

Welcome

**Rule Development Workshop #5
for Kissimmee Water Reservations**
September 3, 2020

Agenda

1. Welcome
2. Water Reservation
3. Summary of Revisions to the Technical Document
4. Summary of Revisions to Draft Rules
5. Public Comment
6. Next Steps
7. Adjourn

Zoom Format for Public Engagement

- Please use the “Q & A” (Question and Answer) feature on the Zoom tool bar to submit questions throughout the workshop
- The Q & A feature is the only means for the public to engage with us during the workshop
- Questions from the public will be addressed during the “Public Comments” portion of the agenda
- Questions from the public will be read out loud, and live answers will be provided for all to hear

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September 3, 2020

Water Reservation Overview

Toni Edwards
Applied Sciences Bureau

Authority and Implementation

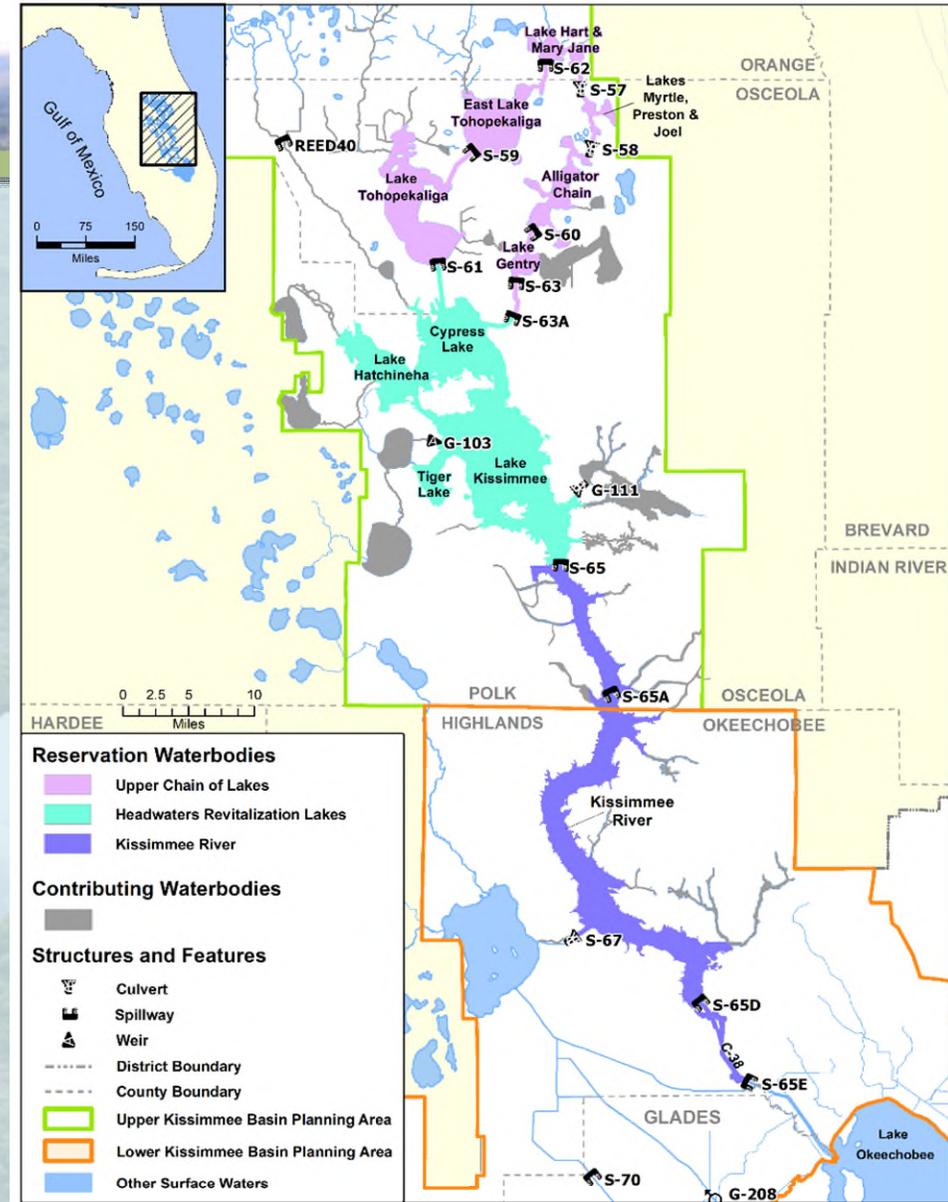
- Statutory Authority in Section 373.223(4), Florida Statutes
- Adopted in Chapter 40E-10, Florida Administrative Code
 - Reserve water for the protection of fish and wildlife or public health and safety
 - Prevent consumptive uses of reserved water only
- Implemented in *Applicant's Handbook for Water Use Permit Applications within the SFWMD*

