



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 3, 2014

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison, MSC-160  
Tallahassee, Florida 32399

**Subject: Hendry County, DEO #14-3SP  
Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Hendry County (County) that includes the proposed Sugar Hill Sector Plan (Sector Plan). The proposal is located near the southwestern border of Lake Okeechobee and within the general area of the Florida Everglades that is the focus of the State's efforts to construct projects to improve water quality and flow for this unique ecosystem. In fact, a portion of the lands within the proposed Sector Plan have been identified as having potential for future Everglades restoration projects. The District has therefore carefully analyzed the proposal for impacts to Governor Rick Scott's historic efforts to restore the Everglades.

Based on this review, the District recommends against approving the proposed Sector Plan as it does not provide sufficient information to show that future Everglades restoration efforts will not be harmed. The following overarching policy issues outline some of the District's areas of concern and additional comments are attached.

### **Flood Protection**

The Sugar Hill Sector Plan anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan's Long-term Master Plan.

The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.

### **Pollutant Loading Differences from Changes in Land Uses**

Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.

### **Irrigation Sources**

Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public

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land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan's Long-term Master Plan.

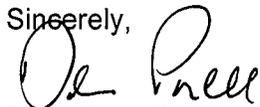
### **Ecosystem Restoration**

The Environmental Analysis section (Supplement A7, pg. 1, August 26, 2014 Submittal Package) states both, "There are no proposed acquisition areas within this portion of Hendry County. This attests to the lack of environmental sensitivity and regional significance of these lands..." and last paragraph on page 5 of this section, "It should be noted that none of the acquisition areas include the portions of Hendry County that are the subject of the Sugar Hill Sector Plan."

- These statements should be revised to reflect the District's two purchase options which include a portion of the lands identified within the Sugar Hill Sector Plan. While no project is currently in the planning stage, it is possible a portion of these properties could be used for restoration. The portion of the Initial Non-Exclusive Option that falls within the boundaries of the Sector Plan is comprised of approximately 13,272 acres and expires October 2015; the portion of the Entire Option Property Non-Exclusive Option is comprised of approximately 19,494 acres and expires October 2020. The Sector Plan language should be revised to reflect these agreements.

In closing, the District has several objections to the proposed Sector Plan, including potential impacts to Everglades restoration efforts. Please find attached more detailed recommendations and technical guidance. The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Natalie Schneider, Supervising Planner, at (561) 682-2545 or nschneid@sfwmd.gov.

Sincerely,



Dean Powell  
Water Supply Bureau Chief

DP/ns

c: Blake Guillory, SFWMD  
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Kathy Hattaway Bengochea, HCI Planning  
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Margaret Wuerstle, SWFRPC

Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP

## **Attachment: Recommendations and Technical Guidance for Hendry County, DEO #14-3SP**

### **Coordination with the District**

- Objective 3.7, Intergovernmental Coordination, states Hendry County (County) will coordinate with local, state, and regional governments as required by the appropriate goals, objectives, and policies of the County's Comprehensive Plan for extra-jurisdictional impacts. However, no policies have been included to address how intergovernmental coordination will be facilitated and no specific goals, objectives, and policies in the County's Comprehensive Plan have been identified to address extra-jurisdictional impacts. A policy or policies should be included to identify specific actions or activities to address how intergovernmental coordination will be facilitated for extra-jurisdictional impacts.

