



March 31, 2022

**Department of Environmental
Resources Management**

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Natalie Kraft
Lead Scientist, Applied Science Bureau
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

**SUBJECT: PALM BEACH COUNTY COMMENTS ON
RULEMAKING TO PROTECT WATER MADE
AVAILABLE BY THE LOXAHATCHEE RIVER
WATERSHED RESTORATION PROJECT**

Dear Ms. Kraft:

Palm Beach County (County) continues to support South Florida Water Management District (SFWMD or District) efforts to advance Comprehensive Everglades Restoration Projects (CERP) and the ongoing rulemaking to protect water made available by the Loxahatchee River Watershed Restoration Project (LRWRP). The County is grateful for the March 22, 2022, meeting between District staff and County staff to discuss the County's concerns that were identified in its February 7, 2022 and March 7, 2022 comment letters. The County submits this comment letter following that meeting and its review of the revised Applicant's Handbook for Water Use Permit Applications (Applicant's Handbook) and updated draft Technical Document (Technical Document) that were provided to the County on Friday, March 25, 2022.

Overall, the County appreciates that the District addressed many of the concerns raised by the County in its previous comment letters in the March 25, 2022 revisions. As previously mentioned, the County is an integral partner and stakeholder in the joint state-federal process to restore and protect the Loxahatchee River watershed and a consumptive use permittee. In addition, the County's Environmental Resources Management Department is the steward of over 30,700 acres in the Loxahatchee River watershed, including natural areas that are directly affected by this rulemaking effort such as Loxahatchee Slough Natural Area, Hungryland Slough Natural Area, Pine Glades Natural Area, and Sweet Bay Natural Area. After reviewing the Applicant's Handbook and Technical Document, the County supports most of the March 25, 2022 revisions to the Applicant's Handbook, however, the County believes additional refinements can be made to improve the proposed rule language before the final Applicant's Handbook and Technical Document are presented to the District's Governing Board at its April 14, 2022 business meeting. Below are the County's recommendations on the subject rulemaking effort:

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- 1) First, the County supports SFWMD's further revisions to Applicant's Handbook Section 1.1 (Definitions) as well as Figure 3-1 and Figure 3-2. The County specifically appreciates the refinements in Figure 3-2 related to County owned natural areas. The County also recognizes the District's inclusion and identification of primary canals within both Figure 3-1 and Figure 3-2. Identifying the primary canals in both Figure 3-1 and Figure 3-2 is an overall improvement, but the County agrees with the City of West Palm Beach's (City) observation, submitted in its March 30, 2022, comment letter, that the Lower East Coast Everglades Waterbodies primary canals and the North Palm Beach County/Loxahatchee River Watershed Waterbodies primary canals need to be clearly defined. The County supports the City's proposed revisions related to Applicant's Handbook Section 1.1 (Definitions) and believes the proposed revisions will provide additional clarity and a better understanding to stakeholders and the regulated community on what waterbodies are subject to the final rule language. If the City's proposed revisions are made, the County also recommends that District staff ensure that Section 1.2 of the Technical Handbook include the same list of primary canals for consistency between the two documents.

- 2) Next, the County is grateful the District listened to stakeholder comments and concerns regarding the potential implications of the groundwater criteria within prior drafts of the proposed rule. The removal of Section 3.7.2.E. and current revisions to the Applicant's Handbook Section 3.2.1.G are an improvement from the previous draft rule language. The County specifically appreciates SFWMD revising the proposed adverse impact criteria within Applicant's Handbook Section 3.2.1.G. The current proposed rule language now comports not only with other sections of the Applicant's Handbook but also with the statutory framework, that forms the basis of consumptive use permitting. However, the late addition of groundwater restrictions in the Avon Park Permeable Zone seems to have created some inconsistencies within the proposed rule that should be rectified. The City also noted this fact and provided proposed revisions to differentiate between groundwater allocations from the Avon Park Permeable Zone and Upper Floridan Aquifer system. The County supports the City's proposed revisions and believes the District should incorporate the same into the final rule.



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The County hopes SFWMD will take the time to review these written comments and incorporate the City's proposed revisions into the final Applicant's Handbook criteria. The County also recommends that District staff ensure there are no inconsistencies between the final Applicant's Handbook and final Technical Document. The County appreciates District staff's commitment to this rulemaking effort and looks forward to its continuing partnership and mutually beneficial working relationship to maintain and enhance Loxahatchee River watershed as well as South Florida's water resources.

Sincerely,

A handwritten signature in blue ink that reads "Deborah Drum". The signature is fluid and cursive.

Deborah Drum, Department Director
Environmental Resources Management, Palm Beach County

cc: Lawrence Glenn, South Florida Water Management District
Sky Notestein, South Florida Water Management District
Jay Steinle, South Florida Water Management District
Jennifer Brown, South Florida Water Management District
Simon Sunderland, South Florida Water Management District
Patrick Rutter, Assistant County Administrator, Palm Beach County
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