

# LEC RESTRICTED ALLOCATION AREA EXAMPLE REVIEW

PROGRAM COMPONENTS	PROGRAM COMPONENT SUMMARY	CITATIONS
<p style="text-align: center;"><u><a href="#">Water Supply Mission Components</a></u></p>		
<p style="text-align: center;"><b>Goals</b></p> <ul style="list-style-type: none"> <li>• <b>Overarching goal: sustainability of environment, economy, and social well-being of region</b></li> <li>• <b>Resource (e.g. salt intrusion, potentiometric surface, MFLs, MFL recovery strategy, etc.)</b></li> <li>• <b>Existing legal user protection</b></li> <li>• <b>Future water resource development project water availability</b></li> </ul>	<p>Sustainability goal established</p> <p>CUP criteria adopted as the regulatory portion of MFL recovery strategies for Everglades and Loxahatchee River</p> <p>CUP criteria assure water needed for restoration projects is not allocated for consumptive use</p> <p>Additional programs, projects, and rules provide for water shortage and substantial variety of project and operational components</p> <p>Relationship of MFL strategies to CUP and water shortage programs defined (inseparable components, phased implementation of MFL strategies, projects orderly implementation to replace / enhance existing sources for all existing and projected R-B uses, assurances to ELU stated in .1501 and s.601(h)(4)(A) , shortage program not to replace strategy)</p>	<p>The Governor’s Commission for a Sustainable South Florida</p> <ul style="list-style-type: none"> <li>• Cover Letter <a href="http://www.sfrestore.org/crogee/ra3/ra3.html">http://www.sfrestore.org/crogee/ra3/ra3.html</a></li> <li>• A Conceptual Plan for the C&amp;SF Project Restudy <a href="http://www.sfrestore.org/crogee/ra6/ra6.html">http://www.sfrestore.org/crogee/ra6/ra6.html</a></li> </ul> <p>WRDA 1996 at Pub. L. 104-303, §528(b) (1)(A)(ii)(II) (1996) <a href="http://www.gpo.gov/fdsys/pkg/PLAW-104publ303/content-detail.html">http://www.gpo.gov/fdsys/pkg/PLAW-104publ303/content-detail.html</a></p> <p>Comprehensive Everglades Restoration Project (CERP) and Everglades Program <a href="http://www.evergladesplan.org/pub/restudy_eis.aspx">http://www.evergladesplan.org/pub/restudy_eis.aspx</a></p> <p>§§ 373.1501, 373.4592(4)(b), F.S. <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373</a></p> <p>WRDA 2000 at Pub. L. 106-541, §601 (2001) <a href="http://www.gpo.gov/fdsys/pkg/PLAW-106publ541/content-detail.html">http://www.gpo.gov/fdsys/pkg/PLAW-106publ541/content-detail.html</a></p> <p>§§373.1501, 373.4592, F.S. <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373</a></p> <p>2000 LEC Regional Water Supply Plan <a href="http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository_lib_pkg.repository_browse?p_keywords=lecwatersupplyplandocs&amp;p_umbnails=no">http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository_lib_pkg.repository_browse?p_keywords=lecwatersupplyplandocs&amp;p_umbnails=no</a></p> <p>Multiple MFL Tech. Pubs <a href="http://www.sfwmd.gov/portal/page/portal/xwe">http://www.sfwmd.gov/portal/page/portal/xwe</a></p>