Kissimmee Water Reservations

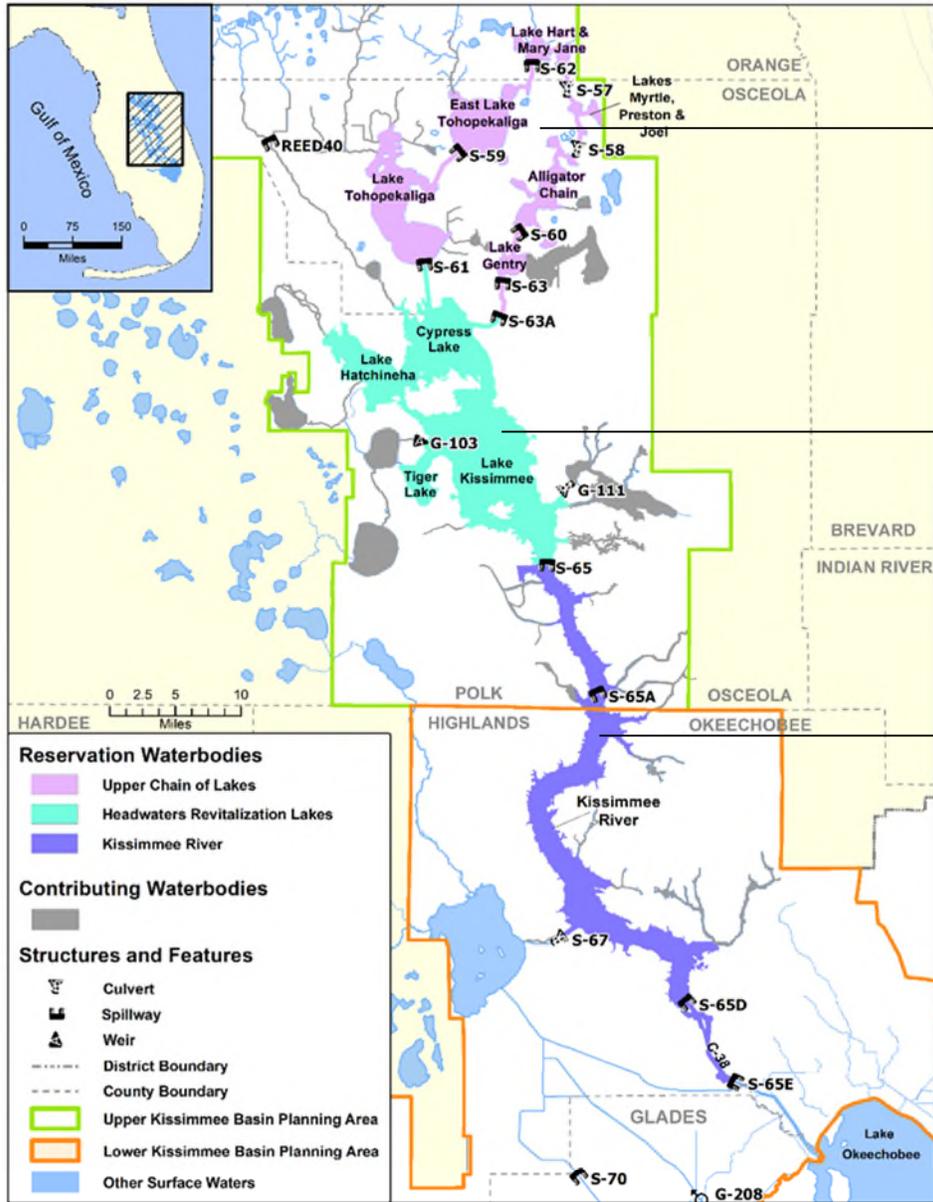
- 172,500 acres, in UKB (CFWI) and LKB Planning Areas
- Upper Chain and Headwaters Revitalization Lakes primary sources of water for the Kissimmee River
- Reservations support Kissimmee River Restoration Project