### **Flood Protection and Floodplain Management**

- The Sugar Hill Sector Plan (Sector Plan) anticipates urban development in a region where stormwater and drainage systems have been designed for agriculture. Policies and the associated data and analysis on how the transition in levels of flood protection and drainage is to occur should be included in the Sector Plan's Long-term Master Plan.
- The US Army Corps of Engineers is currently conducting a risk analysis of the Herbert Hoover Dike. The Sector Plan Long-term Master Plan should include a discussion of this effort. General policies setting forth procedures to be used to incorporate the outcome of this analysis into development efforts should be included in the Sector Plan Long-term Master Plan.
- Much of the land identified in the Sector Plan Long-term Master Plan is in designated flood zones (A, AE, AH); this condition is not addressed in the text or policies. Definitions of these FEMA Flood Zones should be included with the Flood Hazard Map in the Long-term Master Plan and general policies setting forth procedures to be used to mitigate impacts should be included as well.
- Please include a drainage map showing the stormwater flow patterns and a discussion of anticipated changes in pollutants and pollutant loads that might be associated with stormwater runoff from developed lands versus agricultural lands. General policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan's Long-term Master Plan.

### **Wetlands and Other Surface Waters**

- Patterns, profiles, and timing of pollutant loading will change as land uses anticipated in the Sector Plan evolve over time. The Sector Plan does not adequately address this and should provide general policies setting forth procedures to be used to mitigate impacts.
- Policy 3.4.1, Conservation of Wetlands and Regionally Significant Natural Resources, states Detailed Specific Area Plan (DSAP) applications will include a delineation of wetlands and natural water bodies within the DSAP area. However, the policy does not specifically state coordination with the District, only that protection of wetlands will generally occur in the Natural Resource Management (NRM) Areas and in a manner consistent with the County's Comprehensive Plan Conservation Element and federal, regional, and state regulations. The policy should be revised to specifically address how coordination activities will be undertaken with the South Florida Water Management District (District) and other applicable agencies.
- Pending amendments to Chapter 40E-61 F.A.C. pertaining to the implementation of BMPs in the Caloosahatchee River watershed, as established by the Northern

Everglades and Estuaries Protection Program (NEEPP), render it critical that an evaluation of any and all proposed land use changes as they potentially affect pollutant loading in that watershed is included in the Sector Plan Long-term Master Plan.

- Lands currently permitted under Chapters 40E-61 and 40E-63 jurisdictions that lie within the Sector Plan development area will require permit modifications under the Works of the District permitting programs where land use changes will occur as a result of the Sector Plan development.
- Future permit applications for DSAPs located within the jurisdictions of the 40E-61 and 40E-63 rules will require integrated review among the ERP, water use, and Works of the District programs. Specifically, land use changes affecting drainage, hydrology, and pollutant loading will have to be addressed by the Works of the District program. Future scoping meetings with the District should include representatives of the Works of the District permitting programs.
- The NEEPP (Section 373.4595, F.S.) mandates a Pollutant Control Program be implemented that includes regulatory Best Management Programs such as the State's ERP Program. Future proposed DSAPs and/or projects within the Sector Plan should be reviewed through the appropriate BMP Program.

### **Water Supply**

#### *General water supply comments:*

- The District's Governing Board approved the Lower West Coast (LWC) Regional Water Supply Plan (RWSP) Update on November 15, 2012. Pursuant to Section 163.3177(6)(c)3, F.S., the County's Water Supply Facilities (Work Plan) should have been adopted and transmitted to the District by May 2014. The Work Plan needs to include updated water demand and population projections for the identified planning period and also identify any water supply projects needed to meet projected demands. The Sector Plan Long-term Master Plan should use more up-to-date information available and rely on the most recent LWC RWSP for population projections and water demand projections. Further information on updating Work Plans is available at: [www.sfwmd.gov/work\\_plan\\_support](http://www.sfwmd.gov/work_plan_support).
- For the NRM Areas, revise Map C-2 - Proposed Future Land Use, to depict the areas to be designated as this land use category. Include in the data and analysis for NRM Areas the total acreage amount of the NRM Areas and water projections and needs.
- Under Objective 3.5, please include policies addressing water supply development projects and water conservation measures needed to meet the projected demand of the future land uses.