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		<p><a href="#">b%20protecting%20and%20restoring/minimum%20flows%20and%20levels%20%28everglades%29</a></p> <p>Chapter 40E-8, F.A.C.  <a href="https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8">https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8</a></p> <p>AH 3.2.1.E. ( See e.g. 2nd paragraph re: objectives)  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p> <p>President and Governor's Agreement  <a href="http://www.evergladesplan.org/pm/progr_regs_pres_gov_agreement.aspx">http://www.evergladesplan.org/pm/progr_regs_pres_gov_agreement.aspx</a></p>
<p style="text-align: center;"><b>Linkage to regional water supply plan</b></p> <ul style="list-style-type: none"> <li>● Limited water availability demonstrated</li> <li>● Causal relationships documented</li> <li>● Analysis of alternatives and comparative performance of options</li> <li>● Strategy (long-term) developed considering scientific and socio-economic issues</li> <li>● Water supply development and water resource development projects linkage</li> <li>● Funding</li> <li>● Others</li> </ul>	<p>Water resource protection standards from Ch. 373, to meet the goals (i.e. harm, significant harm, serious harm)</p> <p>Performance measures for modelling assessment (level, duration, frequency) of existing / base condition and alternative solutions</p> <p>Water demands for environmental (MFL and restoration) and human needs were identified for 20 years</p> <p>Problem identification and effective solution alternatives assessed and selected</p> <p>Recovery / prevention strategies developed, including water resource and water supply development projects, and provision of sufficient water for existing and projected reasonable-beneficial uses</p> <p>Extensive restoration and water resource development projects. No water available for allocation until operation and “certification” of water available for allocation</p> <p>Substantial state and federal funding</p>	<p>Central and Southern Florida Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement (1999) (aka “CERP Yellow Book” or “Restudy”) See e.g.: 1-1 – 1-9 and 5-19 – 5-25 regarding C&amp; SF Project effects and goals  <a href="http://www.evergladesplan.org/pub/restudy_eis.aspx">http://www.evergladesplan.org/pub/restudy_eis.aspx</a></p> <p>2000 LEC Regional Water Supply Plan and Appendices (See, e.g. pp. 25 – 32 of Plan re: goals and causation and pp. 38 – 40) and Appendix D for Model Performance Measures. Note parallel to: Ch. 373 requirements, CUP criteria, and water shortage criteria)  <a href="http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository.lib_pkg.repository.browse?p_keywords=lecwatersupplyplandocs&amp;p_thumbnails=no">http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository.lib_pkg.repository.browse?p_keywords=lecwatersupplyplandocs&amp;p_thumbnails=no</a></p> <p>LEC Plan, Chapter 4 Re: alternatives analysis  <a href="http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository.lib_pkg.repository.browse?p_keywords=lecwatersupplyplandocs&amp;p_thumbnails=no">http://www.sfwmd.gov/portal/pls/portal/portal_apps.repository.lib_pkg.repository.browse?p_keywords=lecwatersupplyplandocs&amp;p_thumbnails=no</a></p>
<p style="text-align: center;"><b>Related to</b></p>	<p>Yes.</p>	<p>AH 3.2.1.E. 2nd paragraph  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants</a></p>

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<p><b>minimum flow / level recovery strategy</b></p>	<p>Criteria adopted as a component of recovery strategies for MFLs for Everglades and Loxahatchee River and assists in implementing restoration objectives by assuring water needed for restoration is not allocated</p>	<p><a href="#">_handbook.pdf</a></p>
<p><b>Geographic area</b></p>	<p>Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2, and 3</p>	<p>AH Figure 3-1  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>
<p><b>Monitoring Program</b></p> <ul style="list-style-type: none"> <li>• Hydrologic</li> <li>• Biologic</li> <li>• Linkage to recovery strategy</li> <li>• Linkage to water shortage trigger</li> <li>• Compliance with goal</li> <li>• Methodology</li> </ul>	<p>Extensive adaptive assessment and monitoring program. Dual focus on biological (including water quality) and hydrological objectives in natural systems as well as the water supply and flood protection objectives of urban and agricultural regions</p> <p>Adaptive assessment process to evaluate how well the phases achieve plan objectives and integrate into future plan refinements via evaluation of pre-determined set of targets and ecological changes that constitute improvements</p> <p>No additional regulatory monitoring</p>	<p>See e.g.: “Yellow Book” at Section 9.5  <a href="http://www.evergladesplan.org/pub/restudy_eis.aspx">http://www.evergladesplan.org/pub/restudy_eis.aspx</a></p>
<p><b><u>Regulatory Program Components</u></b></p>		
<p><b>Source restricted (“capped”)</b></p> <ul style="list-style-type: none"> <li>• Surface water</li> <li>• Ground water</li> <li>• Method to cap defined</li> </ul>	<p>Surface and ground water are both “capped”</p> <p>Withdrawals “capped” at the “base condition water use.” BCWU calculation varies by use class, but in no case may the withdrawal exceed that permitted to the applicant as of April 1, 2006.</p> <p>Some variables accounted for when calculating BCWU include: adjustments for treatment system conversion, projects not constructed but are authorized by CUP and ERP, and adjustments due to timeframe not</p>	<p>AH 3.1.2.E. 3rd paragraph  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>

