



**Department of Environmental
Resources Management**

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April 11, 2022

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 rulemaking to protect water made available by the Loxahatchee River Watershed Restoration Project. The County is an integral stakeholder not only in this rulemaking effort but also in the larger joint state-federal process to restore and protect the Loxahatchee River watershed. The County is the steward of over 30,700 acres within this watershed, maintains numerous natural areas affected by this rulemaking effort, and is a consumptive use permittee. County staff actively contributed to SFWMD's rulemaking effort by participating in both rulemaking workshops, reviewing all of the draft the Applicant's Handbook for Water Use Permit Applicants (Applicant's Handbook) and draft Technical Document Supporting the Rulemaking to Protect Water Made Available by the Loxahatchee River Watershed Restoration Project (Technical Document), and submitted both public and written comment on every version of the proposed rules. Through its public and written comments, the County identified real concerns and provided constructive suggestions and recommendations to eliminate inconsistencies and add clarity to the proposed Applicant's Handbook and Technical Document. The County is pleased to see that many of its recommendations and suggestions were incorporated into the final rule language that will be presented to SFWMD's Governing Board.



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The County appreciates the efforts of District staff throughout this rulemaking effort. District staff took the time to critically review public and written comment from the County and other stakeholders and to incorporate changes and critical revisions into the Applicant's Handbook and Technical Document. The County also appreciates District staff coordinating individual meetings with the County and other stakeholders following the District's workshops to discuss the concerns raised in its comment letters. This close public engagement is similar to what occurred during the original rulemaking effort for the Lower East Coast Regional Water Availability restricted allocation area in 2006 – 2007 and the County is grateful SFWMD took the time to really listen to stakeholder concerns and suggestions before presenting a Notice of Proposed Rule and Rule Adoption to the Governing Board.

The County also recognizes that some of the comments and suggestions it raised during this rulemaking effort were unique to the County and its current and future planning within its natural areas and the Loxahatchee watershed. The County is grateful that these County-specific items were discussed with District staff during the March 22, 2022, meeting, but County staff believe additional conversations are warranted. By engaging in further discussion, the County hopes to build on the positive momentum that was fostered during this rulemaking effort to continue progress and restoration within the Loxahatchee watershed. The County requests a follow up meeting with District staff to discuss the County's natural areas and the County's plans for future restoration and water storage within the Loxahatchee Watershed in the next few weeks. Methods for protecting hydroperiods in restored natural area wetlands, both from regulatory and operational perspectives, in this watershed needs to be clearly understood. The complexities of water management in this area should not be underestimated, and we cannot collectively assume that policy protections put in place years ago are sufficient for the current configuration of land use and associated water operations. We urge more detailed discussions around this issue so there is more confidence that seasonal water levels in natural systems not explicitly included in the water reservations will be protected.

Overall, the County supports the most recent changes to the Applicant's Handbook and Technical Document that are incorporated into the District's Notice of Proposed Rule and Rule Adoption, Rule 40E-2.091, Florida Administrative Code, that was posted on the District's website as part of the Governing Board's April 14, 2022, business meeting agenda (Item Number 29). The County looks forward to its next meeting with the District and the continuing partnership and mutually beneficial working relationship to maintain and enhance Loxahatchee River watershed as well as South Florida's water resources.



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Sincerely,

A handwritten signature in blue ink, which appears to read "Deborah Drum".

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

cc: Drew Bartlett, South Florida Water Management District
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
Todd Bonlarron, Assistant County Administrator, Palm Beach County
Ali Bayat, P.E., PMP, Director, Water Utilities Department, Palm Beach County
Michael W. Jones, Chief Assistant County Attorney
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Laura S. Olympio, Manson Bolves Donaldson Varn
Sheryl G. Wood, Manson Bolves Donaldson Varn