

August 15, 2015

South Florida Water Management District

CFWI Comments

HAND DELIVERED MONDAY AUGUST 17, 2015

ATTN: Dean Powell

Water Supply Bureau

3301 Gun Club Road

West Palm Beach, Fl. 33406

SUBJECT: CFWI Project- Grove Land Reservoir & Stormwater Treatment Area

Solutions Project ID: SW4

RWSP Project #: 144 (b-Newly Developed CFWIWSPOs during Solutions Planning Phase)

Dear Mr. Powell;

The following comments are being provided relative to the subject CFWI project and in accordance with solicited public responses for the CFWI Planning Documents comment period ending August 17, 2015 at 5:00 PM. Reference CFWI documents for this public response are Solutions Plan Public Draft- Appendix C: Solution Plan Projects and Solutions Plan Public Draft- Chapter 3: Solutions Plan Projects "Surface Water".

In a review of the CFWI document information, one could presume that any current permitted water user, or future /planned water user within the SFWMD's Upper East Coast Region (Martin & St. Lucie County); Eastern Okeechobee County and Western Indian River County and perhaps a broader area in Indian River County, may be influenced by the subject project. This project's potential influence may include, but not be limited to, Cities; Counties; Towns; Special Districts; Water Control Districts; Landowners; Utilities; Agricultural Co-ops; etc. The project's effect, if any, to regional stakeholders, now and in the future, whether it be through design, management, operations, letters of intent or similar agreements with Water Management Districts and State Agencies, is not discernable at this time due to the lack of specific and complete project details.

Project's WMD Re-Connection Requirement

As noted in the CFWI-Solutions Plan, the subject project will require the hydraulic reconnection between the SFWMD and the SJRWMD. As most know, I have been involved in this reconnection consideration since the late 1970's, and in the 1990's pioneered this reconnection concept as a means to better manage stormwater runoff within the Lagoon/SLE system while conserving a natural resource (water). As I acknowledged repeatedly, the foundation for the reconnection, lies within the congressionally approved 1954 Flood Control Act. The 1954 Flood Control Act provided for a series of inter-connected reservoirs in western Indian River and St. Lucie Counties. Throughout these past decades, I have made several presentations to the WMD's which identified this regional reconnection corridor, in an attempt to salvage what we could from the intent and spirit of the 1954 Flood Control Act. Previously I had provided comments to the CFWI which encouraged the CFWI to look regionally at the potential value associated with this reconnection relative to water quality; quantity and in the context of restoring the historic exchange of surface water which existed prior to the creation of the WMD's and the resultant hydraulic severing of the Central and South Florida Flood Control Project along the present day St. Lucie and Indian River County lines.

In conceptualizing the regional reconnection corridor, several regional areas were identified as being potentially beneficial for this larger regional vision and public purpose. A regional reconnection corridor comprised of an assembly of regional properties, as opposed to a singular property such as the subject project area, would have the potential to be better positioned for both local, as well as regional benefits, to more effectively address key regional matters such as Water Supply; Flood Control; Ground Water Re-Charge and Water Quality (Environmental). While the subject project does lie within that envisioned corridor, the subject property in itself is not the reconnection –but merely represents one area that could be assembled with others for the purpose of the regional reconnection of the two water management districts. In fact, in 1994, other properties in the vicinity of the subject project property and within the regional reconnection corridor, were highlighted in the local news for their potential regional water storage and treatment values.

This specific response is not against the concept of evaluating the potential regional benefits associated with hydraulically re-connecting the two water management districts.

This specific response does however question, a public investment of \$3-6 million dollars as noted in the CFWI documents, for a study of only a singular project. Additionally, as presented in the CFWI Solutions, this singular project shall require a reconnection of the two water management districts with the expectations the water management districts and perhaps the State will fund these reconnection activities.

This rather myopic, singular project view, discounts the potential values associated with a more regional look. This single project, myopic view disregards totally the potential benefits that may be associated with a constellation of public and private regional/local projects and more importantly, the input of those potential solution contributors/stakeholders.

