

Northern Everglades Protection Planning Process Update and Notice of Proposed Amendments to Chapter 40E-61, Florida Administrative Code



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South Florida Water Management District
February 11, 2021**

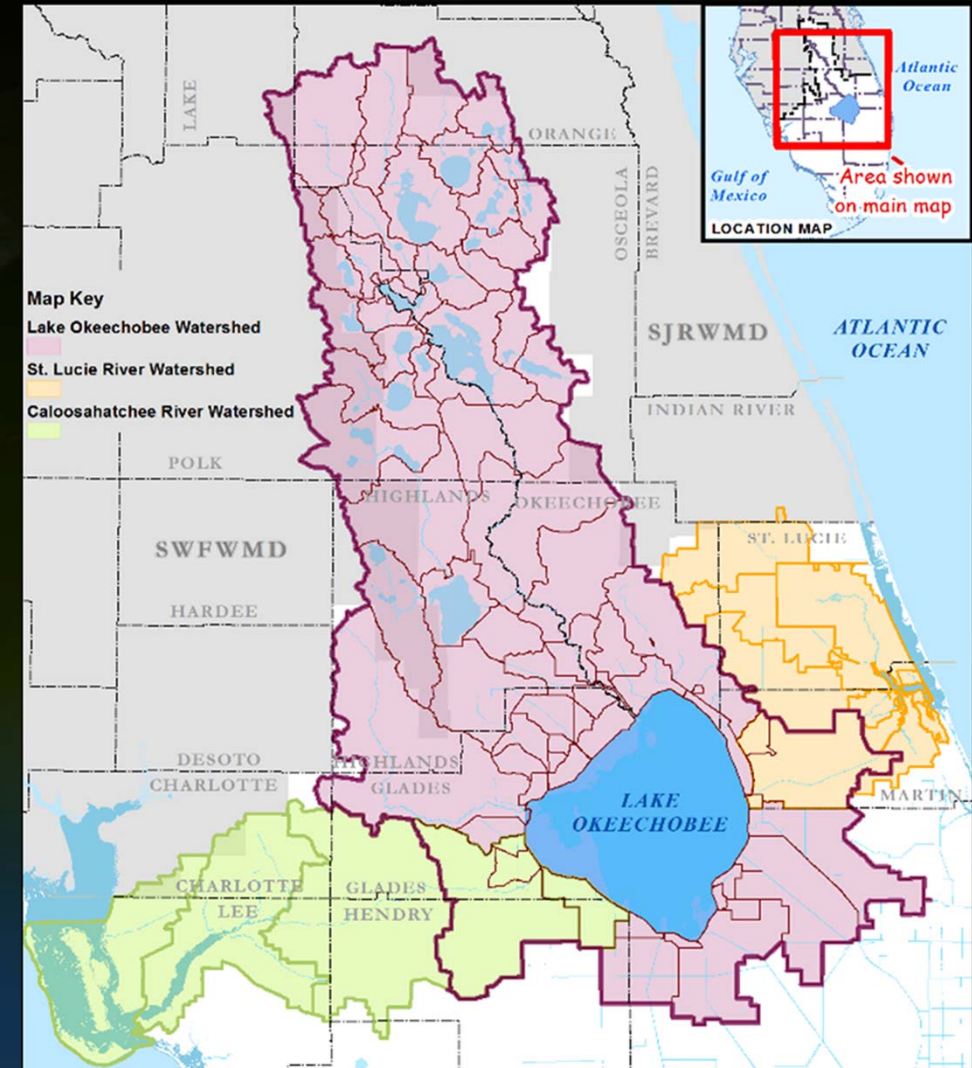
Today's Topics

- Northern Everglades Program Planning Process
- Roles and Responsibilities
- SFWMD Watershed Protection Plans
- Chapter 40E-61, Works of the District Rules
- Interagency Agreement

Northern Everglades Planning Process

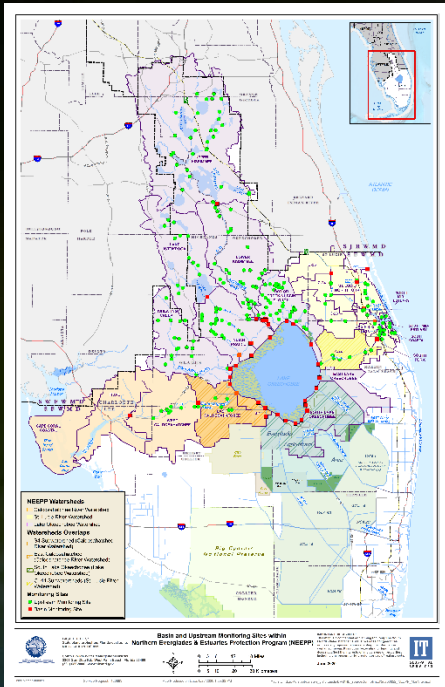
Florida Statute 373.4595, Northern Everglades and Estuaries Protection Program or NEEPP

