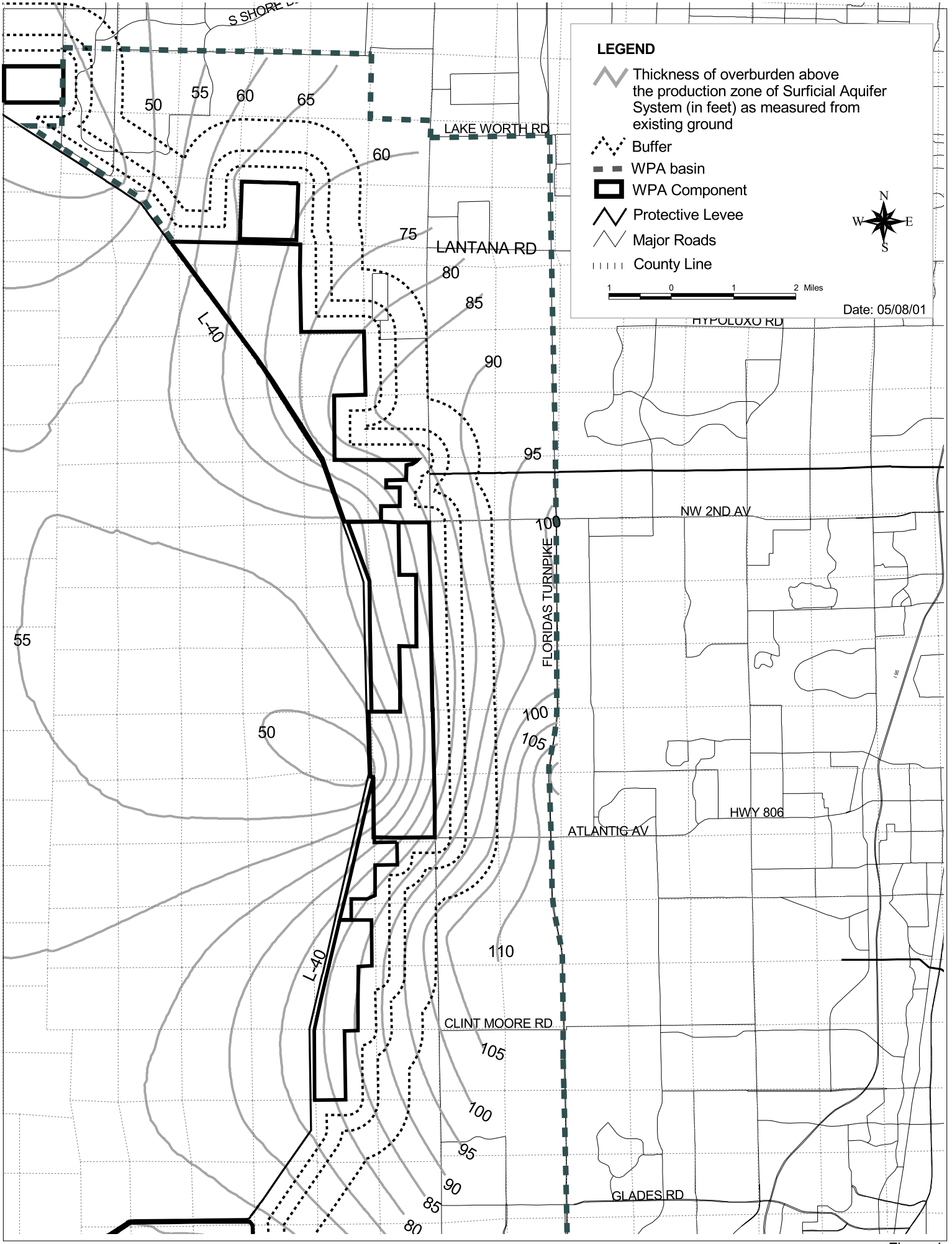

LEGEND
Thickness of overburden above the production zone of Surficial Aquifer System (in feet) as measured from existing ground
Buffer
WPA basin
WPA Component
Protective Levee
Major Roads
County Line
1 0 1 2 Miles
Date: 05/08/01
N
W
E
S
S SHORE DR
LAKE WORTH RD
LANTANA RD
HYPOLUXO RD
NW 2ND AV
FLORIDAS TURNPIKE
HWY 806
ATLANTIC AV
CLINT MOORE RD
GLADES RD
L-40
L-40
50
55
60
65
60
75
80
85
90
95
100
105
100
105
110
105
100
95
90
85
80
55
50

