

North Fork of the St Lucie River Water Reservation Rule Development

Water Resources Advisory Commission
October 8, 2009

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sfwmd.gov

Overview

- **Schedule for Rule Development**
- **Scientific Findings and Policy Issues for Inclusion in Draft Rule**

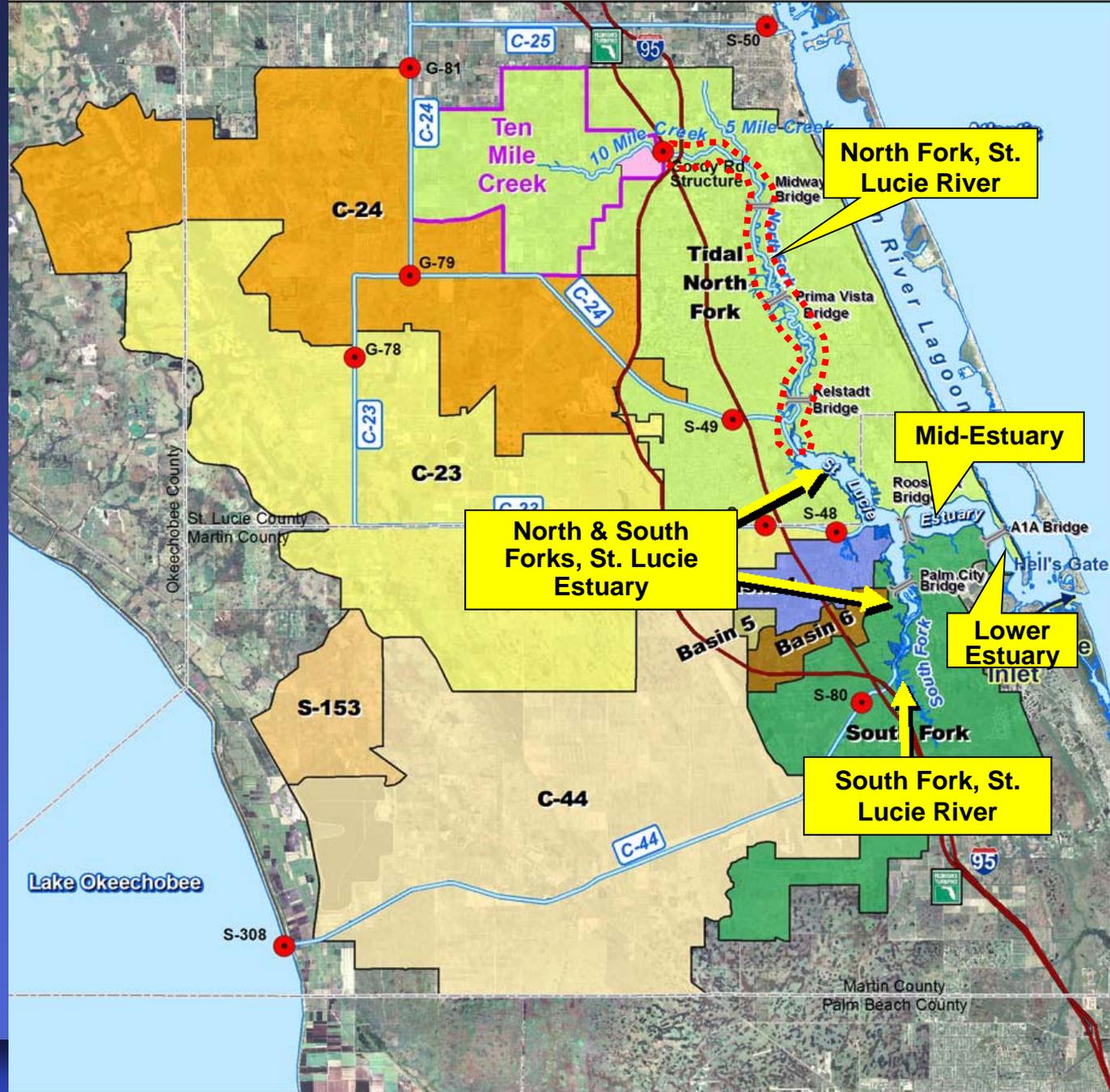


What is a Water Reservation Rule and Why Adopt One?