- **FDEP** - establishes TMDLs, BMAPs, alternative technologies, urban and non-ag sources pollutants programs, Environmental Resource Permits (ERP), alternative technologies.
- **FDACS** - agricultural BMPs, technology projects, BMP research.
- **SFWMD** - hydrologic improvements, storage and treatment projects, alternative technologies, water quality monitoring, rules.
- **Local entities** – ordinances, programs, projects



Watershed Protection Plans

Monitoring



Projects



Programs

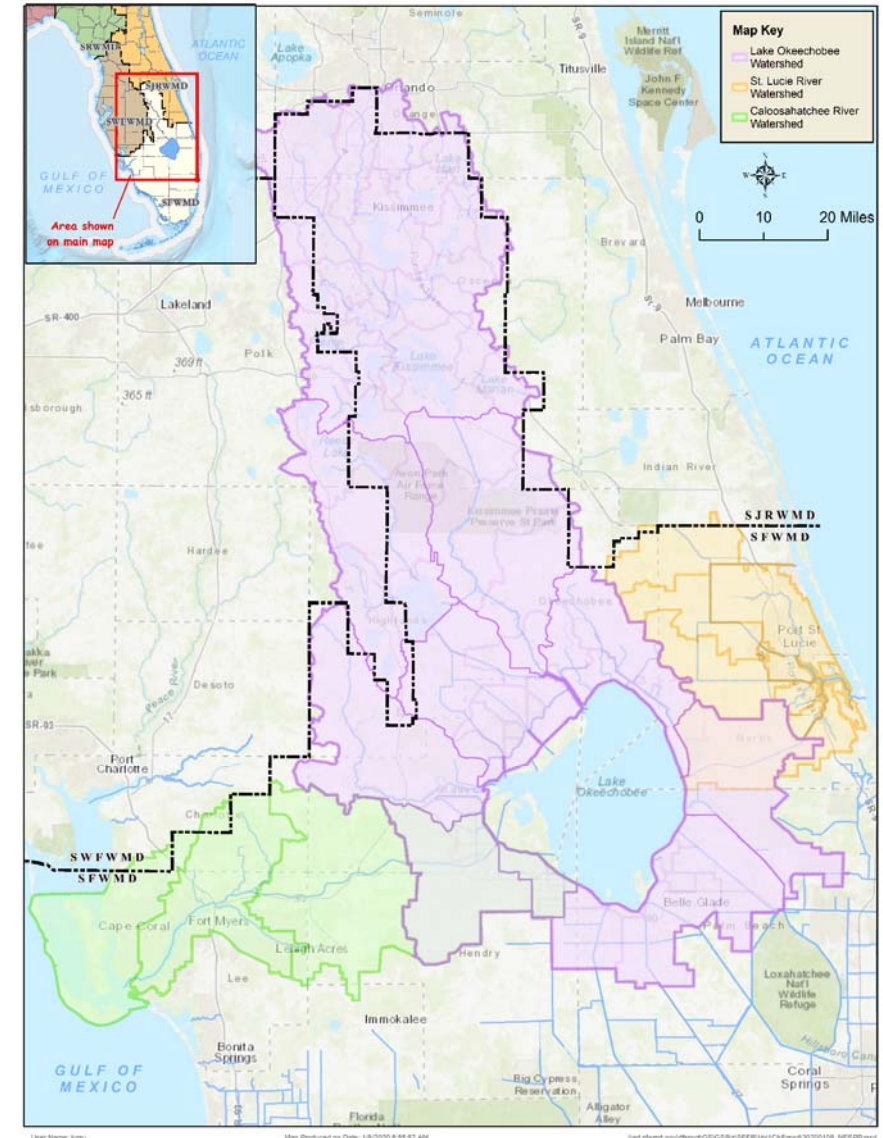


**BMAP
Progress
&
Updates**

Review Watershed Protection Plans (WPPs)

SFWMD WPP Review Process

- Actions
- Engaging the Public and Stakeholders
- Ensuring Transparency
- Solving Problems with a Focused Approach



Actions

- Expanded Monitoring Efforts
- Activated Project Review Team
- Initiated Coordinating Agency Watershed Legacy Phosphorus Team
- Ensured BMPs on District Leased Lands
- Initiated Annual Review of WPPs
- Selected focus areas



