



Water Reservation for the Caloosahatchee River (C-43) West Basin Storage Reservoir

Governing Board Meeting—February 13, 2014

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Water Reservation Background

- Governing Board directed staff to focus the reservation rule on protection of water for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir project
 - Reserve water consistent with PIR
- Reservation is prospective
 - Reservation required for Federal government to sign Project Partnership Agreement
- Reservation is implemented through consumptive use permitting process





Water Reservation Rule Development Activities

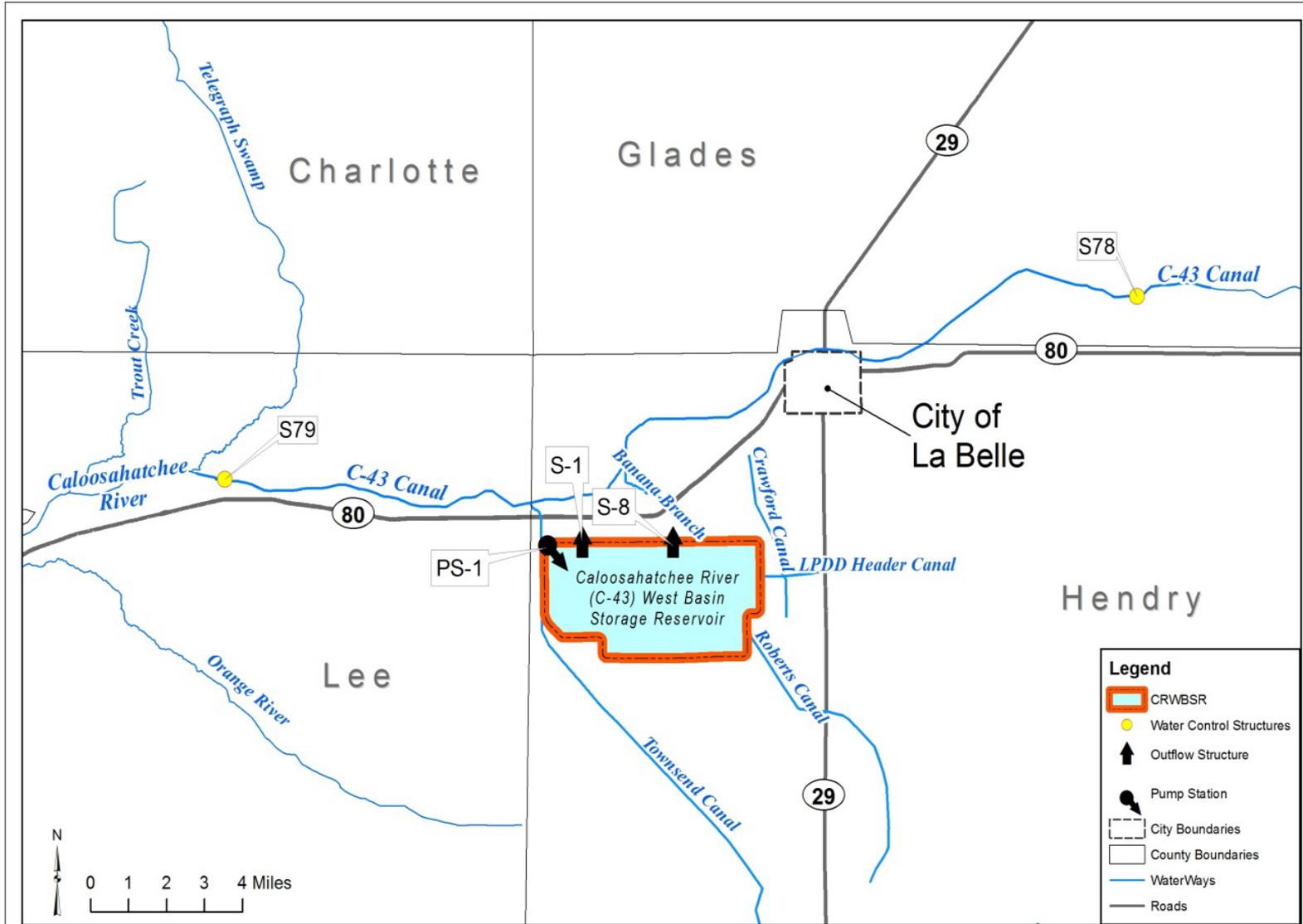
- Held 3 Public Workshops
- Presented Proposed Rule at February WRAC Meeting
- Requesting publication of Notice of Proposed Rule

C-43 Project Background

- Improve the quantity and timing of flows to the Caloosahatchee Estuary
- Reservoir has 170,000 acre-feet of storage
- Chief's Report & Record of Decision – May 2011
- Awaiting Congressional Authorization



Protected Water Body



Draft Rule Components

- **Chapter 40E-10, F.A.C., Water Reservations**
 - Includes definitions
 - Identifies the reservation water body
 - Identifies the volume & seasonality of reserved water
- **Rule 40E-2.091, F.A.C., Incorporation by Reference**
 - Addition to the Basis of Review/ Applicant's Handbook
 - Contains specific implementation criteria for CUP review