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	<p>reflecting normal operations (e.g. climatic extremes or equipment failure) Also, BCWU includes water made available via offsets, AWS, or terminated / reduced BCWU, see last paragraph of 3.2.1.E.3.</p>	
<p><b>Existing legal user (ELU) rights</b></p> <ul style="list-style-type: none"> <li>• Renewal and modification programs</li> <li>• New program(s) and ELU</li> <li>• Offset projects for ELU</li> </ul>	<p>LEC RAA criteria are applicable to applications for new, modified, or renewed uses.</p>	<p>AH Criterion 3.2.1.E.1. <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p> <p>Chapter 40E-8, F.A.C. <a href="https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8">https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8</a></p>
<p><b>New / Increased allocations of water</b></p> <ul style="list-style-type: none"> <li>• Including re-allocation strategy (aka resource redistribution or terminated base condition water)</li> <li>• Threshold limit</li> <li>• Modeling criteria</li> </ul>	<p>Applicants must demonstrate requested allocation: "...will not cause a net increase in the volume or cause a change in timing on a monthly basis of surface and ground water withdrawn from the LEC Everglades Waterbodies or the North Palm Beach County / Loxahatchee River Watershed Waterbodies over that resulting from the base condition water use." (3.2.1.E.2.)</p> <p><i>Applicants shall conduct a preliminary evaluation</i> (basic analytic impact assessment) to determine if the proposed use has the potential for increasing the withdrawal of water over the BCWU. If the proposed use has the potential for increasing the withdrawal of water from the Waterbodies, then two evaluations must be compared to identify any changes in location, timing, and volume of withdrawals from the Waterbodies. The evaluations are: quantification of the withdrawal of surface and ground water from the Waterbodies under: (a) the BCWU and (b) the requested allocation</p> <p>If the comparison shows an increase in volume or change in timing, then applicant to use certified project water, offsets, AWS, terminated / reduced BCWU, available wet season water. (3.2.1.E.4. and 5.)</p>	<p>AH 3.2.1.E.2. <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>

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	<p>Allocation of additional water, over BCWU, may be from:</p> <ol style="list-style-type: none"> <li>a. certified project water,</li> <li>b. offsets</li> <li>c. temporary allocation of water from restricted source (aka “borrowing”)</li> <li>d. water made available through implementation of offsets or termination or reduction of BCWU, or</li> <li>e. available wet season water. (3.2.1.E.6.)</li> </ol>	
<p><b>Conservation</b></p> <ul style="list-style-type: none"> <li>• Relationship to ELU</li> <li>• Drought credit system</li> <li>• Plan required, with progress reporting</li> <li>• Use class specific</li> <li>• Detailed requirements</li> </ul>	<p>No additional conservation requirements imposed</p> <p>Conservation plans and reporting required, by use class, per old BOR, and now in accordance with CUPcon’s AH</p> <p>No drought credit system</p> <p>No FARMS program</p>	
<p><b>Supplemental irrigation allocation</b></p> <ul style="list-style-type: none"> <li>• Allocation and actual usage</li> <li>• Metering</li> <li>• Crop reporting</li> <li>• Frost / freeze and market conditions</li> </ul>	<p>No change to standard supplemental irrigation allocation criteria</p> <p>Calculation of BCWU and modeling evaluation, if any, provide for unique considerations associated with irrigation uses – e.g. BCWU not representative of normal operations due to extreme climatic conditions and resource efficiency due to return flow</p>	
<p><b>Competition</b></p>	<p>LEC RAA is a regulatory component of an overall program to achieve sustainability and avoid competition for water between users and / or with environmental demands. (See Goal statements, above)</p> <p>Non-regulatory components include water resource and water supply</p>	<p>Key regulatory provisions include the LEC RAA and permit duration criteria at AH 3.2.1.E. and 1.5.2.B.2., 1.5.2.D., respectively <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>