- A water reservation is a legal mechanism to set aside water from consumptive uses for the protection of fish and wildlife or for the public health and safety
 - Authority: F.S. 373.223(4)
- Federal Law requires the District to **reserve** or allocate water for natural system identified in CERP project implementation report prior to executing a Project Partnership Agreement

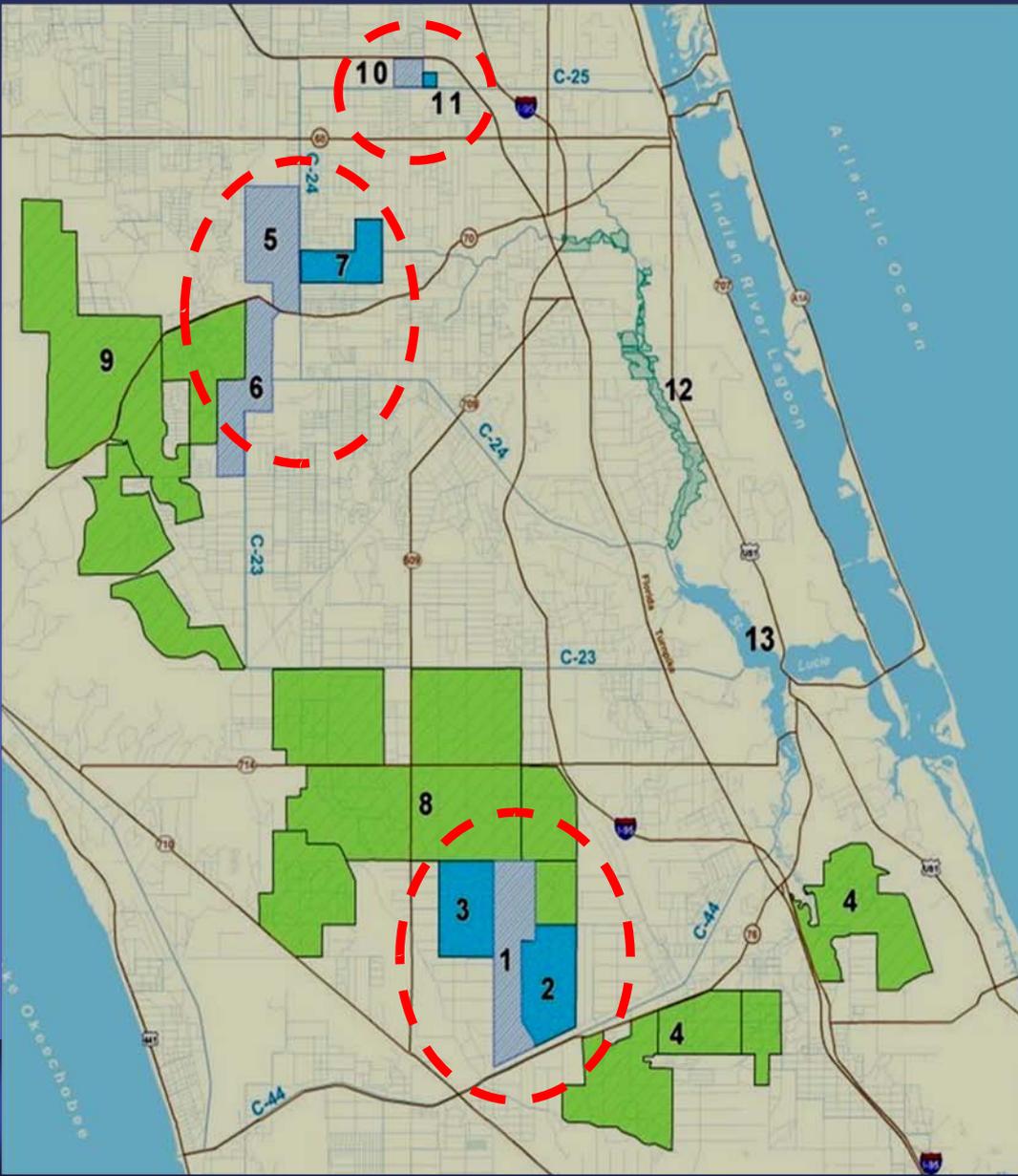
St. Lucie Estuary Watershed Map

Major Basins and Ecologic Compartments



St. Lucie Estuary Watershed

Indian River Lagoon-South Recommended Plan



C-44 Basin Components

1. C-44 Reservoir
2. C-44 Stormwater Treatment Area (East)
3. C-44 Stormwater Treatment Area (West)

C-23/C-24 Basin Components

5. C-23/C-24 North Reservoir
6. C-23/C-24 South Reservoir
7. C-23/C-24 Stormwater Treatment Area

C-25, North Fork & South Fork Basin

10. C-25 Reservoir
11. C-25 Stormwater Treatment Area

-  Reservoir
-  Stormwater Treatment Area
-  Natural Storage & Water Quality Area

