Comments and Responses to Proposed Amendments to Appendix A1 of Chapter 40E-63, Florida Administrative Code

Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment 1 (FSCG-EB1): “With regard to confirmation of legal descriptions, if you have any associated sketches, they would be very helpful to assist us in conforming the stated boundaries of water control districts.”

Response: Indicated below is the sketch prepared for the South Shore Drainage District diversion basin. For the other diversion basins, figures available at http://floridawatercontroldistricts.org/index.htm, Chapter 40E-61, Florida Administrative Code (F.A.C.), and Chapter 40E-63, FAC, permits were used.

Draft boundary descriptions are based on Chapter 40E-61, F.A.C., for Closter Farms and on information provided at http://floridawatercontroldistricts.org/index.htm for the water control district diversion basins. Revisions were made when the descriptions did not match the diversion basin hydrologic boundaries.
COMMENTS AND RESPONSES TO PROPOSED AMENDMENTS TO APPENDIX A1 OF CHAPTER 40E-63, FLORIDA ADMINISTRATIVE CODE
Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment FSCG-EB2 “The location figures are helpful but they were not mentioned in the rule text.”

Response: Figures 1 and 2 are not mentioned in Appendix A1, however, they are referenced in 40E-63.101, FAC, as indicated next:

(1) The goal of the regulatory program contained in Part I of this chapter is to reduce by 25% the total phosphorus loads discharged from the EAA.

(a) The EAA is generally depicted in Appendix A1 Figure 2 and includes the drainage Basins of S-2, S-3, S-5A, S-6, S-7, S-8 and S-150.

(b) The Everglades Protection Area is generally depicted in Appendix A1 Figure 1 and includes Water Conservation Areas 1, 2A, 2B, 3A and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge and the Everglades National Park.

(c) Both areas are more specifically identified and described in Rule 40E-63.104, F.A.C. (Boundaries).

Chapter 40E-63.104, FAC, also indicates that the Everglades Protection Area (Figure 1) and the EAA (Figure 2) are depicted on maps in Appendix A1.

Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment FSCG-EB3: “Figure 1 appears to be an overall location map, as it includes areas outside of the Everglades Restoration Boundary areas. Figure 2 also appears to be a general location map. Please consider whether the title of the figures is accurate. A title other than the figure identification number may not be necessary given the detailed legend.”

Response: Please refer to the response to SCG-EB2. The titles are consistent with those used in equivalent figures which are being removed as part of this amendment: 40E-63-1 “Everglades Restoration Area”, and 40E-63-2 “Proposed Regulated Portion of the EAA & Location of Stormwater Treatment Areas”.

To ensure consistency with 40E-63.101, FAC, and the proposed revisions to 40E-63.104 EAA Basin Boundaries the titles of Figures 1 and 2 will be revised, as follows:

Figure 1 to be renamed as “The Everglades Protection Area” for consistency with 40E-63.101.

Figure 2 to stay the same.

Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment FSCG-EB4: “For both Figures, you may wish to consider crosshatching for the 40E-63 Regulated area to be identified as the EAA Chapter 40E-63 Regulated area since C-139 is also regulated under 40E-63 FAC.”

Response: The legend in Figures 1 and 2 will be revised from: “Chapter 40E-63, F.A.C., Regulated Area” to “Original EAA drainage basins regulated under Chapter 40E-63”.

Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment FSCG-EB5: “Additionally, as stated in the rule, the Everglades Construction Project Diversion Basins are also regulated under rule 40E-63.104, FAC. Perhaps this could be clarified.”
Response: The legend in Figures 1 and 2 will be revised to read from: “Everglades Construction Project Diversion Basins” to “Chapter 40E-63 Everglades Construction Project Diversion Basins”

**Comment from Ernie Barnett on behalf of the Florida Sugar Cane League received on September 8, 2017 – Comment FSCG-EB6 “The description for the Closter Basin includes what is listed as “Paul Bardin Park”, which is also mentioned in the description as ‘Paul Bardin State Park.” The park is actually called Paul Rardin Park and is a county park. However, it is not within the Closter Basin and should be removed from this basin description. Please see aerial map of the area attached.”**

Response: The description will be revised, as indicated below. A marked-up sketch, based on Chapter 40E-61, F.A.C., “Basin Boundaries for Works of the District within the Lake Okeechobee Basin” is also included.

Beginning at the intersection of the center line of the LD-2 Levee with the North line of Section 26, Township 42 South, Range 36 East; thence, Southerly along the center line of the LD-2 Levee to the South line of Section 36.

**Continue in Township 43 South, Range 36 East:**

Thence, continue southerly along the center line of the LD-2 Levee to the north line of Section 12;

Thence, east along the north line of said Section 12 and the north line of Section 7 Township 43S Range 37E, to the east right line of State Road 715;

Thence, southerly along said Easterly right of way line of State Road 715 to the centerline of the easterly extension of the existing road on the south side of Paul Rardin County Park;

Thence, easterly along said extension of the existing road to a point in the center line of an existing Levee near the center of Section 7;

Thence, Northerly along the center line of said existing levee through Sections 7, 8 and 5 to the North line of said Section 5.

**Continue in Township 42 South, Range 37 East:**

Thence, continue along the center line of said existing levee through Sections 31 and 30, to the North line along Section 30;

Thence, Westerly to the Northwest corner of said Section 30.

**Continue in Township 42 South, Range 36 East:**

Thence, Westerly along the North line of Sections 25 and 26, to the intersection with the center line of LD-2 Levee and the POINT OF BEGINNING.