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	development projects, financial, and regulatory incentives to develop AWS	
<p style="text-align: center;"><b>Redistribution of existing allocations</b></p>	<p>Terminated or reduced BCWU can be re-allocated; applicant must demonstrate (1) the water is available and (2) the allocation will not cause an increase in volume or change in timing of withdrawals from the Waterbodies over the BCWU</p>	<p>AH 3.2.1.E.5.d. (as to analysis) and 3.2.1.E.6.c. (as to allocation)  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>
<p style="text-align: center;"><b>Alternative water supply program</b></p>	<p>Non-regulatory program components include: water becoming available for allocation from resource development via “certified” project water, AWS funding</p> <p>Regulatory program components include: allocation of water via terminated BCWU and substitution credits and permit duration incentives</p>	<p><b>Non-regulatory:</b></p> <p>CERP projects, see citations above</p> <p>Section 373.707, F.S. – Alternative water supply development (includes Water Protection and Sustainability Program)  <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373</a></p> <p><b>Regulatory:</b></p> <p>AH 3.2.1.E.5. and 6 (water available for allocation) and 1.5.2.C. and D. (longer permit duration)  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>
<p style="text-align: center;"><b>Permit duration</b></p>	<p><b>Designation of source of limited availability for :</b></p> <ul style="list-style-type: none"> <li>• LEC water supply planning area Biscayne / Surficial Aquifer System to the extent withdrawals result in induced seepage from the C &amp; SF Project, except when stormwater discharge or wet season discharge occurs;</li> <li>• Lake Okeechobee,</li> <li>• C &amp; SF Project,</li> <li>• Caloosahatchee River / Canal; and the</li> <li>• St. Lucie River / Canal</li> </ul> <p><b>Renewal applications:</b> 20 years if</p>	<p>Section 373.236, F.S.  <a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;URL=0300-0399/0373/0373ContentsIndex.html&amp;StatuteYear=2014&amp;Title=%2D%3E2014%2D%3EChapter%20373</a></p> <p>AH 1.5.2.B.2., 1.5.2.C.3., and D.  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>

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	<p>conditions for issuance satisfied for duration and the quantity of water to be allocated for 20 year duration (1) for PWS, shall not exceed that quantity necessary to meet the demands of the population existing at the time of permit renewal at the per capita rate approved under the AH; (2) for irrigation users, shall not exceed that quantity of water necessary to irrigate historically irrigated acreage, as determined by AH; or (3) other use classes, shall not exceed that quantity approved under 40E-2 and shall not exceed the allocation in the permit being renewed.</p> <p><b>Renewals with request for allocation in excess of renewed volume, permit modifications, or initial permit applications:</b> 5 year baseline or as otherwise provided with factors to be considered and balanced in determining permit duration. (e.g.: longer if implementing innovative water conserving measures, offsets, or other mitigative actions)</p>	
<p><b>Prohibited use class(es) identified</b></p> <ul style="list-style-type: none"> <li>• E.g. Aesthetic</li> </ul>	<p>None</p>	
<p><b><u>Temporary Increase over BCWU</u></b></p>	<p>Applicants may request a temporary allocation of water required to meet demands while implementing AWSW or an offset. Permit conditions will set dates and milestones for project development and will require the allocation be reduced when the AWS is available.</p>	<p>AH 3.2.1.E.6.  <a href="http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf">http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/wu_applicants_handbook.pdf</a></p>
<p><b>Program adopted as a “package”</b></p> <ul style="list-style-type: none"> <li>• “Self-destruct” clause</li> </ul>	<p>Recovery and prevention strategies, CUP permitting conditions for issuance MFL criteria, and water shortage plan(s) are defined to be inseparable components of the MFLs. The District would not have adopted the MFLs without simultaneously adopting their</p>	<p>40E-8.011(4), F.A.C.  <a href="https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8">https://www.flrules.org/gateway/ChapterHome.asp?Chapter=40e-8</a></p>

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related implementation rules. If the rules are found invalid, then the MFL shall not be adopted or if in effect, shall not continue to be applied until the District amends the subject rules, as necessary to address the invalidity.