Major Milestones for Water Reservation Rule

- Initiated rule development: **April 2008**
- Completed draft technical report: **May 2009**
- Scientific peer review of scientific and technical data: **June 2 & 3, 2009**
- Update to WRAC: **July 2, 2009**
- Rule Development workshops: **April 30 and August 6, 2009**
- Governing Board presentations on technical information and policy issues to include in draft rule: **Sept 9, 2009**
- Public workshops on draft rule language: **Sept 29, 2009**

What's Next for St Lucie River Water Reservation Rule?



- Public workshop on draft rule language: **October 28, 2009**
- Update WRAC: **October and November**
- Prepare Statement of Estimated Regulatory Costs: **November 2009**
- Request Notice of Rulemaking from Governing Board: **November 13, 2009**

Major Milestones to Execute Project Partnership Agreement (PPA) and Construct IRL-S Project

- Request notice of rulemaking from Governing Board: **November 13, 2009**
- Adoption hearing: **January 14, 2010**
- Effective date of rule: **February 18, 2010**
- Corps verify rule by: **March 9, 2010**
- Execute Project Partnership Agreement: **March 10, 2010**
- Advertise Phase 1 Bids: **May 6, 2010**

Scientific Findings for Inclusion in Draft Rule

- Mean monthly flows of 130 cfs at the Gordy Road Structure during the dry season (November 1 to May 31) are necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River
- Delivering pulsed flows equating to a mean monthly flow of 130 cfs provides environmental benefits to both North Fork St. Lucie River and downstream oyster communities in the estuary



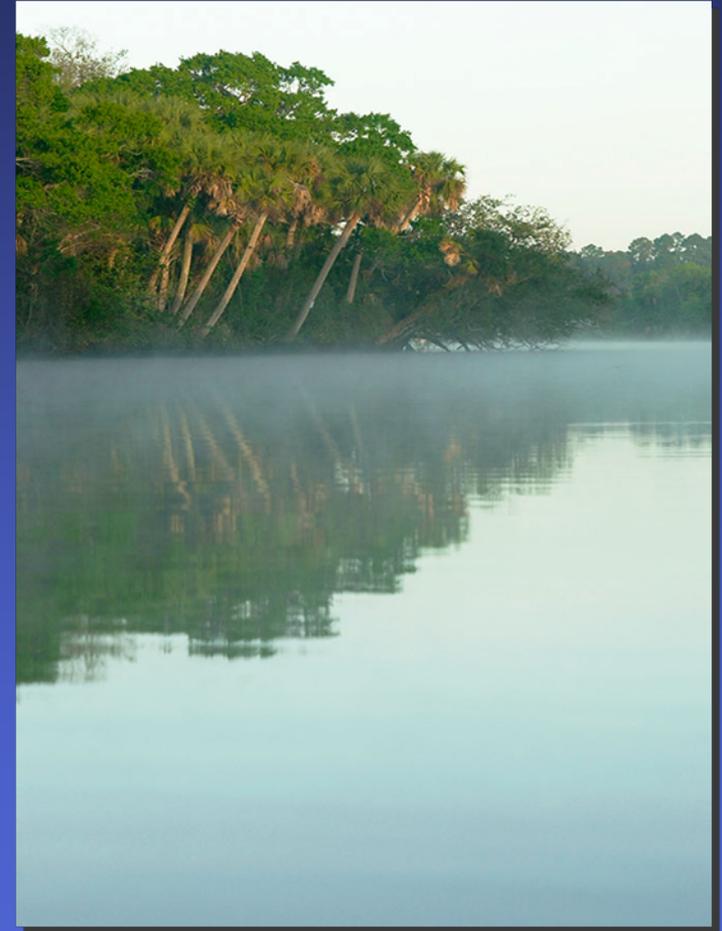
Scientific Findings for Inclusion in Draft Rule



