

Water Reservation Overview for the Picayune Strand Restoration Project

WATER RESOURCES ADVISORY COMMISSION

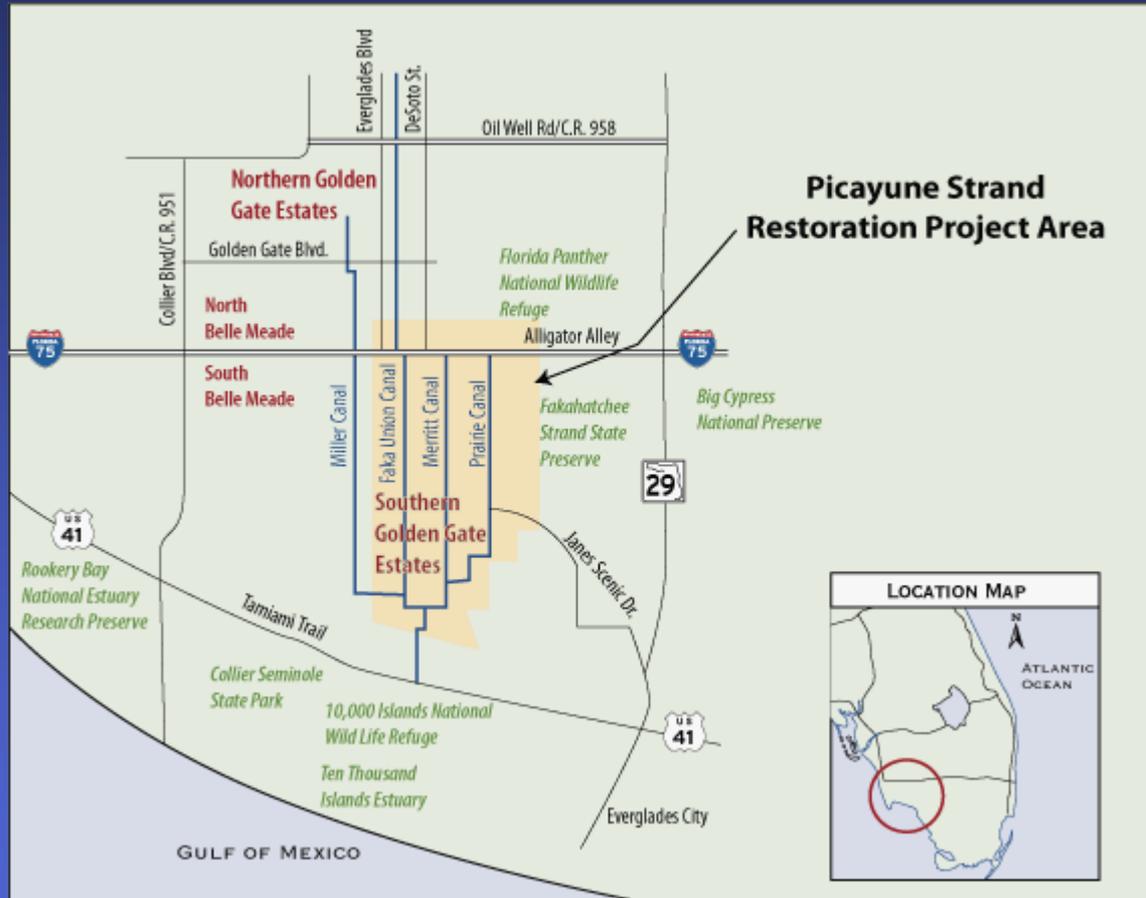
JULY 3, 2008



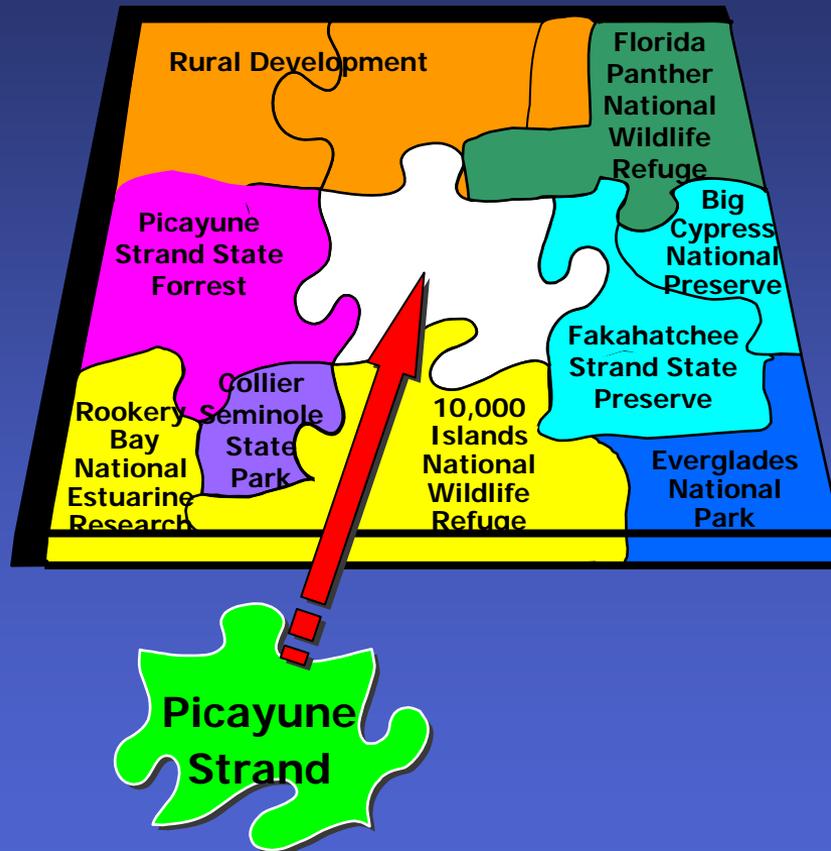
Presentation Overview

- **Background on Picayune Strand Restoration Project**
- **What is a Water Reservation?**
- **Why Do a Water Reservation?**
- **Process for Establishing a Reservation**

