

Date: August 5, 2020

To: Don Medellin, Principal Scientist, Applied Sciences Bureau, SFWMD  
Toni Edwards, Senior Scientist, Coastal Ecosystems Section, SFWMD

From: Rebecca Elliott, Environmental Manger, Office of Agricultural Water Policy, FDACS

RE: Draft Technical Document to Support the Central Everglades Planning Project  
Everglades Agricultural Area Reservoir Water Reservation Rule dated June 2020 and  
SFWMD's Applicant's Handbook 3.11.6 EAA Reservoir Section dated June 18, 2020

The Florida Department of Agriculture and Consumer Services (FDACS) Office of Agricultural Water Policy (OAWP) appreciates the opportunity to provide technical comments on the Draft Technical Document to Support the Central Everglades Planning Project (CEPP) Everglades Agricultural Area (EAA) Reservoir Water Reservation Draft Report June 2020 and the Draft June 18 40E-10 EAA Reservoir Reservation Rule and SFWMD's Applicant's Handbook 3.11.6 EAA Reservoir section. Technical review comments are provided below.

TECHNICAL DOCUMENT TO SUPPORT THE CENTRAL EVERGLADES PLANNING  
PROJECT EVERGLADES AGRICULTURAL AREA RESERVOIR WATER RESERVATION  
Draft Report June 2020

1) Locations and Quantities of Water to be Reserved

Section 373.223(4), F.S., states: The governing board or the department, by regulation, may reserve from use by permit applicants, water in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. Such reservations shall be subject to periodic review and revision in the light of changed conditions. However, all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.

The information currently provided in the technical support document does not clearly identify the sources or associated volumes of water that will ultimately provide the quantities to be stored in the EAA Reservoir. Nor does it describe how the sources will be differentiated regarding quantities of "new or additional" water made available by the project versus quantities currently allocated to existing legal uses. As the EAA Reservoir water sources include Lake Okeechobee and EAA runoff, the EAA Reservoir assessment of "water to be reserved" versus "water for existing legal uses that will not be reserved" is tied to regional water management and water use permit allocations in the vicinity of the project.

FDACS recommends that the technical support document clearly describe how reserved and non-reserved water is included in both inflow and outflow EAA Reservoir operations and in the utilization of water for natural system restoration and water supply for developed areas.

The EAA Reservoir Reservation Rule is prospective and expected to be reviewed based on the Project Operating Manual operations permitted consistent with water control plans being implemented when construction is complete, with State Assurances, and with the Savings Clause. The prospective reservation should provide projected locations, quantities, seasonality, and existing legal use information consistent with the provisions of the reservation rule.

## 2) Operations

The EAA Reservation Rule is a prospective reservation that is subject to substantial uncertainties due to both the Lake Okeechobee System Operating Manual (LOSOM) effort that is scheduled to replace LORS08 in 2022 and the need to develop a Project Operating Manual (POM) based on the constructed reservoir that may not be consistent with the Draft POM developed in the planning process. Future operational plans are still pending and will need to be evaluated to optimally utilize the added storage capacity while maintaining compliance with State Assurances and Savings Clause requirements for water supply and flood protection performance levels. The EAA Reservoir Reservation Technical Support document states that “Interim Operations have not yet been developed and the Project Operating Manual development will occur during subsequent project phases. Development of the Project Operating Manual is an iterative process that will continue throughout the life of the project. Refinements to the operating criteria in the manual will be made as more project design details, data, operational experience, and general information are gained during project phases.” The reservation documentation should avoid the perception that it is establishing an operational regime consistent with numerous SFWMD presentations that specifically state that operations are not established by a reservation.

## 3) Water Supply as a Project Purpose

Water supply for other water related needs is a CERP project purpose of the EAA Reservoir Project. In the CERP “Yellow Book”, a portion of the projected additional water made available was identified as contributing to the water resource development goals of CERP for other water related needs. The EAA Reservoir PACR projected non-reserved water flow through Structure S-628 to the EAA via the inflow-outflow canal to the Miami Canal and the North New River Canal. While water allocations directly from the reservoir will not be permitted, the reservation does not preclude continued and additional water use allocations that meet the EAA Reservoir reservation rule criteria and all other water use permit criteria. 5.2.1 Water Not Reserved for the Protection of Fish and Wildlife states “any withdrawal of water from the Miami and North New River canals must be consistent with allocations in existing water use permits”. The reservation rule identifies the water that will be reserved from consumptive use allocation but is not used to create availability rules for non-reserved water. Consider omitting the sentence above or providing the evaluation or explanation that supports the technical document finding.

#### 4) Lake Okeechobee Regional Availability Rule (LOSA)

OAWP recommends that the discussion of LOSA Regional Water Availability (RWA) rule be clarified on pages 73 – 74 in Section 5.2 Effects of the Proposed Everglades Agricultural Area Reservoir on Existing Legal Users, and Section 5.3 Upstream Watershed Evaluation. The LOSA RWA is a regulatory component of a minimum flow and minimum level recovery strategy in response to the implementation of the interim LORS08 schedule. LOSOM or subsequent operational schedules have the potential to return the LO MFL to a prevention strategy. A return of Lake Okeechobee to an MFL prevention strategy once the Herbert Hoover Dike Rehabilitation is complete was anticipated when LORS08 was adopted as an interim schedule. OAWP recommends the LOSA RWA rule be considered as a part of the long-term planning considerations for water supply use associated with the Lake Okeechobee MFL recovery strategy and not an assumption that caps water supply use at existing conditions.

#### 5) Upwelling of Connate Water

The potential for upwelling of connate water is described in Appendix A, Evaluation of Impacts to Water Sources for Existing Legal Consumptive Users Due to the EAA Reservoir and A-2 Stormwater Treatment Area. The canals are a surface water supply source to be protected from any detrimental water quality shifts due to the construction and operation of the CEPP EAA Reservoir, including salinity and any other connate water constituent that would negatively impact existing legal uses. Consider cut off wall design that minimizes upwelling of connate water and monitoring at locations and frequencies that will detect potential water quality problems before it is evident in the canal surface water. Mitigation to avoid harmful impacts should occur before surface water quality is compromised.

#### Proposed EAA Reservoir Reservation and Applicant's Handbook version July 18, 2020

40E-10.061

#### (3) EAA Reservoir

(d) Consider deletion of the phrase “and will be used to maintain EAA canal levels” to avoid the appearance that the reservation rule is establishing an operating regime.

#### 3.11.6 EAA Reservoir

Applicant's Handbook – no comment

Please contact Rebecca Elliott, at 850-688-5767 or by email at [Rebecca.Elliott@fdacs.gov](mailto:Rebecca.Elliott@fdacs.gov) if you would like additional information or discussion.