- Floridan Aquifer System is not a significant source of water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River
- The Surficial Aquifer System is hydrologically connected to the North Fork, however, it is not a significant source of water necessary for the protection of fish and wildlife in the North Fork of the St. Lucie River

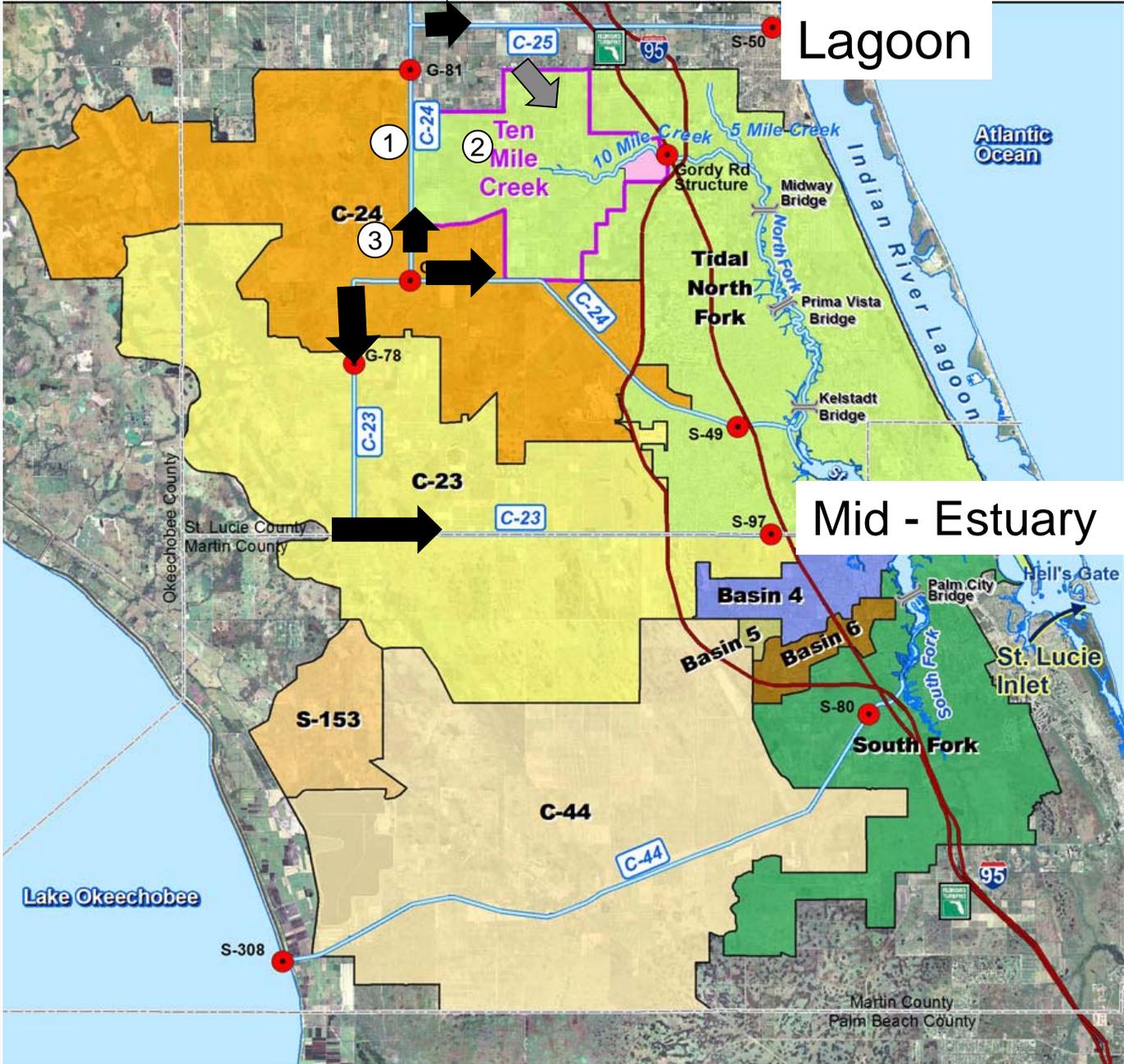
Policy Issues for Inclusion in Draft Rule

- Recommend Prospective Reservation – water for fish and wildlife will not be available until CERP project operational
 - Per DEP rule 62-40.474, FAC
 - Need to identify when water is anticipated to become available
 - Need to explain how the reservation will be adjusted if actual water made available is different than the quantities anticipated