Components of the Proposed Water Reservation Rules

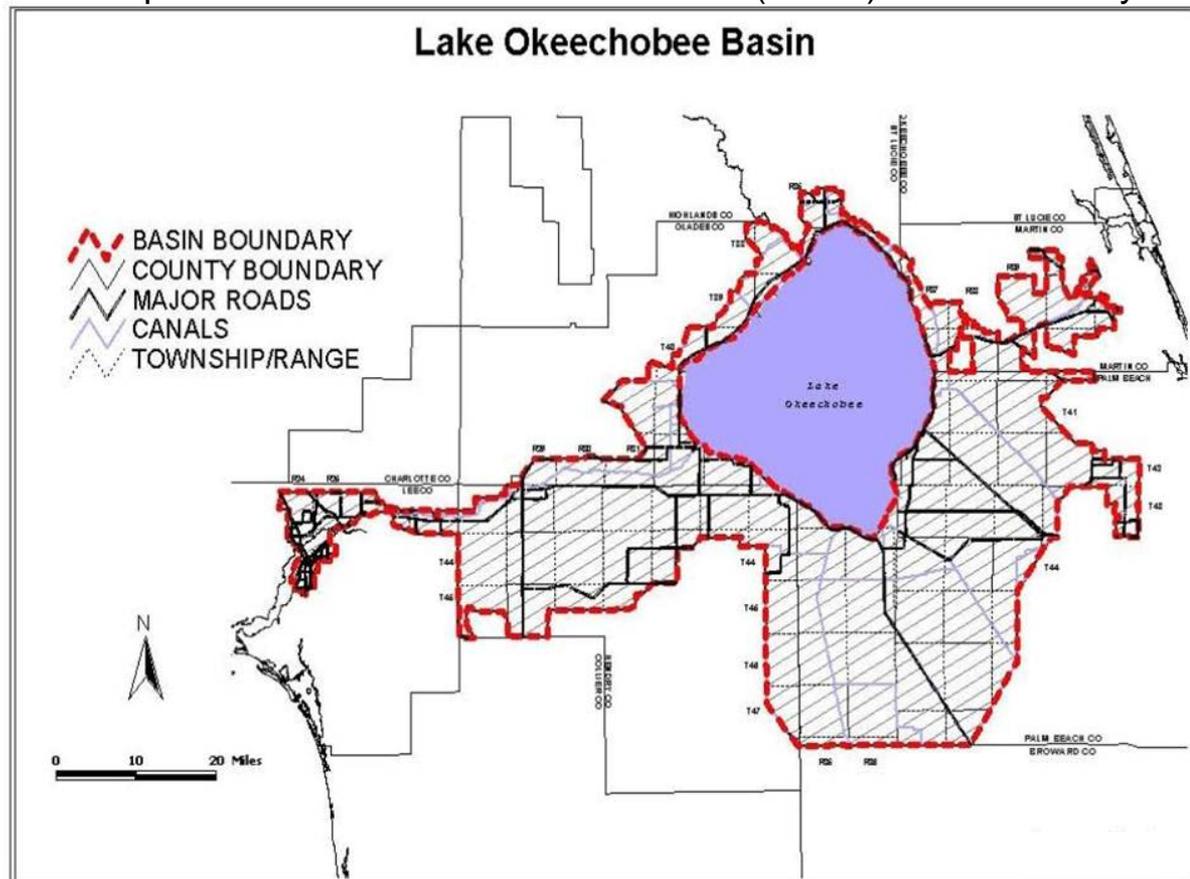
- All surface water contained within and released, via operation, from the C-43 Reservoir is reserved
- Water reserved will be available for fish and wildlife upon a formal determination of the Governing Board, pursuant to state and federal regulations, that the C-43 Reservoir is operational
- The reservation shall be revised pursuant to Section 373.223(4), F. S. in light of changed conditions or new information
- Existing legal uses as of the rule adoption date are not contrary to the public interest



Other Water Resource Protection Rules

- LOSA Restricted Allocation Area Rule restricts surface water withdrawals from Lake Okeechobee
- Canals hydraulically connected to the Lake are also protected
- Other consumptive use permitting criteria provide additional protection

Map of Lake Okeechobee Service Area (LOSA) Rule Boundary



Summary of Public Comment

- Department of Interior supports reservation rule
- Conservancy of Southwest Florida – Need reservation for restoration and concerns about existing permits being deemed not contrary to the public interest
- Florida Farm Bureau – concerns with existing legal user impacts
- Sanibel Captiva Conservation Foundation – Need baseline reservation and concerns about issuing new permits prior to reservoir becoming operational
- Natural Resources Defense Council – concerns with timing of water protection with a prospective reservation



Next Steps

C-43 Reservation Activity	Date
Request Review by Office of Fiscal Accountability and Regulatory Reform	February 2014
Publish Proposed Rule in Florida Administrative Register	February 2014
Comment Period	February / March 2014
Rule Adoption/ Public Hearing	April 2014
Rule becomes effective 20 days after filing with Dept. of State	June 2014

Recommended Action

Authorize Publication of Notice of Proposed Rule in the Florida Administrative Register to amend Rules 40E-2.091, 40E-10.021, 40E-10.031, and 40E-10.041, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, and request review by the Office of Fiscal Accountability and Regulatory Reform, to establish a water reservation and criteria for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir





Questions?