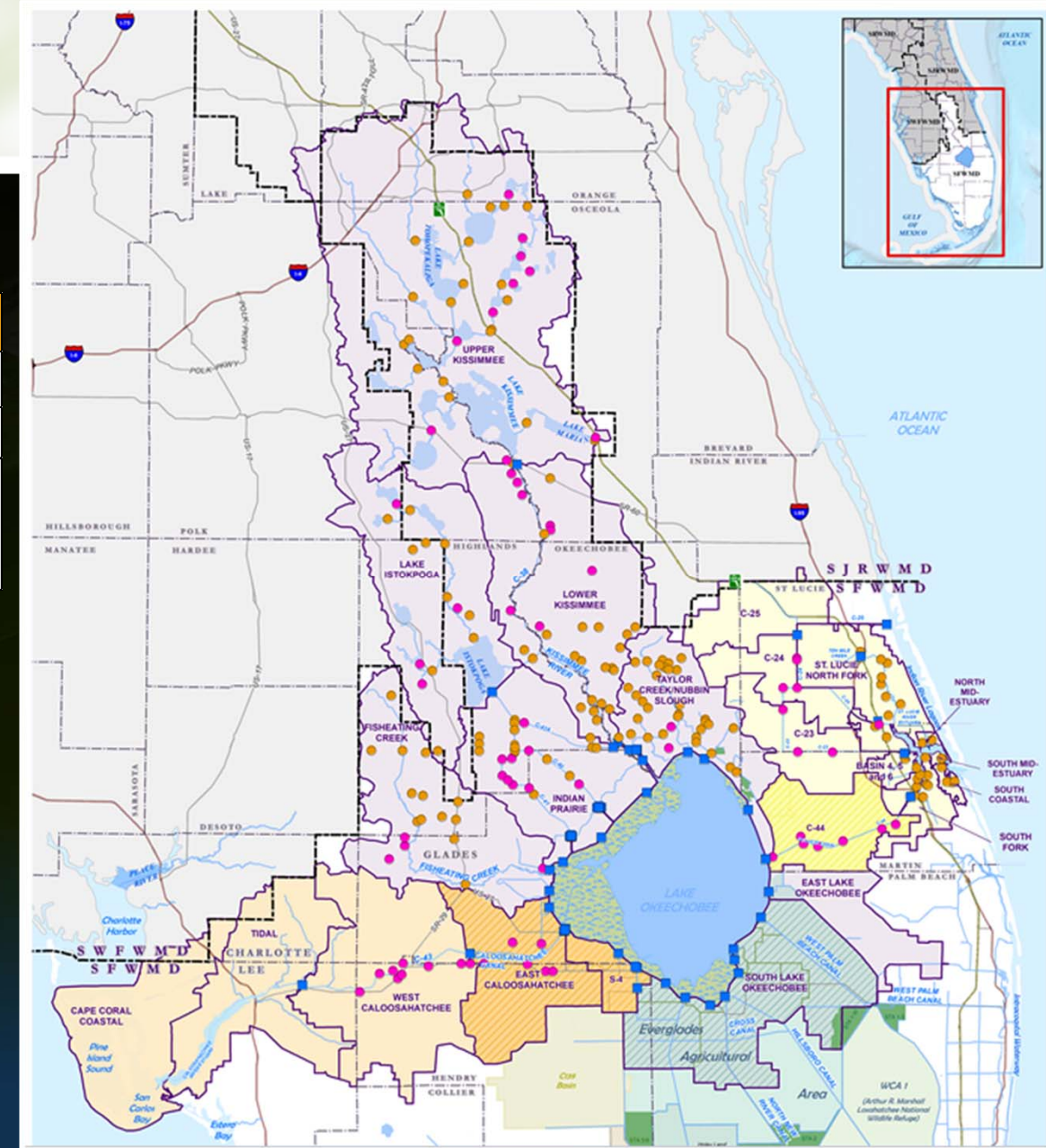
Expanded Monitoring Network

Elements	Basin Level	Upstream Level
# of sites	47	211
Frequency	Biweekly or Weekly	Biweekly
Monitored Parameters	TP, OPO4, TN, NH4, NOx, pH, Temperature, Dissolved Oxygen, Conductivity	