Watershed Basins Contributing to North Fork of St. Lucie River – Existing Flow Paths

-  Water Reservation Basins
 -  Non-contributing Basins
 -  Water Control Structures
 -  Major Canals
 -  Bridges
 -  Open Water
 -  Major Highways
 -  County Boundaries
 -  STAs
 -  Reservoirs
- ① C-23/24 North Reservoir
 - ② C-23/24 STA
 - ③ C-23/24 South Reservoir

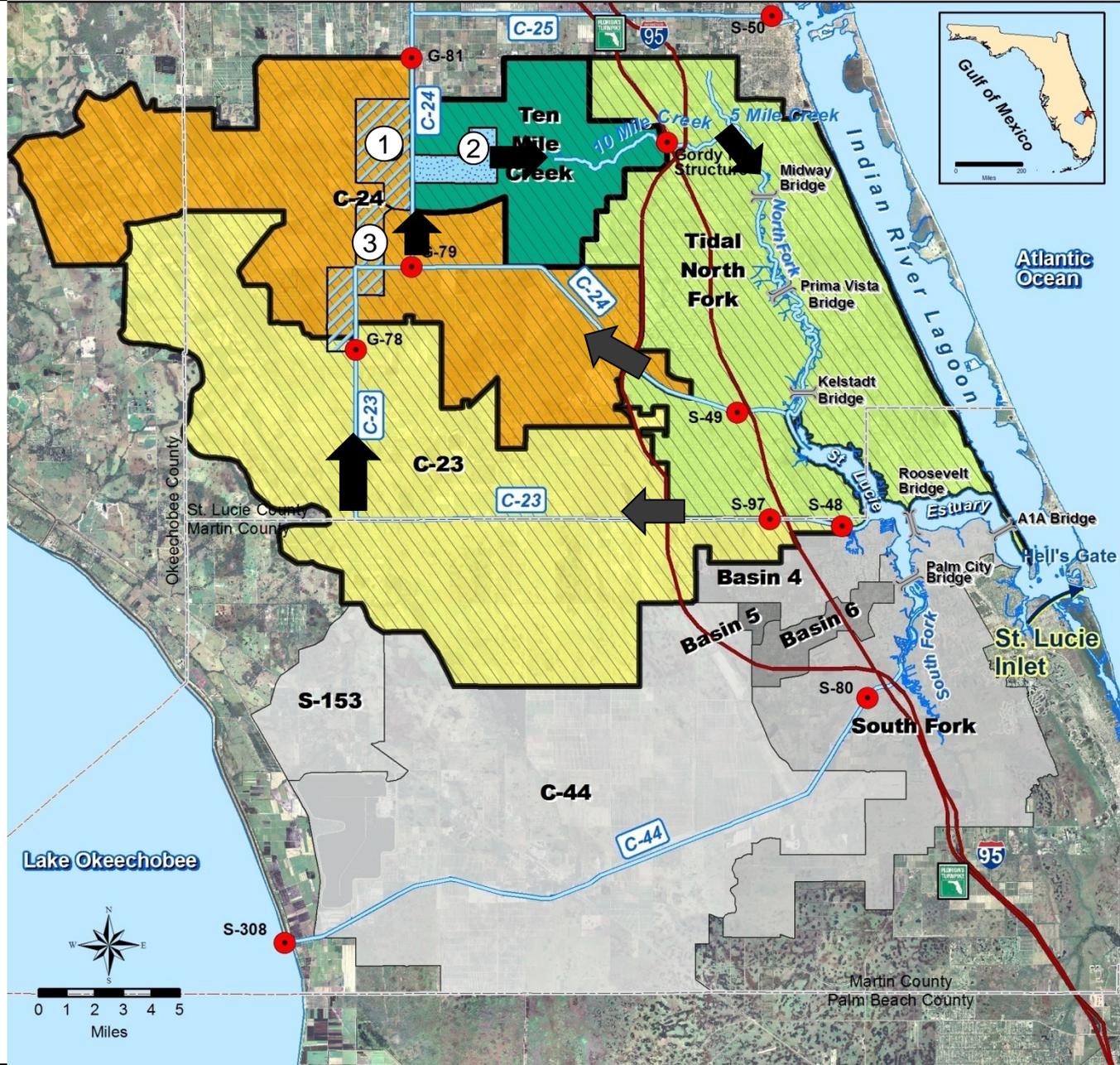


Lagoon

Mid - Estuary

Watershed Basins Contributing to North Fork of St. Lucie River – Future Flow Paths