Kissimmee River Restoration Project (KRRP)



Kissimmee Water Reservations



Upper Chain of Lakes

Lakes Hart-Mary Jane, Lakes Myrtle-Preston-Joel, Alligator Chain of Lakes, Lake Gentry, Lake Tohopekaliga, East Lake Tohopekaliga, and associated canals

Headwaters Revitalization Lakes

Lakes Kissimmee, Cypress, Hatchineha, and Tiger, and associated canals

Kissimmee River and Floodplain

From S-65 structure south to S-65E structure (north of Lake Okeechobee) and remnant river channels, C-38 Canal, Istokpoga Canal and floodplain

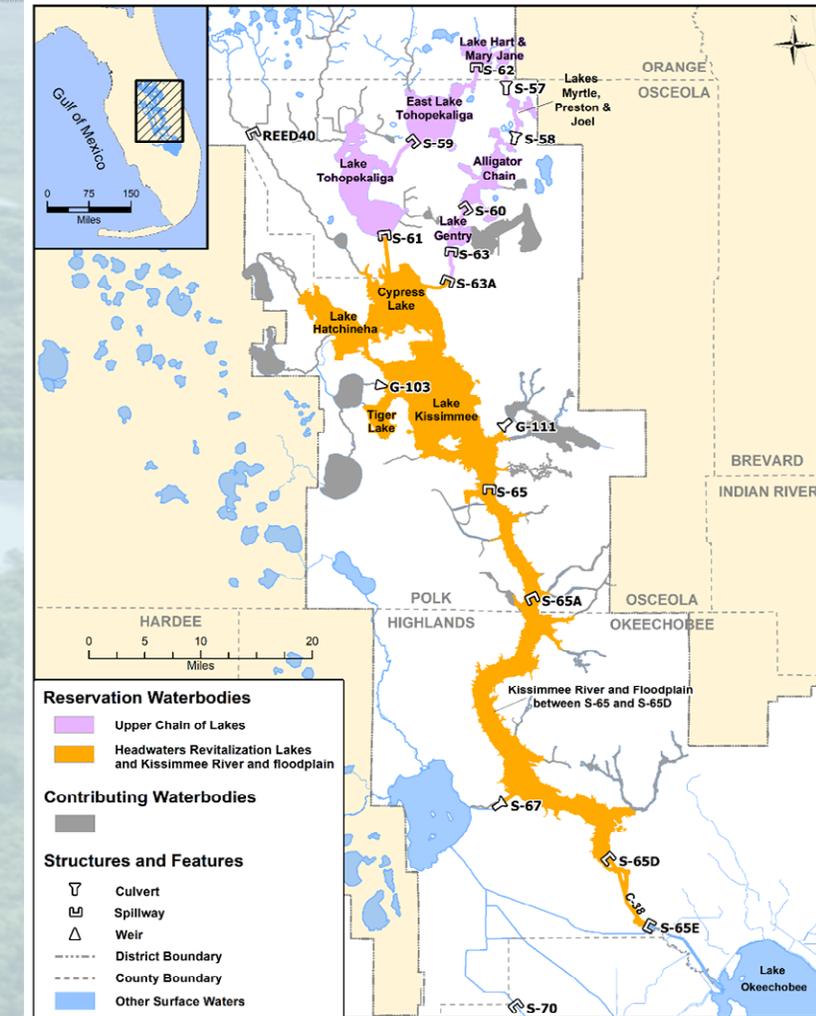
Water Proposed for Reservation

Surface Water

- Upper Chain of Lakes
 - All surface water up to specific water reservation stages
- Kissimmee River and Headwaters Revitalization Lakes
 - All surface water
- Contributing Waterbodies (contribute surface water to reservation waterbodies)
 - Quantities required for the protection of fish and wildlife

Groundwater (Surficial Aquifer System)

- Reservation Waterbodies and Contributing Waterbodies
 - Quantities required for the protection of fish and wildlife



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Summary of Revisions to the Technical Document

Don Medellin
Applied Sciences Bureau

Revisions to Chapters 1 and 2

- Figure 1-1 - Revised figure to show all the contributing areas
- Figure 1-2 – Revised (reformatted)
- Section 1.3.3 - New paragraph added to address recent changes to the Central Florida Water Initiative planning process
- Section 2.1 - Reorganized information regarding water reservations
- Section 2.2 - Added references to Appendices G and H

