

Lake Okeechobee Service Area Water Availability Rule Development Update

*Water Resources Advisory Commission
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*Chip Merriam, Deputy Executive Director
Water Resources*



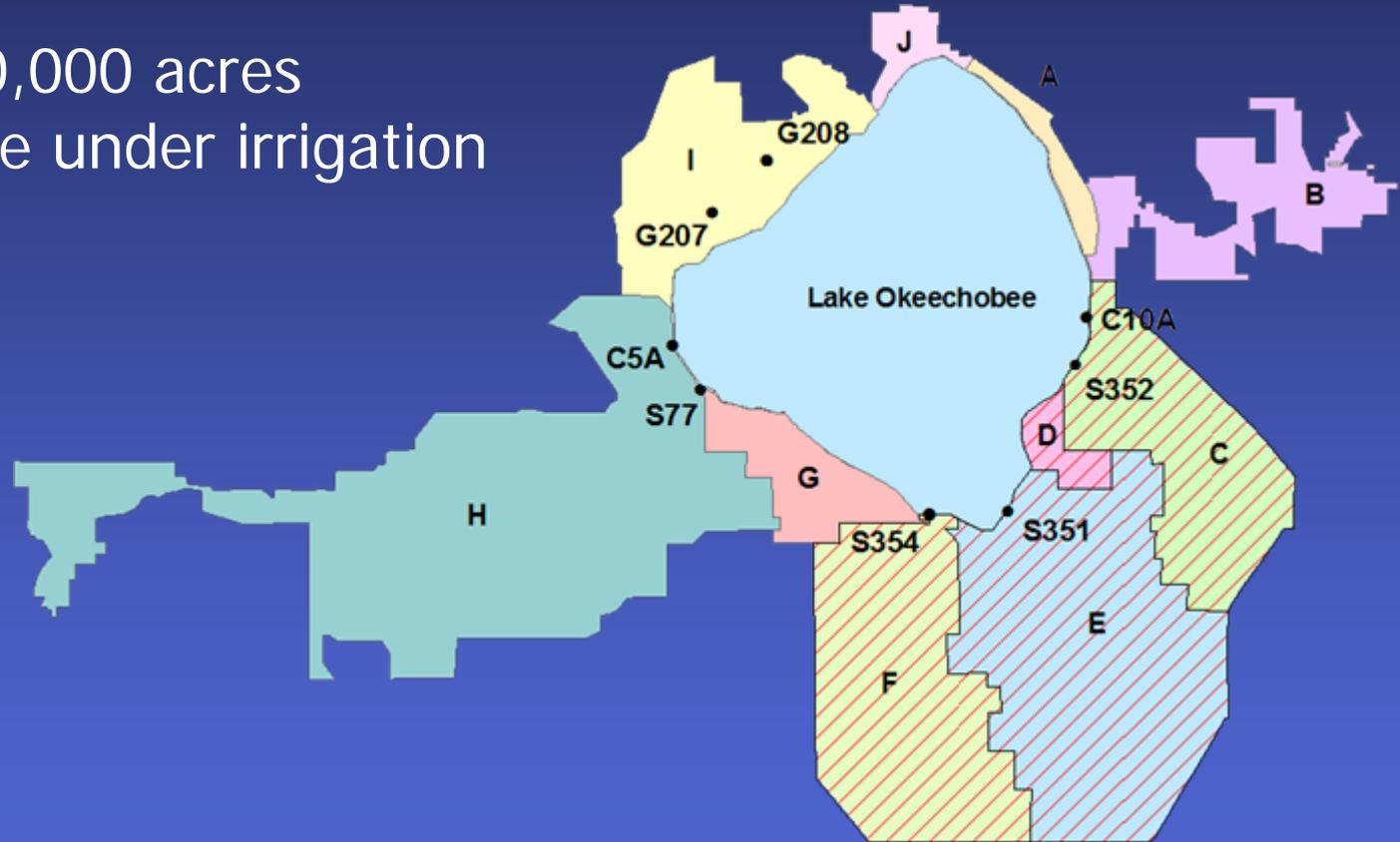
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Overview of Lake O. Water Availability Issue

- Revised Lake regulation schedule increases potential for water shortage & Lake MFL violations
- Lake O Service Area irrigation permits up for renewal beginning in October
- Existing permit rules not compatible with new Lake regulation schedule & would cause competition for water among existing users
- Existing Lake MFL rules also incompatible with new Lake regulation schedule
- Permit & MFL rules need to be revised until the Lake water supply capacity is returned

Lake Okeechobee Service Area Boundaries

- Approx. 700,000 acres of agriculture under irrigation



Goals of the Rule Development

Develop consumptive use regulatory criteria for Lake Okeechobee surface waters:

- Consistent with revised Lake regulation schedule
- Consistent with agency objectives for protection & enhancement of natural systems
- Provides criteria for renewal of existing agricultural projects for 20 years
- Limit the expansion of water uses that are inconsistent with the variations of Lake quantity and quality (such as drinking water supply)

Products

Draft rule language for Governing Board consideration addressing:

- Water use permit criteria for allocation of Lake water within the Lake Okeechobee basin
- Revise the Lake MFL rule to replace the existing prevention strategy with a recovery strategy
- Revise the LEC Regional Water Supply Plan Appendix H (MFL recovery/prevention plans) to include the new Lake MFL recovery strategy

Process/Schedule

- Rule language and MFL recovery plan drafted
 - Section 3.2.1. of the Basis of Review
 - 40E-8 (F.A.C.) Minimum Flows and Levels
 - Appendix H LECRWSP 2005 (revised)
- Four public rule development workshops conducted
- Status report to March WRAC and Governing Board
- Outreach to user community/finalize rule draft
- Seek Governing Board authorization to publish rule by May / June 2008
- Rule becomes effective in September 2008, begin LOSA water use permit renewals in October 2008

Issued Raised During Rule Development

■ Base Condition Water Use

- Issue: how is it defined? Permitted or actual use? What about uses without a permit?
- Response: existing permits issued before B-List rules, not representative of actual use
- Rule Proposal: Apply B-List rule criteria to historic crop plantings to calculate base condition use per farm. Unpermitted uses within a Diversion Impoundment included in base; unpermitted projects not included in base calculation

Issued Raised During Rule Development

- Retired permits for reallocation to new uses
 - Issue: How far back should retired permits be considered for reallocation (e.g. Tallisman/STAs)?
 - Response: consideration of permits already retired would allow increase over current use, further impacting existing legal uses and Lake ecology
 - Rule Proposal: Only those legal uses in place on 1/1/08 and retired after 1/1/08 will be eligible for reallocation

Issues Raised During Rule Development

- MFL recovery plan
 - Issue: should some of the base condition water use be dedicated to improve the Lake's hydrology during dry times?
 - Response:
 - LORSS analysis - Large reductions in water use needed for minor improvements in Lake stage during dry times
 - Water use plays role in lowering Lake during wet times
 - MFL violations caused by regulation schedule, not over use
 - Rule Proposal: existing base condition water use to be maintained, retired base uses may be reallocated to new uses

Questions