Project Requirements (Grove Land Reservoir & STA/ Grove Land Utilities, LLC)

Agreements; Partnerships; Operations/Management; Supply & Demand

The CFWI documents make repeated references that project partnerships and project governance will need to be developed, and operated and maintained by Grove Land Utilities, LLC through a private public partnership with the SFWMD and/or the SJRWMD. The CFWI documents state the partnership has yet to be defined as the related Groveland Reservoir and Stormwater Treatment Area is still in the conceptual design.

While there is continual references to the Grove Land Reservoir and STA as the CFWI funded project, there is also repeated references to Grove Land Utilities, LLC as the operating entity, (Utility Authority?) It does add to the question as to who will be, or who is, the ultimate responsible project party, be it Grove Land Reservoir & STA or Grove Land Utilities, LLC, or some parent organization.

A review of the CFWI documents and project requirements implies the necessity for the project owners and the WMD's and State agencies to enter into some type of formal agreement/arrangements for the purpose of accomplishing and identifying the project intents and provide the project not only sufficient water supply, but delegated authority to manage that resource in the intent of their stated goal of not selling, but providing storage and treatment. From a business perspective, it would appear the project must have a guaranteed level of SUPPLY (Water) and a guaranteed Service area (Customer Base) DEMAND for Storage and Treatment. As a result, It would appear the WMD's; FDEP and FDACs will be required by the project's ownership to enter into some formal type of authoritative mechanism or delegation for an extended period of time (50 years?) to satisfy the project's sustainability.

While it is understood from a business investment position the need to have finite details and assurances of those Supply/Demands numbers, one would also expect that water users, now and in the future in these earmarked WMD's basins, would also need to have that same level of information to allow them the opportunity to assess in as objective a manner as practical, what effects, if any, the subject project and all its associated conditions will have on them. Without an informed position, one can only speculate based on what they may know or experienced in the past as to an outcome.

Therefore, based on a review of the CFWI project information, it would appear this project/ownership will put forth an agreement/understanding/ intent document, etc., comprised of their project conditions/demands, which will be required to be met by the State and WMDs, for which the State, as represented by FDEP & FDAC, and the SFWMD and SJRWMD, will be required to assure the project ownership the following will occur through those collective endorsements;

1. The project will be the designated choice (preferred) for regional alternative water supply; management and protection through the provisions of benefits to water users in the SJRWMD and the SFWMD.
2. The project will be assured (guaranteed) by the WMD's that there is and will be an adequate water supply to meet project objectives for water supply to ultimate water supply destinations- consumptive uses. (Water Reservation?)
3. The project will be the beneficiary/recipient of an agreement between WMD's as to each WMD's role and water allocation to those who participate in the projects' stated storage and treatment opportunities.

4. The project will be provided some form of use permit authorization (delegation) to participating parties who enter into allocation agreements with the project's ownership. Given the project is requiring a 50 year permit and associated water reservation, it would appear this resultant private/public agreement will provide the capacity for the project, through authorization or delegation granted by the State/WMD's, to provide similar long term permits/authorizations to the project's storage and treatment customers and project beneficiaries.
5. The applicable State and/or WMD's will identify/assign to the project, an enforceable jurisdictional service area based on their (Project Ownership/State/WMDs) collective determination of regional needs; water supply planning documents and client (customer) needs for storage; treatment; re-charge.

An agreement through these aforementioned actions would appear to reinforce the State and WMD's understanding of the project's values to the project ownership as well as the general public. The projects standing with the State and the WMD's would be further enhanced by the subject project ownership's requirements to be granted the following conditions applicable to its assigned and recognized authority as granted by the State and WMD's. These conditions are highlighted in the CFWI documents as project/ownership requirements which will need to be granted for project sustainability. To that end the Project ownership will require they;

1. Are assured a water supply from all excess stormwater from the SFWMD's C-23; C-24 & C-25 **Basins** as well as the SJRWMD C-52 **Basin**.
2. Are given a 50 Year permit with water reservations.
3. Are assured a customer base (Participants), to be served by some form of agreement
4. Have a range of revenue opportunities to include
 - a. Water Utilities located near the project as well as in SJRWMD
 - b. Existing and Future water Users located near the project
 - c. Local Agencies
 - d. Agricultural Landowners
 - e. Federal Government
 - f. State of Florida

SOME GENERAL QUESTIONS

Project Design/Conveyance Routing

1. Most property in the regional and immediate area to the project is permitted to utilize the WMD's primary canal systems for water supply and discharge/flood control. Given these same primary WMD's canal systems are integral to the project's design to sustain the project's goals, what assurances will be provided to current permit holders now and through any subsequent permit modification, that their permit conditions and on-site water management, will not be impacted by the project.