Revisions to Chapter 3

- Section 3.2 - Revised figures for Upper and Lower Kissimmee planning regions
- Figure 3-3 - Revised figure to show all the contributing areas
- Figures 3-4 to 3-12 - Figure captions were changed to eliminate confusion for reservation waterbodies
- Section 3.5.3.1 - Added additional information regarding the Disston Canal for Lakes Hart-Mary Jane
- Section 3.5.3.2 - Added additional watershed information surrounding Lakes Myrtle-Preston-Joel
- Figure 3-8 - New figure showing the watersheds and direction of surface water flow for Lakes Myrtle-Preston-Joel

Revisions to Chapters 4 and 5

- Section 4.3.1.1 - Added information to clarify how vegetation data was developed for a system-wide approach and considered additional studies
- Sections 5.3.1 and 5.3.2 - Added text to clarify the extent of the water reservation waterbodies extends to the regulated high stage
- Section 5.4.1 - Revised permitting information and added a sentence to state that staff's analysis of withdrawals showed that existing legal uses are not contrary to public interest
- Table 5-1 – Permitting information was corrected

Revisions to Appendices

- Appendix G – Summary of Public Comments, Questions and District Responses on Water Reservation
- Appendix H – Public Comment Letters Received After Rule Development Workshops # 3 and 4

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Summary of Revisions to the Draft Rules

Nicholas Vitani, P.G.
Water Use Bureau

Revisions to 40E-10, F.A.C.

40E-10.031 Water Reservations

(1)-(5) No change.

(6) Water reserved for the protection of fish and wildlife contained within the Upper Chain of Lakes, Headwaters Revitalization Lakes, Kissimmee River, and Contributing Waterbodies is defined in Subsections 40E-10.071(1)-(3), F.A.C.

These water reservation rules do not adjudicate property rights or dictate the operation of the Central & Southern Florida Flood Control Project (C&SF Project).

Revisions to 40E-10, F.A.C.

40E-10.071(1)(c) Water Reservation Areas: Upper and Lower Kissimmee Basin Planning Areas

(a) Surface Water: All surface water in the Headwaters Revitalization Lakes (Figure 4-8A; Figure 4-8B; Table 4-8) up to the water reservation stages depicted in Figure 4-8B and listed in Table 4-8 is reserved from allocation.

Revisions to 40E-10, F.A.C.

40E-10.071 Water Reservation Areas: Upper and Lower Kissimmee Basin Planning Areas

(4) The reservation contained in this rule and the criteria contained in Section 3.11.5 of the “Applicant’s Handbook for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-2.091, F.A.C., shall be revised pursuant to Section 373.223(4), F.S., in light of changed conditions or new information.

Revisions to 40E-10, F.A.C.