Figure 1

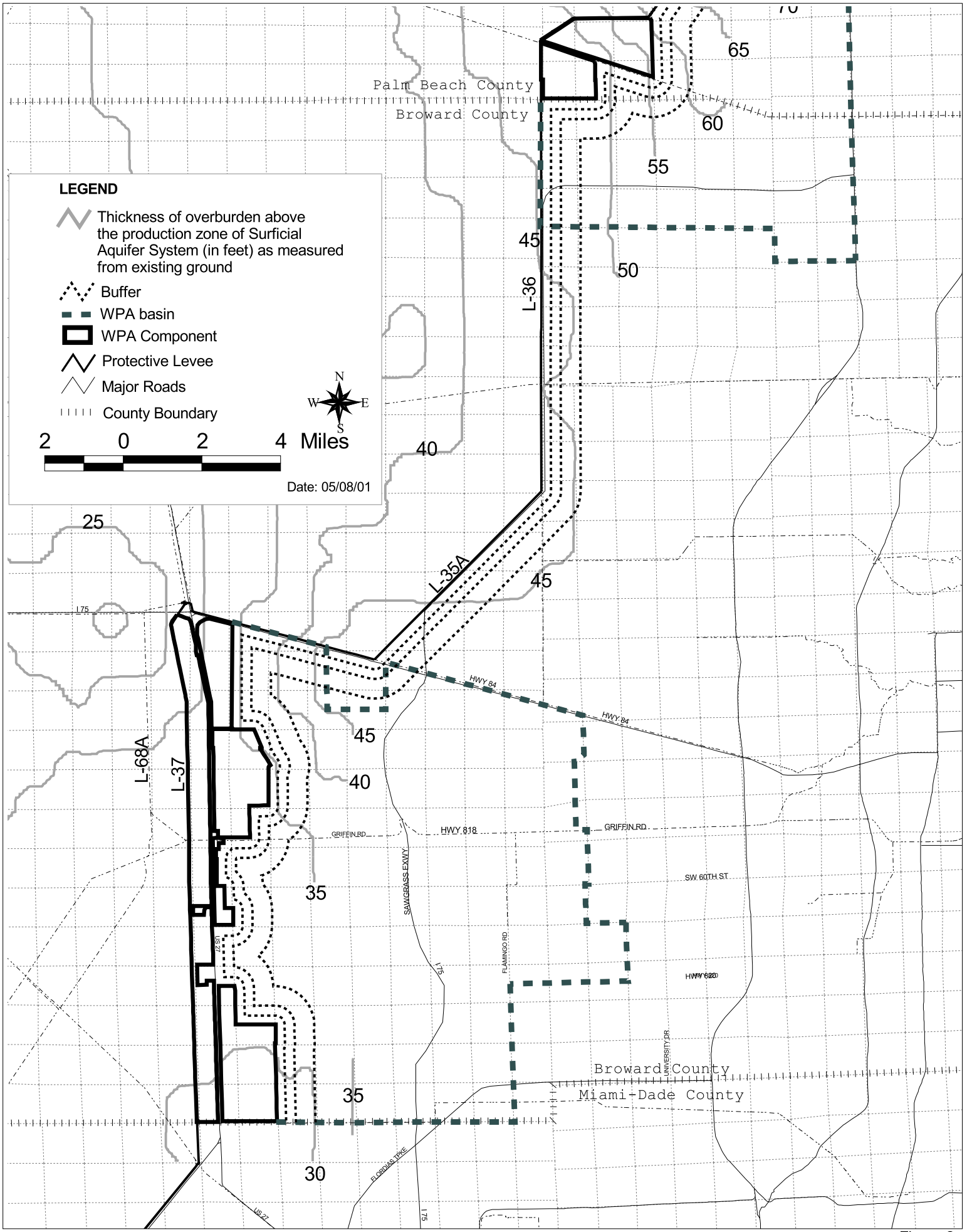

LEGEND
Thickness of overburden above the production zone of Surficial Aquifer System (in feet) as measured from existing ground
Buffer
WPA basin
WPA Component
Protective Levee
Major Roads
County Boundary
N
W
E
S
2 0 2 4 Miles
Date: 05/08/01
Palm Beach County
Broward County
Broward County
Miami-Dade County
L-36
L-35A
L-68A
L-37
65
60
55
50
45
40
35
30
25
I 75
HWY 84
GRIFFIN RD
HWY 818
SAWGRASS EXWY
FLAMINGO RD
SW 60TH ST
HWY 820
UNIVERSITY DR
US 27
FLORIDA TPKE