Project Area



The "Missing Piece" of the Puzzle...

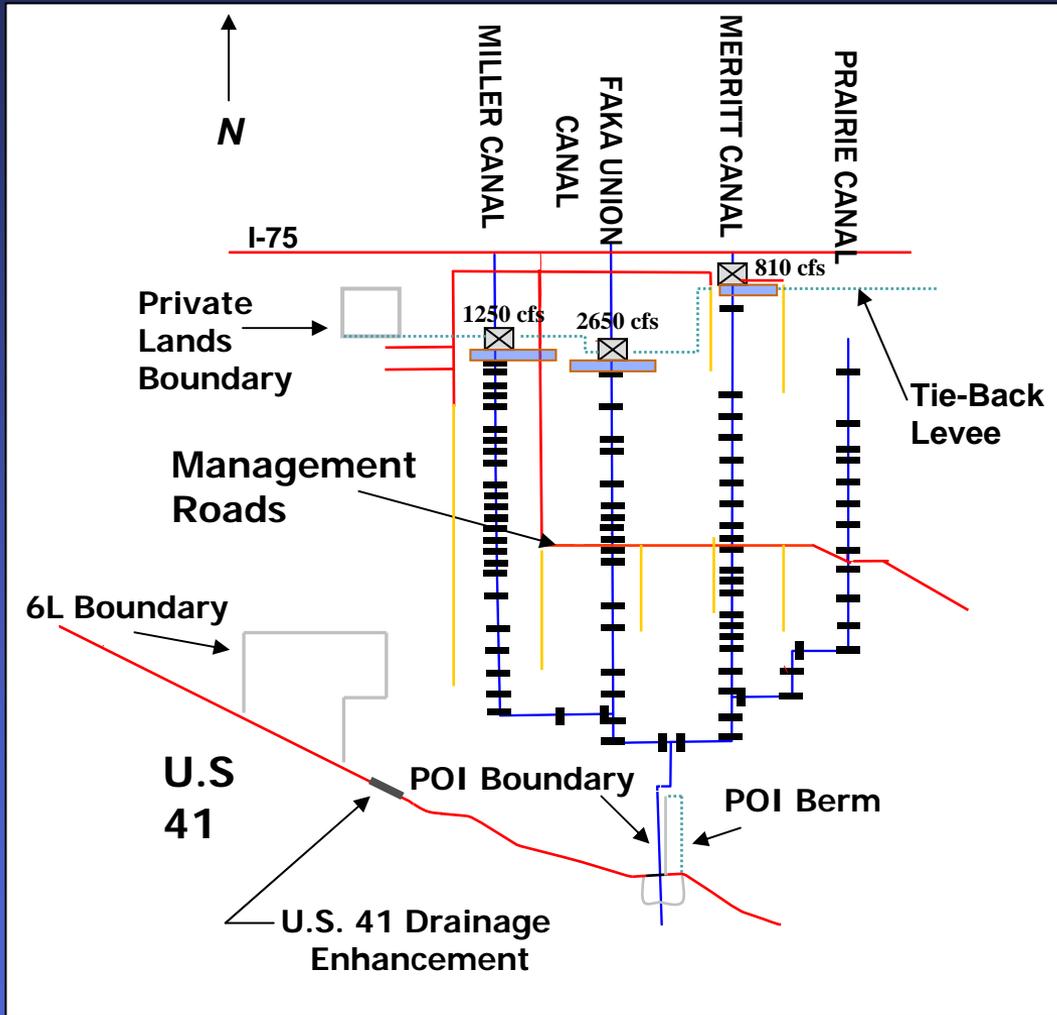


Restores
ecological
connectivity
between publicly
owned lands

Project Objectives

- Restore pre-drainage hydrology to a regional ecosystem that includes uplands, freshwater wetlands, and estuaries
- Restore a more natural fire regime
- Exotic vegetation control