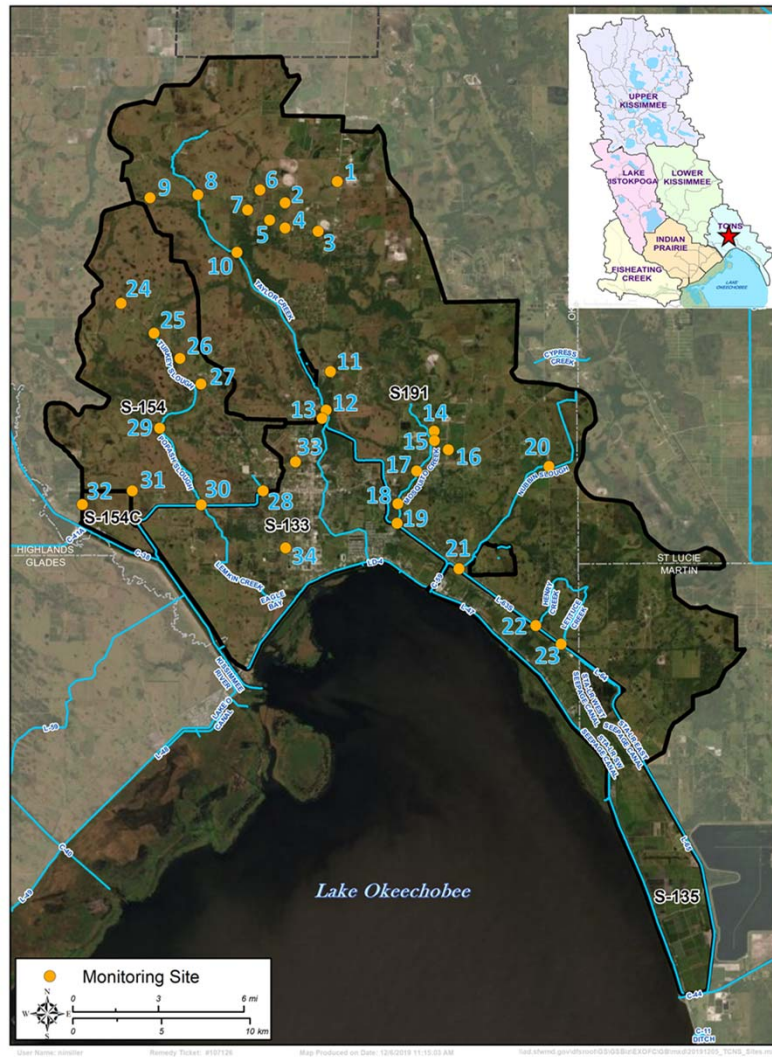
■ Basin sites

● New sites

● Existing sites



Defining Drainage Areas



- Evaluation of the approximate drainage area represented by the 34 upstream monitoring sites in the Taylor Creek/Nubbin Slough Subwatershed.
- Estimated completion June 2022.
- Benefits
 - to identify areas represented by the water quality data.

BMPs on Leased Lands

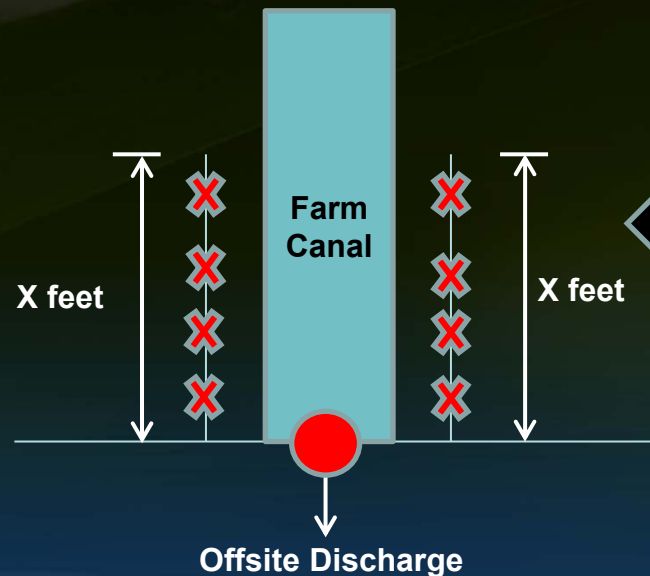
Internal Fencing



Vegetation Control and Fencing



- FDACS BMPs for leased lands
- District requires implementation of all applicable BMPs and includes Land Management Requirements.



Fencing of waterways to minimize the impact of cattle to the off-site discharge location



Annual Review of Watershed Protection Plans

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

DRAFT

2021 South Florida Environmental Report

Chapter 8A: Northern Everglades and Estuaries Protection Program – Annual Progress Report

Chapter 8B: Lake Okeechobee Watershed Protection Plan Annual Progress Report

Appendix 8B-1: Water Year 2020 Lake Okeechobee Watershed Upstream Monitoring

Chapter 8C: St. Lucie River Watershed Protection Plan Annual Progress Report

Appendix 8C-1: Water Year 2020 St. Lucie River Watershed Upstream Monitoring

Chapter 8D: Caloosahatchee River Watershed Protection Plan Annual Progress Report

Appendix 8D-1: Water Year 2020 Caloosahatchee River Watershed Upstream Monitoring

https://apps.sfwmd.gov/sfwmd/SFER/2021_sfer_draft/sfer_toc_v1.pdf

Public Engagement

- Conducted Watershed Protection Planning Public Workshops
- Updated Protection Planning Website