Figure 2

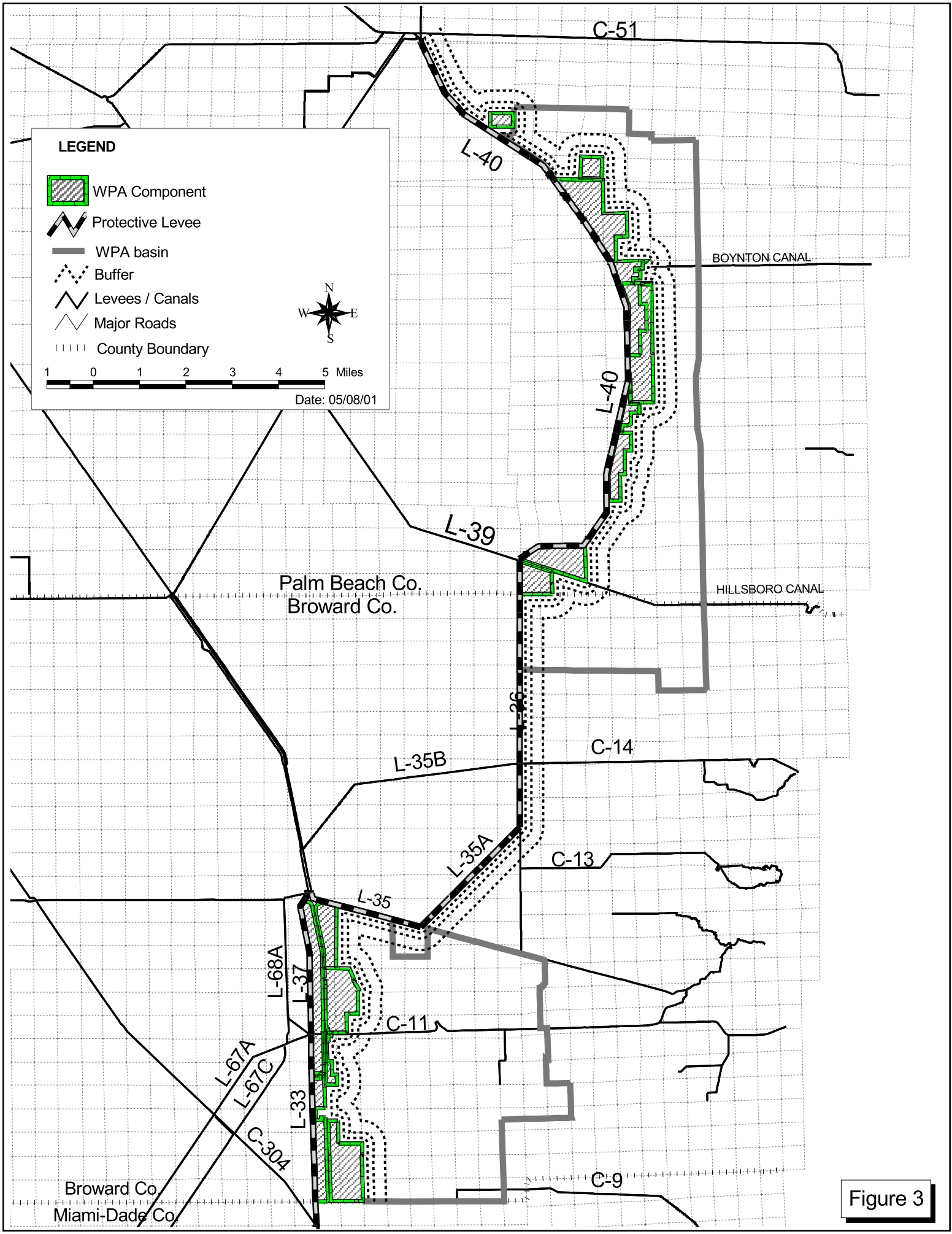

LEGEND
WPA Component
Protective Levee
WPA basin
Buffer
Levees / Canals
Major Roads
County Boundary
N
W
E
S
1 0 1 2 3 4 5 Miles
Date: 05/08/01
C-51
L-40
L-40
BOYNTON CANAL
L-39
Palm Beach Co.
Broward Co.
HILLSBORO CANAL
L-36
C-14
L-35B
L-35A
C-13
L-35
L-68A
L-37
C-11
L-67A
L-67C
L-33
C-304
C-9
Broward Co
Miami-Dade Co