2. The project proposes a second south outflow component as stated in the CFWI documents. "...an existing flow-way (C-52E) in the St. Johns Improvement District (SJID) would convey the water east to a SJID canal at 122nd Ave. SW, which would then convey it south to the C-25 Canal. No improvements to the SJID canals are expected to be needed."

Given the existing permitted uses of the WMD's canal systems, such as the C-52 system, what impact will be placed on neighboring properties given this designed conveyance routing? As stated in the CFWI documents, as noted above, the conveyance routing will utilize the SJID system south to C-25. There is no SJID canal system which flows currently south to C-25 through St. Lucie County. The SJID lies wholly within Indian River County and has no jurisdiction nor jurisdictional areas within St. Lucie County.

3. There are several Special Districts; Water Control Districts; Agricultural Co-ops; Cities; Towns, Counties, Utilities; etc., located within the Grove Land Reservoir and Stormwater Treatment Area as depicted on Figure C-5 in the CFWI Project documents. One could presume these entities have a vested interest in the state of affairs governing water in this region now and in the future.

In general, with these new proposed project structural connections; system modifications; and conveyance routes planned as part of the project design, what assurances have been provided/communicated to these stakeholders that their land ; ground water; surface water; utilities; plans; etc., will not be influenced by the projects design and associated operations

FLOOD CONTROL/STORMWATER DISCHARGE

The CFWI project narrative refers to potential local concerns relative to the timing of pumping/discharges from the project in conjunction with severe weather events. The project's documentation provides that any potential and resultant associated surface water /conveyance conditions relative to these weather events, will be managed through an operational agreement between the Project ownership and the SFWMD and/or the SJRWMD.

Should not those entities whose discharge /flood control capacity may be influenced by pumping/discharges also have a voice in these operational matters?

- A. What specific operational protocol / communication chain will be implemented by both SFWMD & SJRWMD to insure regional flood control/discharge capacity will not be impacted negatively by this project? Who regulates compliance?

UTILITY WITHIN AREA & LOCAL AGENCIES

1. Given many local utilities within the SFWMD and the SJRWMD presently uses groundwater (well systems) and not surface water supply for their utility customers, will their utility's capacity/capability to meet current and future public water supply needs be hindered or diminished in any way by this project's long term water use requirements and project's overall influence?
2. The project's documentation notes that water utilities located near the project in both the SJRWMD and SFWMD areas represent a revenue stream. What specific financial charges would be levied against utilities near the project to constitute this revenue source?
3. Local Agencies as noted in the reviewed project documentation is an all-encompassing terms applicable to Cities? Counties; Special Districts; Towns? etc. etc.

Same question as # 1 & 2 above;
 - a. Will the capacity to meet current & future agency needs be impacted?
 - b. What specific financial charges will be applied?
4. What's the Service Area – jurisdictional area of this project not only relative to surface water but also ground water influence and any and all projected project influences as to Storage/Treatment; and potential future position relative to **BMAPs-Water Quality Credit Trading; TMDLs?**

ADDITIONAL CONSIDERATIONS

By design and supporting project document narrative, the project appears to monopolize all surplus water throughout the SFWMD (Upper East Coast System –C-23; C-24 & C-25) as well as the SJRWMD C-52/L-79 System.

Given this apparent monopoly of regional water resources for this singular project, what effects or resultant actions will be experienced by current and future uses within the regional area in consideration of the projects anticipated agreement relative to;

- a. CUP Impacts
What priority ranking will be given to other's future water supply / consumptive use needs as compared to the projects?
What specific impact will this project as a preferred water source have on any current and future permits?
- b. Does the SFWMD Upper East Coast water supply plan incorporate this projects' water use needs in their 50 year projection? If so, what per cent/volume of the UEC water supply capacity is earmarked for this project through the next 50 years?