sfwmd.gov/WPPs

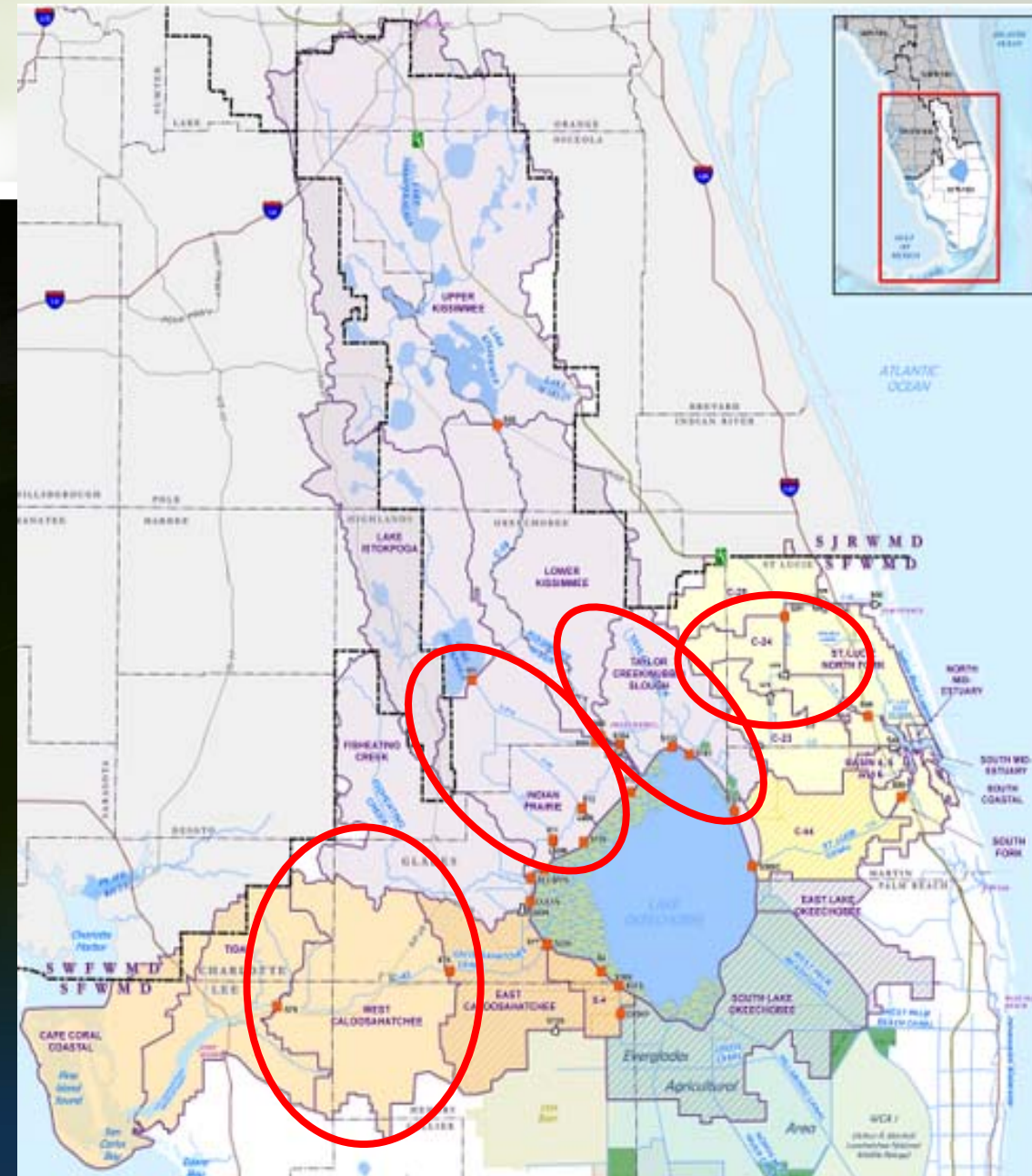
- Introduced a new tool to view Water Quality Data
- Presented at FDEP Annual BMAP Public Meeting



DBHYDR
insights

Selected Focus Areas

- Lake Okeechobee Watershed
 - Taylor Creek Nubbin Slough Subwatershed
 - S-191, S-154, and S-154C Basins
 - Indian Prairie Subwatershed
 - C-41A, C-40, C-41, and L-59W Basins
- St. Lucie River Watershed
 - C-24 and Ten Mile Creek Basins
- Caloosahatchee River Watershed
 - West Caloosahatchee Basin



Focus Area Assessment Approach


- Account for existing programs and projects
- Define gaps
- Identify solutions

Table 8C-11. Project timeline for current SFWMD and CERP projects in the SLRW.


Basin	Project Name	Project Status FY2020	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
C-23	Allapattah Flats Parcels A and B Natural Resources Conservation Service (NRCS) Wetland Reserve Program (WRP) Wetland Restoration	Construction												
C-23	Bluefield Grove Water Farm	Design												
C-23	Bull Hammock Ranch Water Management Area (WMA) ^a	O&M												
C-23	Spur Land and Cattle Water Farm ^b	O&M												
C-24	Adams-Russakis Ranch WMA	Construction												
C-24	C-23/24 Interim Storage Section C Water Farm	O&M												
C-24	C-23/24 Interim Storage Section B	Planned												
C-44	C44 Reservoir and STA	Construction												
C-44	Caulkins Water Farm Expansion	O&M												
North Fork	North Fork Floodplain Restoration	Planned												
TMC	TMC Water Preserve Area	O&M												
C-23 & C-24	C-23/C-24 Reservoirs and STA	Design												
C-23 & C-44	C-23/C-44 Interconnect	Design												
C-23, C-24, C-44, & South Fork	Natural Water Storage and Treatment Areas	Planned												

a. Contract expires on March 26, 2025.

b. Contract expires on September 26, 2021.