Figure 3

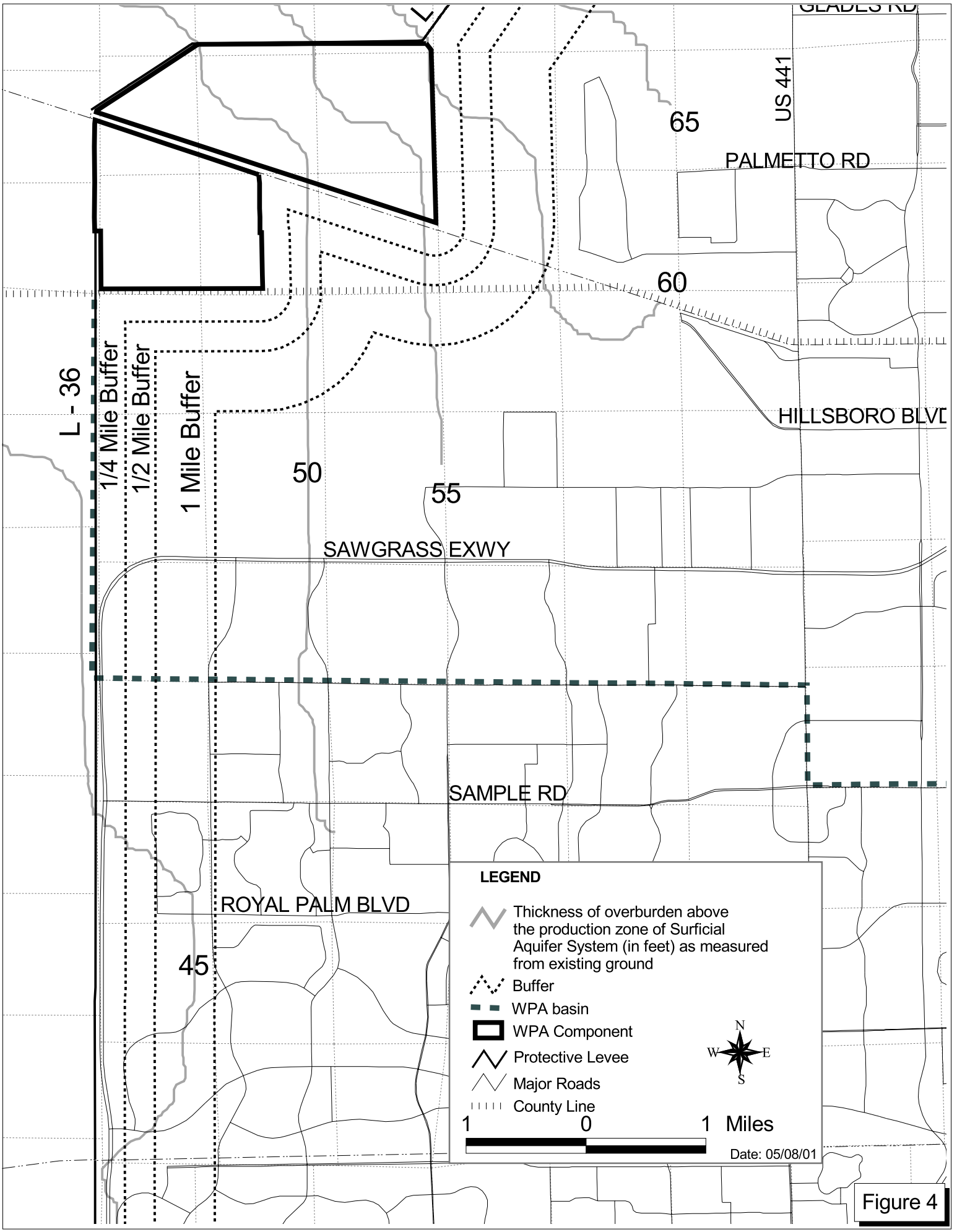

GLADES RD
US 441
65
PALMETTO RD
60
HILLSBORO BLVD
L - 36
1/4 Mile Buffer
1/2 Mile Buffer
1 Mile Buffer
50
55
SAWGRASS EXWY
SAMPLE RD
ROYAL PALM BLVD
45
LEGEND
Thickness of overburden above the production zone of Surficial Aquifer System (in feet) as measured from existing ground
Buffer
WPA basin
WPA Component
Protective Levee
Major Roads
County Line
N
W
E
S
1
0
1 Miles
Date: 05/08/01