-  Water Reservation Basins
-  Non-contributing Basins
-  Water Control Structures
-  Major Canals
-  Bridges
-  Open Water
-  Major Highways
-  County Boundaries
-  STAs
-  Reservoirs
- ① C-23/24 North Reservoir
- ② C-23/24 STA
- ③ C-23/24 South Reservoir



Policy Issues for Inclusion in Draft Rule, cont.

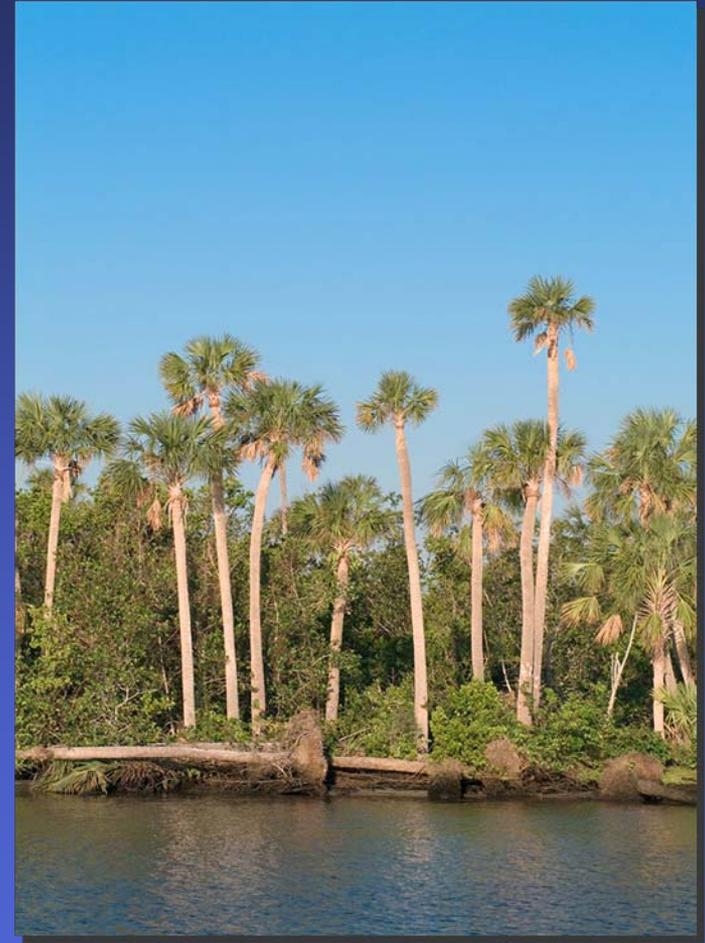
- Prospective Reservation Appropriate
 - With CERP Project in place, 90% of water reaching Gordy Road structure originates from C-23/C-24 Reservoirs and STA
 - Source of water to C-23/24 Reservoirs and STA are the C-23 and C-24 Canals
 - Restricted Allocation Area: C-23, C-24, and C-25 Canal systems – no additional water can be allocated over and above existing allocations (WUBOR 3.2.1)
 - Existing MFL in effect for North Fork of St Lucie River (40E-8 FAC)

Policy Issues for Inclusion in Draft Rule, cont.

- Prospective Reservation identifies when water is anticipated to become available
 - Include text consistent with CERP Master Agreement, “water will be available when Governing Board determines that the CERP project is operational”
- Include periodic update in rule

Policy Issues for Inclusion in Draft Rule, cont.

- Recommend existing legal uses not contrary to public interest
 - Existing demands part of analysis for fish and wildlife
 - Existing MFL is not being violated; existing water resources not experiencing significant harm
 - Goal of enhancing water resources relies upon construction and operation of project components



What's next?

- Next rule development workshop to receive comment on draft rule:
 - October 28, 2009
- sfwmd.gov/slrreservation
- More information about workshop: contact Gardenia Long - glong@sfwmd.gov
- Questions or comments about draft rule
 - Brenda Mills – bmills@sfwmd.gov
 - Beth Lewis – belewis@sfwmd.gov



Thank You