Restoration Plan



ELEMENTS

-  3 Spreader Canals
-  3 Pump Stations
-  Canal Plugs
-  Primary All Weather Roads
-  Secondary Roads
-  Private Lands Boundaries
-  Berm

Expected Benefits

- Restoration of historic plant and animal communities
- Increased spatial extent of wetlands
- Restoration of sheet flow through Picayune Strand towards coastal estuaries (Faka Union Bay and other bays of the Ten Thousand Islands region)
- Increased groundwater levels

Hydrology is the Key to Achieving Expected Project Benefits

- Protection of water made available for the natural system by the Project required by Section 601(h) of the 2000 Water Resources Development Act (WRDA)
 - State required to protect water for natural system using its **reservation or allocation** authority
- State also agreed to protect existing water for the natural system using its reservation or allocation authority

Why Protect the Water?

- WRDA 2000 requires that the reservation or allocation be complete prior to signing a Partnership Agreement to receive federal funding for Project construction and operation
- SFWMD has determined the **reservation** is the most appropriate tool to protect water for the Picayune Strand Restoration Project

What is a Water Reservation?

- A water reservation is a legal mechanism to set aside water for the protection of fish and wildlife or the public health and safety
 - Authority: F.S. 373.223(4)
 - Programmatic Guidance: Department of Environmental Protection Rule F.A.C. 62-40.474

Statutory Framework F.S. 373.223(4)

“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 require 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”

DEP Programmatic Guidance

- Focus: Protection of Fish and Wildlife
- Under what circumstance can a reservation be used?
 - Aid in a recovery of prevention strategy for a water resource with an established minimum flow and level
 - Aid in restoration of natural systems which provide fish and wildlife habitat
 - Protect flow or levels that support fish and wildlife before harm occurs
 - Protect fish and wildlife within an Outstanding Florida Water, an Aquatic Preserve, a state park, or other publicly owned conservation lands with significant ecological value
 - Prevent withdrawals in any other circumstance required to protect fish and wildlife

DEP Programmatic Guidance con't

- **Periodic review and revision if needed**
- **Location, quantity, timing and distribution to be identified to the extent practical**
- **Prospective adoption allowed**
- **Scientific peer review**

What Does a Reservation Do?



- Prevents new uses from accessing reserved water
- Existing legal uses that are not contrary to the public interest are protected

What a Reservation Doesn't Do

- Establish an operating regime
- Drought proof the natural system
- Ensure wildlife proliferation



How is a reservation established?

- **Step One – Rule Development**
 - **Rule Development Workshops**
 - **First workshop held July 17 in Naples, FL**
 - **Attendees: Collier County Water Dept, U.S. Fish and Wildlife Service, City of Naples Utilities, Conservancy of Southwest Florida, Collier Enterprises, Florida Park Service and other stakeholders**
 - **Main Issues**
 - **How does the reservation impact existing permit holders and new uses?**
 - **Does the reservation protect sufficient water north of the pump stations for the protection of fish and wildlife?**

Information on the Internet

- Draft Rules located at www.sfwmd.gov
- Water Supply Department
 - Water Supply Planning
 - Rule Development
 - Water Reservation

https://my.sfwmd.gov/portal/page?_pageid=1874,9678097,1874_21152225&_dad=portal&_schema=PORTAL

Step One- Rule Development con't

- Scientific Peer Review conducted June 24-26, 2008 at Rookery Bay Estuarine Research Reserve
 - Purpose: to determine if the proposed linkage between hydrology and its associated effects on fish and wildlife is scientifically sound
 - Review based on best available information
 - All data, methods, assumptions and models subject were reviewed

Scientific Peer Review – Initial Comments

- Requests for more background information
- Questions specifically about salinity-flow relationship and target for downstream estuary
- Suggested improvements to technical report
- Public provided comment including
 - Miccosukee Tribe
 - US Fish and Wildlife Service
 - Panther National Refuge
 - Rookery Bay Research Reserve

Information on the Internet

- **Web Board located at**
www.sfwmd.gov
- **Technical Data and Docs**
 - **Web Boards**
 - **Water for the Natural System Technical Doc Peer Review**
 - **Picayune Strand**
- **<http://webboard.sfwmd.gov/default.asp?action=10&boardid=8&fid=439>**

How is a reservation established?

- **Step Two - Rulemaking**
 - **Governing Board authorizes publication of the draft**
 - **Opens opportunity for public to petition the rule**
 - **Public hearing to make any final changes**
 - **Published with Department of State and rule becomes effective**

Major Milestones

- Rule development initiated: **February 2008**
- Scientific peer review of scientific data to support water reservation: **June 24-26 2008**
- Workshops to develop rules:
June 17, July 24, and August 2008
- Seek Governing Board approval to publish the final draft rule in Florida Administrative Weekly:
October 2008



QUESTIONS