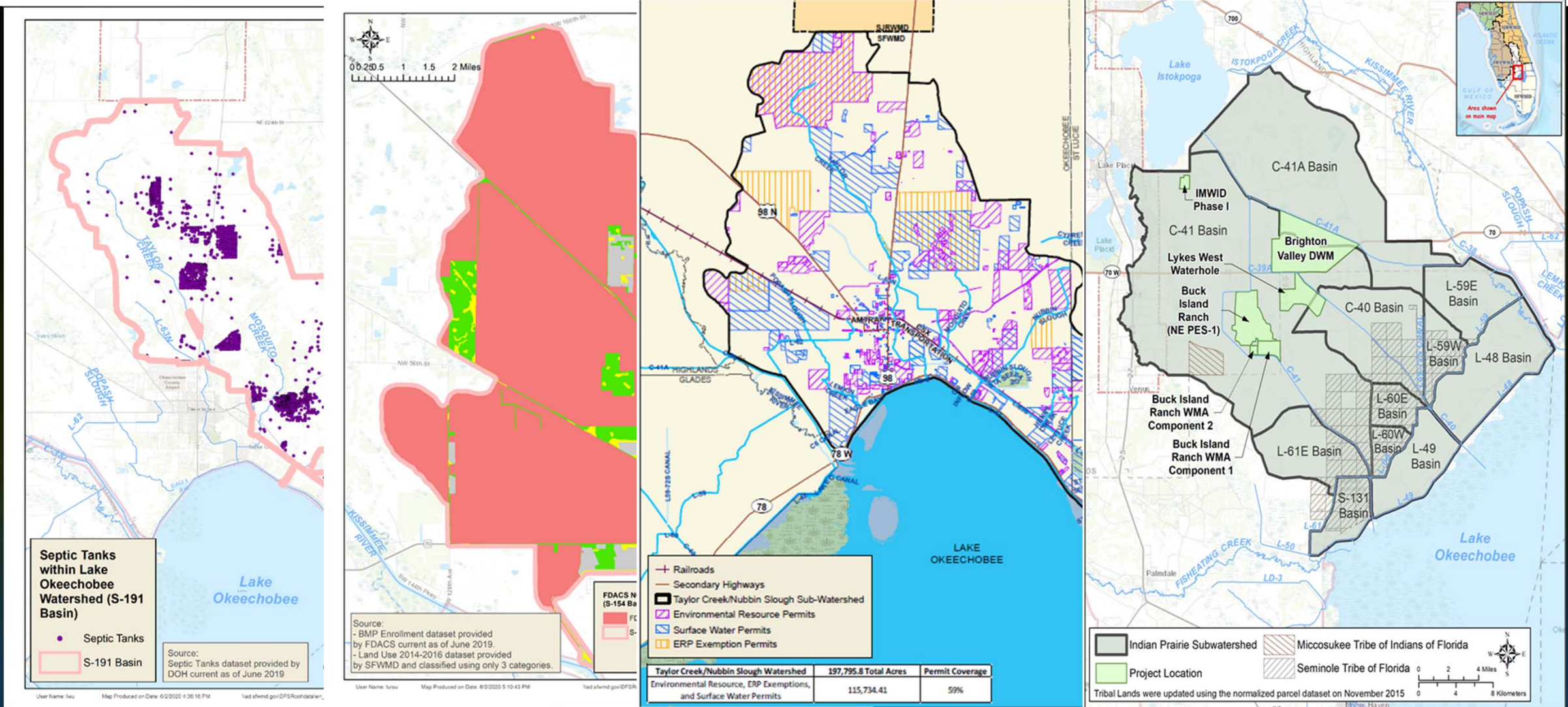
 = Planned

 = Design

 = Construction

 = O&M

Account for Existing Programs and Projects



Continued Engagement

- Coordinating Agencies' Holistic Approach
- Report findings in a public workshop for accountability
- Incorporate recommendations into WPPs for BMAP updates



Chapter 40E-61 Program



- One program under NEEPP
- NEEPP directs SFWMD to amend 40E-61
- House Bill 5003 clarifies direction
- Cost effectiveness must be considered 120.54 (1)(d) F.S.