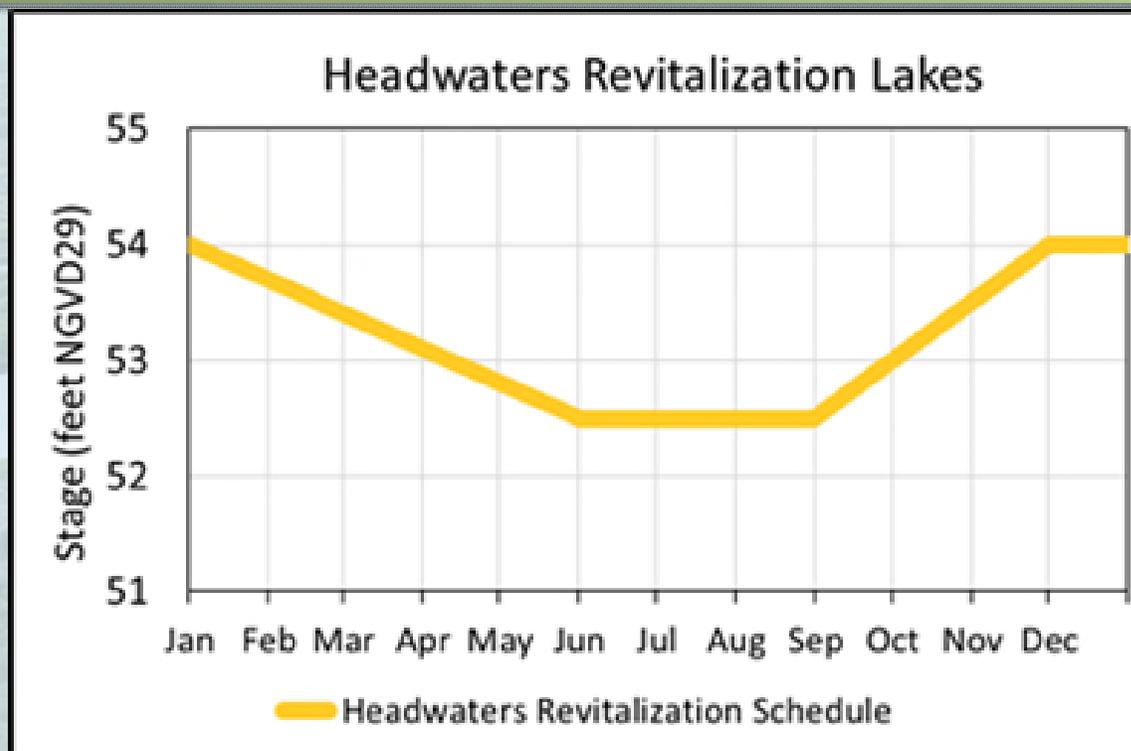


Figure 4-8B. Hydrograph of the authorized Headwaters Revitalization Schedule (HRS) at S-65 (derived from data in Table 4-8) and the water reservation stage (water reservation line) for the Headwaters Revitalization Lakes reservation waterbodies. . All water up to the water reservation line is reserved from allocation for protection of fish and wildlife (derived from data in Table 4-8).

Revisions to 40E-10, F.A.C.