Figure 4

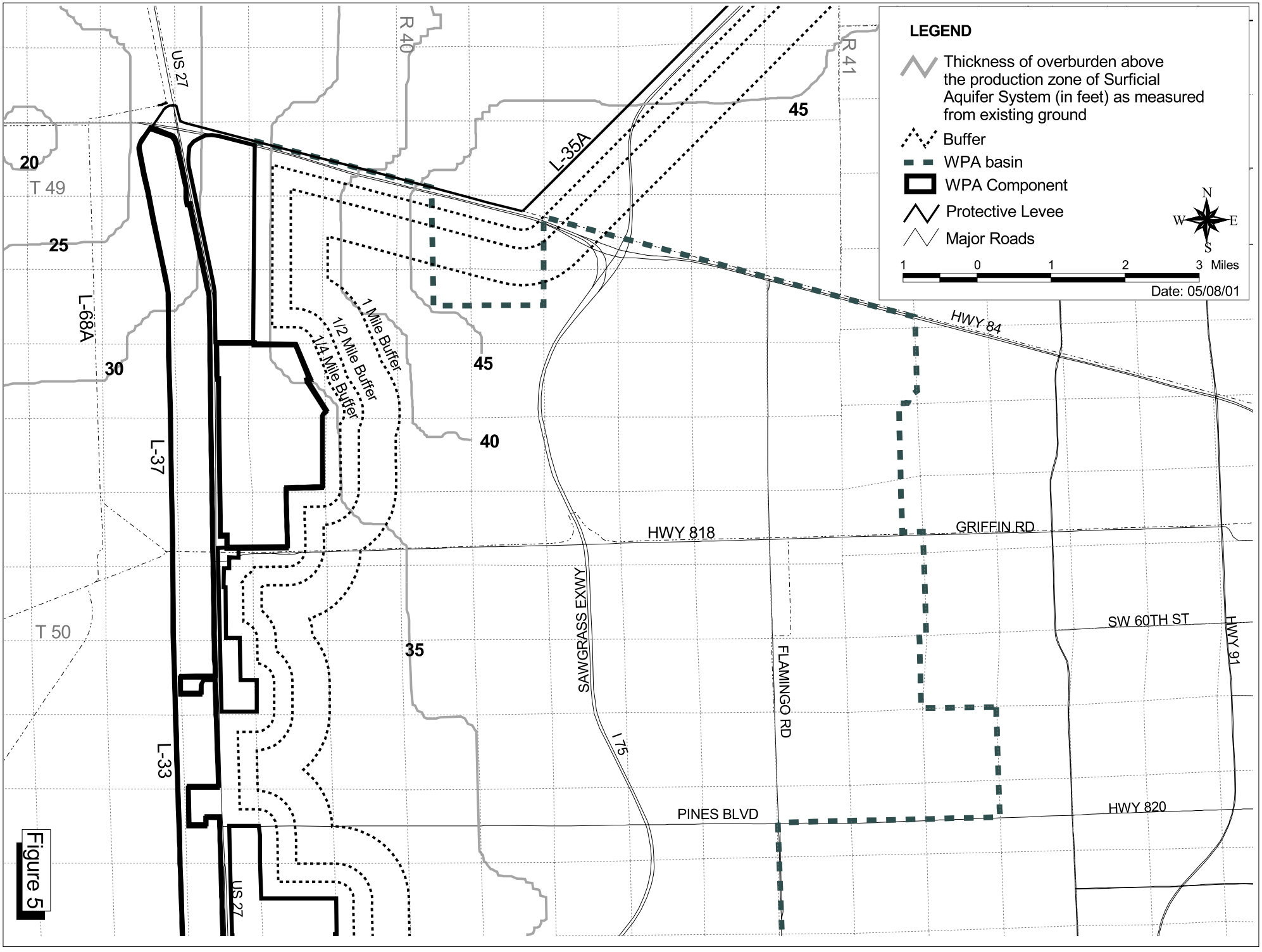

LEGEND
Thickness of overburden above the production zone of Surficial Aquifer System (in feet) as measured from existing ground
Buffer
WPA basin
WPA Component
Protective Levee
Major Roads
N
W
E
S
1 0 1 2 3 Miles
Date: 05/08/01
US 27
R 40
R 41
L-35A
20
25
30
35
40
45
45
T 49
T 50
L-68A
L-37
L-33
1 Mile Buffer
1/2 Mile Buffer
1/4 Mile Buffer
HWY 84
HWY 818
GRIFFIN RD
SW 60TH ST
HWY 91
SAWGRASS EXWY
I 75
FLAMINGO RD
PINES BLVD
HWY 820
US 27