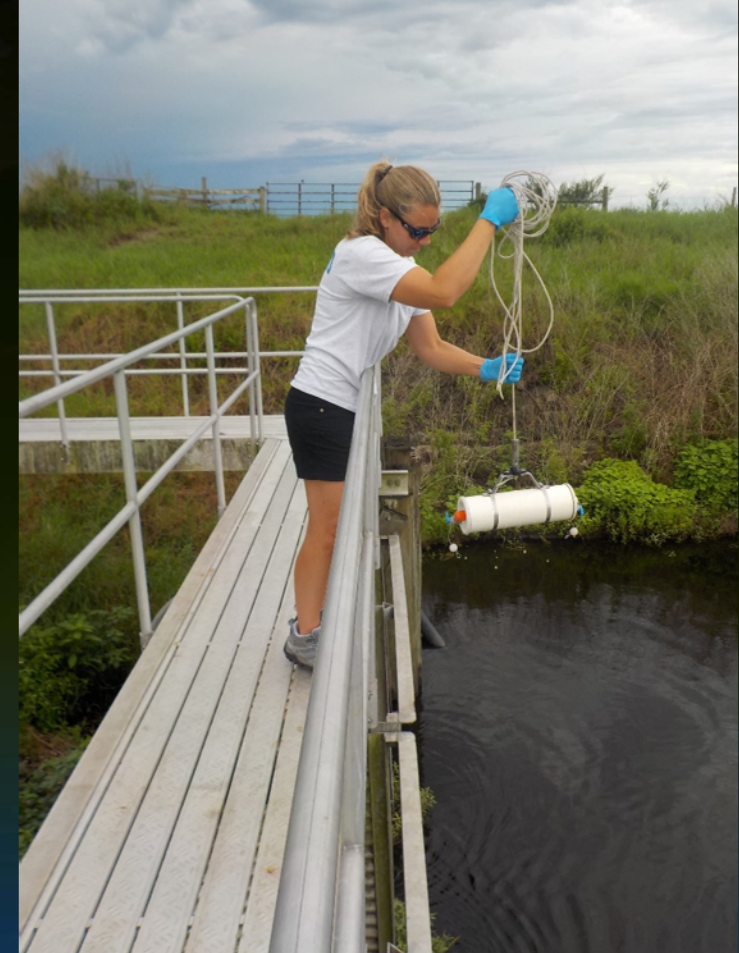
Individual Monitoring Requirements

Objective: To provide for a monitoring program for those under a BMAP not implementing BMPs. The program will require non-point dischargers to:

- Submit a Water Quality Monitoring Plan (WQMP) which must be approved by the SFWMD
- Report monitoring data
- Take action, if the water quality data indicate it is needed

Requirements of WQMP

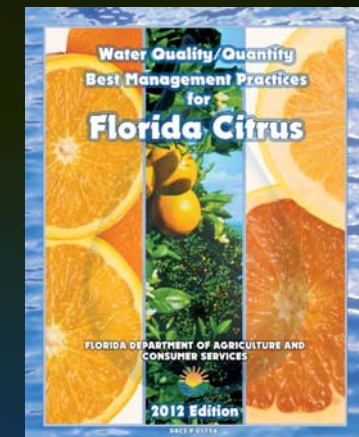
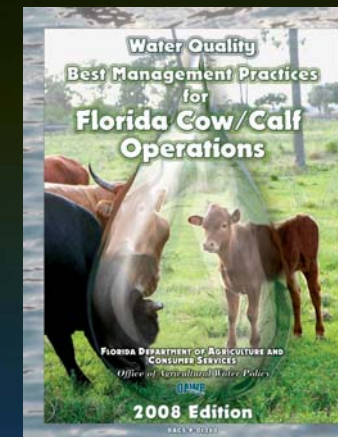
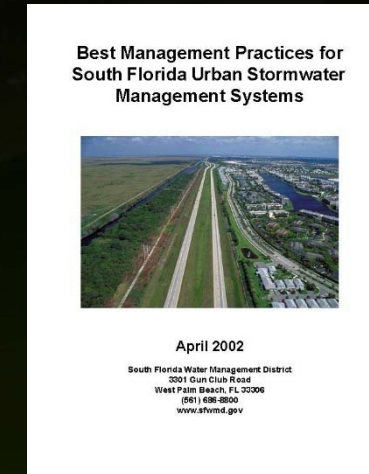
- Description of the property drainage features
- Proposed methodology to determine attainment of water quality criteria
- Proposed monitoring locations
- Sample methods and frequency
- Annual report



Take Action Based on Data

If after 3 years of monitoring, water quality criteria are not met:

- Non-point source discharger must implement BMPs under FDACS or FDEP programs, and
- The District may refer the non-point source discharger to FDEP for enforcement