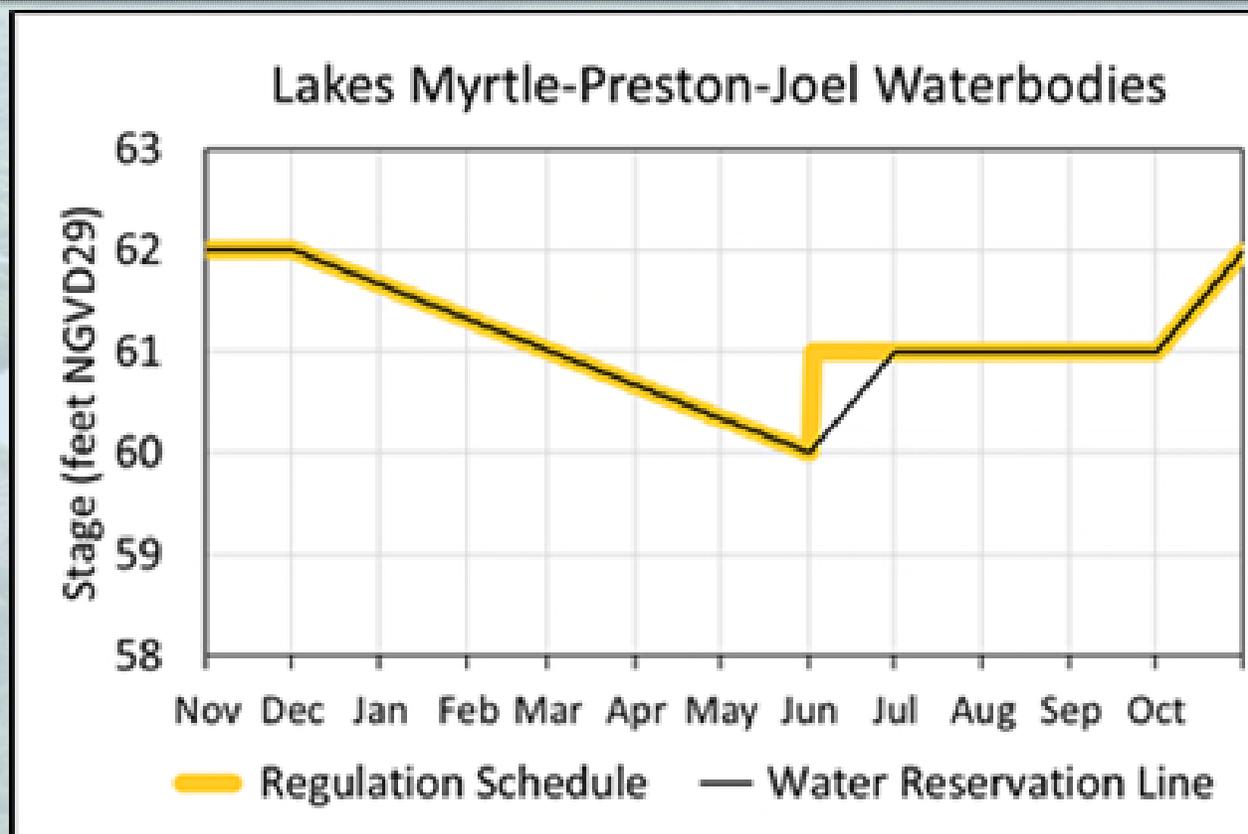


Figure 4-3B. Hydrograph of the current regulation schedule and the water reservation stage at S-57 (water reservation line) for Lakes Myrtle-Preston-Joel reservation waterbodies. All water up to the water reservation line is reserved from allocation for protection of fish and wildlife (derived from data in Table 4-3).

Revisions to Applicant's Handbook

- **3.11.5.A The Following Uses Do Not Withdraw Reserved Water**

1. Direct Withdrawals of Surface Water from Upper Chain of Lakes reservation or contributing waterbodies that occur when the reservation waterbody stage exceeds the stage reserved from allocation, as described in Subsection 40E-10.071(1), F.A.C., and are authorized by a permit consistent with criteria contained in Subsections 3.11.5.B and 3.11.5.C of the Applicant's Handbook.

2. Indirect Withdrawals of Groundwater with less than 0.1 foot of drawdown from a reservation or contributing waterbody.

Revisions to Applicant's Handbook

3.11.5.A The Following Uses Do Not Withdraw Reserved Water

6. Withdrawals from Floridan aquifer system **wells**.

Revisions to Applicant's Handbook

3.11.5.A The Following Uses Do Not Withdraw Reserved Water

9. Withdrawals authorized by Subsection 40E-2.061(2), F.A.C. (General Permit by Rule for Short-Term Dewatering).

Revisions to Applicant's Handbook

3.11.5 Upper Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River

B.2 Additional Criteria for Issuance of Permits from Upper Chain of Lakes Reservation or Contributing Waterbodies

c. Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area: The applicant shall demonstrate that the proposed use will not impact existing legal users in the Lake Okeechobee Service Area (Subsection 3.2.1.F, Figure 3-3, of the Applicant's Handbook). To provide these assurances, the applicant must provide an operational plan that demonstrates that the daily surface water withdrawals and indirect withdrawals of groundwater from reservation and contributing waterbodies will only occur when Lake Okeechobee stage is within or above the Low Sub-band of the Lake Okeechobee Regulation Schedule (LORS2008) and releases from Lake Okeechobee are being made to either the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-308 and S-80). The applicant shall review DBHYDRO to determine if releases are being made.

Revisions to Applicant's Handbook

3.11.5.C Upper Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River

1. Daily Groundwater Withdrawal Criteria

c. Indirect Withdrawals of Groundwater from an Upper Chain of Lakes reservation waterbody or any contributing waterbody can occur when the District, as local sponsor of the C&SF Project, is discharging from the reservation waterbodies for: i) flood protection purposes; ii) operations associated with maintenance of C&SF Project components; or iii) environmental releases. **The permittee must submit the request to conduct such daily withdrawals on Form No. 1393, which is incorporated by reference in Rule 40E-2.091, F.A.C.**

Revisions to Applicant's Handbook

3.11.5.C Upper Chain of Lakes, Headwaters Revitalization Lakes, and Kissimmee River

2.d. Daily Surface Water Withdrawal Criteria

d. From an Upper Chain of Lakes Reservation Waterbody or any Contributing Waterbody: When the District, as local sponsor of the C&SF Project, is discharging from the reservation waterbodies for: i) flood protection purposes; ii) operations associated with maintenance of C&SF Project components; or iii) environmental releases. District approval is required before any withdrawals can be made. **The permittee must submit the request to conduct such daily withdrawals on Form No. 1393, which is incorporated by reference in Rule 40E-2.091, F.A.C.**

Revisions to Applicant's Handbook

5.2.2 Compliance, Monitoring, and Reporting

K.9.b Specific Region Special Conditions

b. Assessment of Downstream Impacts to Existing Legal Users in the Lake Okeechobee Service Area: The applicant shall demonstrate that the proposed use will not impact existing legal users in the Lake Okeechobee Service Area (Subsection 3.2.1.F, Figure 3-3, of the Applicant's Handbook). To provide these assurances, the applicant must provide an operational plan that demonstrates that the daily surface water withdrawals and indirect withdrawals of groundwater from reservation and contributing waterbodies will only occur when Lake Okeechobee stage is within or above the Low Sub-band of the Lake Okeechobee Regulation Schedule (LORS2008) and releases from Lake Okeechobee are being made to either the Caloosahatchee River (S-77 and S-79) or St. Lucie Estuary (S-308 and S-80). The applicant shall review DBHYDRO to determine if releases are being made.