#### *Potable Water*

Potable water demands are being proposed to be met from the Upper Floridan aquifer. Within this region of the County, there are limited available freshwater sources. The water quality of the Upper Floridan aquifer in the Sector Plan area is expected to have chloride concentrations of 1,000 mg/L or greater. As a result, a reverse osmosis treatment process will be required and proper disposal of the brine will be necessary. The Upper Floridan aquifer is the same withdrawal source as used by the Clewiston Water Treatment Plant (Water Use Permit 26-00769-W). The potable water demands for the Sector Plan were estimated based on a population of 48,600 people at 125 gallons per person per day (6.08 MGD) and on non-residential (commercial/industrial) square footage of 25,000,000 at 0.15 gallons per day (3.75 MGD).

- The potential for degradation of the Upper Floridan aquifer water quality will need to be considered and general policies setting forth procedures to be used to mitigate impacts should be included in the Sector Plan's Long-term Master Plan.
- The overlapping of drawdown contours of the Upper Floridan aquifer existing legal users may be expected and should be considered when designing the wellfield.

#### *Irrigation*

The use of reclaimed water is being proposed. It is stated that reclaimed water may provide the majority of irrigation water for the site with supplemental water from wells, canals and lakes. It was estimated that 5,285 acres in the land use categories may have irrigation requirements and a bulk estimate of 25% of this acreage was calculated to require irrigation (1,390 acres).

- Please clarify how the irrigation water demands were derived; the overall estimated irrigated acreage of 1,390 acres maybe a low estimate within the proposed 43,000 acre site.
- Proposed sources of irrigation water for the Recreational/Open Space and Residential lands are reclaimed water supplemented by water from wells, canals, and lakes. The Sector Plan does not indicate expected irrigation needs associated with industrial, office, commercial, or public land uses so the impact of irrigating these areas is unknown. The Sector Plan Long-term Master Plan should include a discussion of the constraints on water supply in the Lake Okeechobee Service Area including potential reallocation of terminated base condition water use, if Lake Okeechobee is a proposed source. Please include policies setting forth procedures to be used to mitigate impacts in the Sector Plan's Long-term Master Plan.
- The District supports the use of reclaimed water to the maximum extent feasible.

In an effort to foster water supply planning coordination, the District suggests the inclusion of two policies into the proposed Sector Plan goals, objectives, and policies. These policies are intended to facilitate coordination among the District, the County, and DSAP applicants:

- Policy: Future DSAP applicants are informed that the South Florida Water Management District (SFWMD) is responsible for reviewing and issuing permits and/or approvals associated with water supply, the Water Supply Facilities Work Plan, and environmental resources. Early coordination between the applicant and the SFWMD will help identify potential issues, facilitate permit review, and may identify cost effective solutions early in the planning process. Hendry County shall encourage DSAP applicants to coordinate as early as possible with the SFWMD to identify issues potentially affecting permit review and the Water Supply Facilities Work Plan.
- Policy: To facilitate increased coordination, Hendry County will provide the South Florida Water Management District with a courtesy copy, or digital access to submitted DSAP applications, for informational purposes.

#### *Permitting Technical Assistance*

It appears the site is located within two Diversion and Impoundment Water Use Permits (D&I) [Sugarland Drainage District (WU Permit 26-00138-W) and the Flaghole Drainage District (WU Permit 26-00139-W)]. The individual agricultural projects located within these two D&I permits do not have their own permits and the source of water is from the C-43 Canal which is a restricted source within a "Restricted Allocation Area".

- Modification of these two D&Is (currently serving agricultural drainage and irrigation) will be required in order to include the addition of the new use classes within the site.

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- The D&I permits will need to be modified to terminate the agricultural water use demands as development occurs within the site and there will be a need to determine if this terminated water will be made available for the other use classes within the site.
- There are concerns related with how the systems will be operated and managed. Specifically, a determination of how water levels be maintained in the primary canals and within the internal wetlands currently receiving the benefit of existing surface water elevations.

### **Ecosystem Restoration**

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