- c. What impacts will the application of a 50 year permit and associated water reservation for the Project have on future water needs within the region? Both within the SFWMD as well as the SJRWMD?
- d. What effects will the State and WMD's project endorsement as solidified through a letter of agreement/intent designating the project as the regional supply/storage and treatment source have on future water users in the regional area?
- e. Who will ultimately determine/govern the project's customers? Customer Agreements? Costs-Fees etc. (Presumption is that given this is a Utility –the PSC will somehow be involved??)
- f. Who will determine the regional Service area served by Project? Water planning areas?
- g. The project identifies specific WMD canal systems that will need to be modified at WMD expense as a project requirement. While the project's documentation stipulates the WMD's will pay for any design, modification, construction costs, permitting, etc., who will be responsible for the upkeep of these modified systems? Recall these primary canal systems are part of a federal project and were designed to the specifics associated with that federal design criteria. Who determines if the dynamics of the projects or associated project activities which utilize the public conveyance system provided by the WMD and other canal systems, degrade as a result— who pays to maintain; who decides as to cause; responsibility.

Wetlands & Endangered/Protected Species

Some of the project's conveyance corridors as noted in the design nomenclature, have established wetlands areas and a Wood stork nesting areas.

Who is responsible for any associated mitigation matters regarding these matters?

Given the physical relationship of the project's designed conveyance corridor to the St. Lucie County Wetland's Preserve—

Who is ultimately responsible for overall operational management and the responsible party for any resolutions and/or mitigation which may result of damages to wetlands; wetland habitat or endangered/ protected species?

SUMMARY

The CFWI Website-Executive Summary notes that over the past few years 122 public workshops, presentations, and meetings were conducted to explain the CFWI RWSP, collect input on the major components of the CFWI RWSP, and develop water resource and water supply development project options. The Involved parties should be applauded for these efforts to reach out to the communities in such a progressive manner. Recognizing the needs for a diverse stakeholder input , Agricultural leaders; Cattlemen; Chamber Leaders; Environmental Leaders, Government , State ; Local; Regional were

solicited and actively participated in these developmental proceedings as evidenced by the attendee lists.

By design, the CFWI planning area excluded the Martin; St. Lucie; Okeechobee and Indian River County areas.

With the inclusion of CFWI project consideration and funding for the Grove Land Reservoir and STA project now incorporated in the CFWI Solutions Plans, the door, which was closed previously to those excluded counties of Martin; St. Lucie; Okeechobee; and Indian River, as well as the regional cities; towns; special districts; water control districts; Co-ops etc. was cracked opened to allow for this singular projects' inclusion for solutions consideration and funding as noted in the CFWI documents. That door needs to be opened all the way, NOW. All the regional stakeholders must be given the opportunity to receive and digest all applicable project information and formulate and voice their own opinion regarding what influences, if any, this project may have on them and the folks they represent. They also must have the continual opportunity to be heard, not only for this project, but for any project, and for any and all matters proposed or under evaluation by the CFWI which has the potential to influence this regional area.

SUGGESTION

1. Similar to the series of Public meetings which have been conducted in the past and as noted on the CFWI website to a diverse group of Stakeholders, no such detailed public discussions appears to have been held with the wide range of stakeholders in the basins identified with the Project as highlighted with the project's document Figure C-5. Namely those stakeholders with public and private interest in Martin; St. Lucie; Okeechobee and Indian River Counties. A review of CFWI meeting attendee lists supports the lack of this regions participation.

Perhaps, given the project in question may have been added recently to the solutions team list, and given the CFWI acknowledges this Solutions Plan project is not actually located within the CFWI Planning Area, may have contributed to this lack of public/private awareness within the aforementioned County areas.

Therefore, the suggestion is that the funding remain, or worst case scenario be pushed into future years in the funding/planning schedule and that any subsequent CFWI actions not be myopically focused on a singular project, but take into consideration a total regional view and solicit input from a diverse range of regional stakeholders as part of the process to determine the most optimal public purpose benefit now and in the future.

2. Given this particular project's stated goals of storage and treatment and the suggested associated benefits for the Lagoon and the St. Lucie Estuary, applicable Local; State; and Federal Programs/Parties, such as the National Estuary Program, should be involved in an assessment of this project's potential contributions toward that goal, as well as actively involved in a detailed assessment of any project that purports to have a design and purpose beneficial to this objective or requests CFWI funding for that proposed deliverable.

Respectfully submitted,

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