Revisions to Applicant's Handbook

5.2.2 Compliance, Monitoring, and Reporting

K.9.d Specific Region Special Conditions

9. Permits for withdrawals from a reservation or contributing waterbody, defined in Rule 40E-10.021, F.A.C., shall be subject to the following Special Permit Conditions:

d. If the District, as local sponsor of the C&SF Project, is discharging from the (name of reservation waterbody) for: i) flood protection purposes, ii) operations associated with maintenance of C&SF Project components, or iii) environmental releases, the permittee may request to conduct Direct Withdrawals of Surface Water or Indirect Withdrawals of Groundwater. **The Permittee shall request authorization to conduct such daily withdrawals utilizing Form No. 1393.** The Permittee shall not make any withdrawals until it receives written approval from the District. Daily withdrawals made pursuant to this authorization shall be noted on Form No. 1392.

Revisions to Applicant's Handbook



South Florida Water Management District Temporary Request and Authorization of Withdrawal Facility Operation



Submit request to wucompliance@sfwmd.gov

WATER USE PERMIT NUMBER: _____ OWNER (PERMITTEE) NAME: _____

PROJECT NAME: _____ PHONE/CELL NUMBER: _____

EMAIL ADDRESS: _____

SURFACE WATER: YES NO (If yes, please provide name below)

NAME OF RESERVATION OR CONTRIBUTING WATERBODY: _____

INDIRECT WITHDRAWAL OR GROUNDWATER: YES NO (If yes, please provide name below)

NAME OF RESERVATION OR CONTRIBUTING WATERBODY: _____

REQUESTED AUTHORIZATION (Include total rated capacity for all withdrawal facilities): _____

DATE OF REQUEST: _____ NAME OF REQUESTOR: _____

PHONE/CELL NUMBER: _____ EMAIL ADDRESS: _____

OWNER SIGNATURE: _____

DISTRICT AUTHORIZATION INFORMATION

The Permittee's temporary withdrawals shall comply with the conditions listed below.

1. Start date for Withdrawal: _____ 2. End date for Withdrawal: _____
3. Each morning by 10 a.m., the Permittee shall monitor (insert monitoring station name) and determine if the water level is above _____ ft. NGVD. If the water level is above _____ ft. NGVD, the permittee may withdraw water. If the water level reaches or falls below _____ ft. NGVD, the permittee shall cease all withdrawals.
4. Withdrawals made under this authorization shall be monitored and reported on Form No. _____.
5. Other SFWMD Conditions: _____

Signed: _____ Print Name: _____ Date: _____

Form 1393 (2020-xx)
Incorporated by reference in Rule 40E-2.091 (F.A.C.), and Section 3.11.5 of the Applicant's Handbook for Water Use Permits

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Public Comments

Please use the “Q & A” (Question and Answer) feature on the Zoom toolbar to submit a question regarding the information presented.

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Next Steps

Don Medellin
Applied Sciences Bureau

Kissimmee Rule Development Schedule

Activity	Date
Public Workshop #5	September 3, 2020
Complete SERC Evaluation	September 21, 2020
Notice of Proposed Rule *	October 8, 2020
Rule Effective Date **	December 3, 2020

* Governing Board action required

** Provided no changes are made and no public hearing is timely received

Next Steps

- Public comments due **Thursday, September 24, 2020**
- Comments can be submitted to Toni Edwards at tedwards@sfwmd.gov
- Workshop presentations will be posted to the Kissimmee Reservations webpage
- **Next Opportunity for public engagement:**
Governing Board Meeting - October 8, 2020
(Location to be determined)

Additional Information

- Kissimmee reservations webpage
www.sfwmd.gov/reservations
- Kissimmee web board (under SFWMD Rule Development)
<http://sfwmd.websitetoolbox.com/>
- SFWMD rules webpage
www.sfwmd.gov/rules

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Thank You!