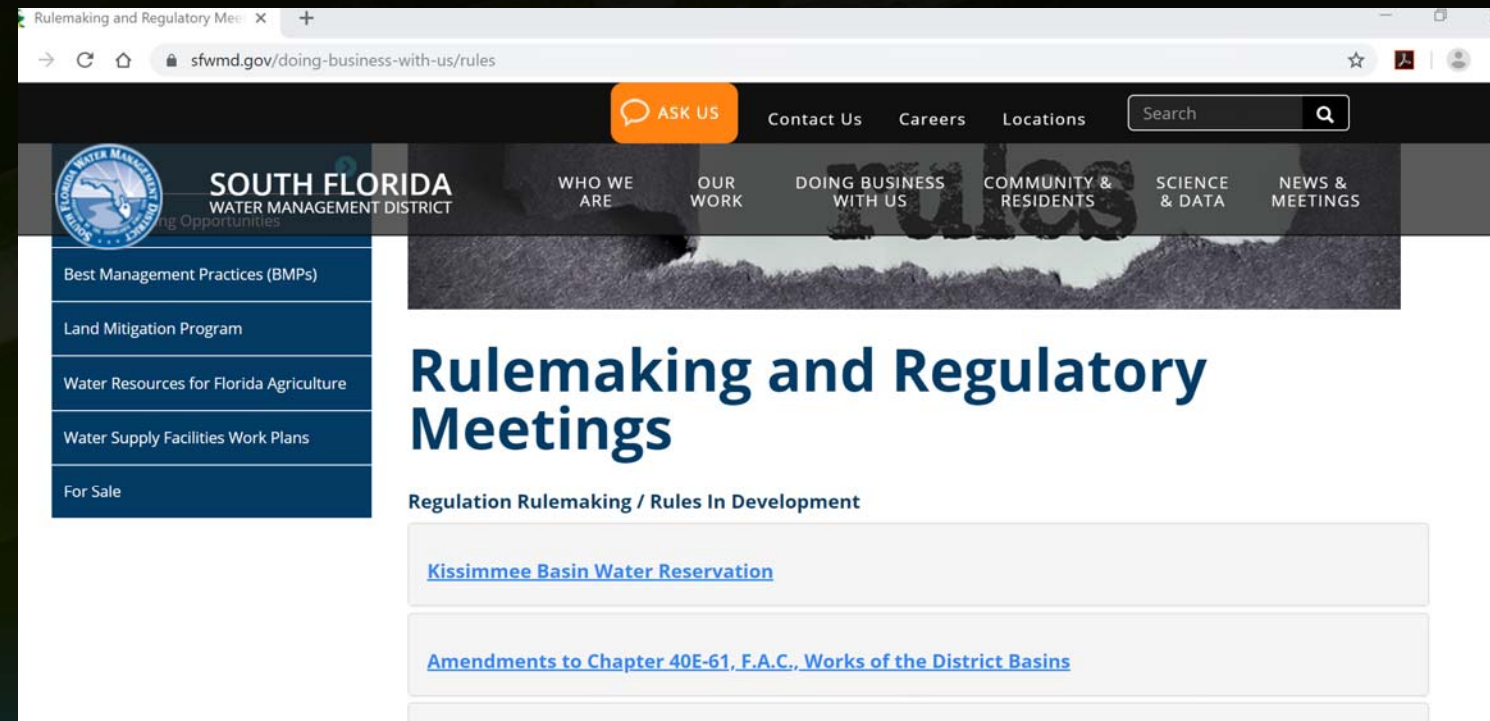
SFWMD Rulemaking Web Board

➤ Interactive Web Board

- Most recent Draft Rule Text
- 9 Workshop videos
- Status of rule amendments
- Comments received
- 2017 Interagency Agreement

➤ Link

- <https://www.sfwmd.gov/doing-business-with-us/rules>



Rulemaking Timeline

Process	Completed tasks and Current Schedule
Governing Board approval of Notice of Rule Development	Completed - October 2019
Round 1 - Public Workshops in 5 regions: Stuart, Kissimmee, Ft. Myers, Okeechobee, West Palm	Concepts only: Completed - November 2019
Legislative Change	March 2020
Update to Governing Board	Completed - March 2020
Publish Draft Rule Text on website	Completed - April 2020
Round 2 - Zoom Workshops	With Draft Rule Text: Completed May 2020 - June 2020
Update to Governing Board	Completed July 2020
Revise Draft Rule Text	June - October 2020
Round 3 - Zoom Workshop	With revised Draft Rule Text November 2020
Revise Draft Rule Text	December 2020
Governing Board approval of the Notice of Proposed Rule and adoption (if no hearings requested and no changes are made) Publish Notice of Proposed Rule File Proposed Rule with JAPC	February 2021

Next Steps

- Rules become effective:
 - April 11, 2021, if no hearing
 - May 12, 2021, if a hearing is needed & no material changes to the rules
 - May 27, 2021, if hearing is needed & outcome materially changes rules
- Legislative Ratification will not be required
- Revise the Interagency Agreement



Interagency Agreement

The Interagency Agreement details the roles and processes of each Coordinating Agency to carry out the NEEPP statutory directives

- Last revised 2017 (expires March 2022)
- Does not include the river watersheds



Interagency Agreement Revision

Staff recommends revising the outdated Interagency Agreement to:

- Include the river watersheds
- Include the District's expanded monitoring
- Include new and updated rules
- Include other pertinent updates



Recommended Action

Publish a Notice of Proposed Rule and Adopt New Rules 40E-61.010, 40E-61.030, 40E-61.220, 40E-61.250, 40E-61.260, 40E-61.280, 40E-61.290, Florida Administrative Code (F.A.C), and repeal Existing Rules 40E-61.011, 40E-61.020, 40E-61.021, 40E-61.023, 40E-61.024, 40E-61.031, 40E-61.041, 40E-61.042, 40E-61.051, 40E-61.101, 40E-61.201, 40E-61.301, 40E-61.321, 40E-61.331, 40E-61.351, and 40E-61.381, F.A.C. (provided no material changes are made and no request for public hearing is timely received).

Approve initiating outreach to the Coordinating Agency partners to revise the Interagency Agreement.

Questions?



Caloosahatchee River



Lake Okeechobee



St. Lucie River