Figure 5

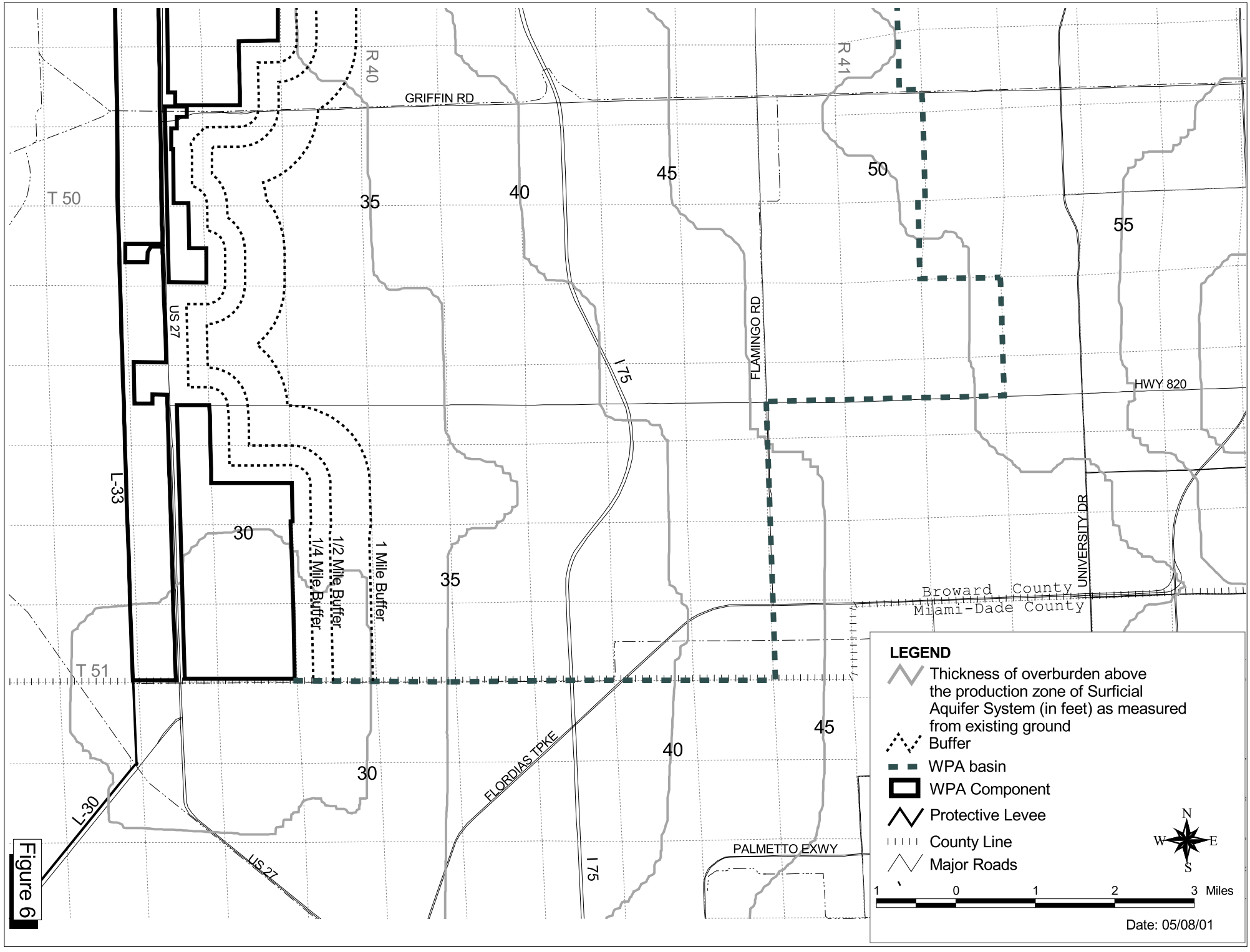

GRIFFIN RD
R 40
R 41
T 50
T 51
35
40
45
50
55
30
US 27
L-33
L-30
I 75
FLAMINGO RD
HWY 820
UNIVERSITY DR
1 Mile Buffer
1/2 Mile Buffer
1/4 Mile Buffer
Broward County
Miami-Dade County
FLORIDAS TPKE
PALMETTO EXWY
LEGEND
Thickness of overburden above the production zone of Surficial Aquifer System (in feet) as measured from existing ground
Buffer
WPA basin
WPA Component
Protective Levee
County Line
Major Roads
N
W
E
S
1
0
1
2
3 Miles
Date: 05/08/01

Figure 6