



**Department of Environmental  
Resources Management**

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Verdenia C. Baker

April 4, 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 ongoing rulemaking to protect water made available by the Loxahatchee River Watershed Restoration Project (LRWRP). Following the County's March 31, 2022 comment letter, SFWMD provided the County with additional revisions to Section 3.2.1.G of the Applicant's Handbook for Water Use Permit Applications (Applicant's Handbook) on April 1, 2022. The County has evaluated not only SFWMD's revisions to Applicant's Handbook Section 3.2.1.G but also the City of West Palm Beach's (City) counter-proposed revisions submitted on April 1, 2022 and provides this comment letter following its review of both documents. Below are the County's recommendations:

- 1) While the County appreciates the District's attempt to move quickly in response to stakeholder feedback, the County believes the proposed April 1, 2022, revisions to Applicant's Handbook Section 3.2.1.G could be improved with further refinement. The County recognizes SFWMD's attempt to differentiate restrictions for the Upper Floridan Aquifer and the Avon Park Permeable Zone beneath the C-18W Reservoir, however,

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the proposed revisions include new changes and terms of art that create uncertainty instead of providing clarity. Because of the precedential nature of these proposed groundwater restrictions, the County believes stakeholders and the regulated community deserve a clear understanding on what groundwater will be restricted from consumptive uses and what groundwater will be available to future applicants and consumptive use permittees. The City's April 1, 2022 submittal echoes this observation. The County is supportive of the City's April 1, 2022 counter-proposed revisions, specifically the inclusion of two groundwater buffer zones in Figure 3-5, and believes these refinements should be incorporated into the final rule.

- 2) The County also recognizes the District's desire to advance this rulemaking effort, especially considering its federal obligations to the United States Army Corps of Engineers and the pending notice deadline for the April 14, 2022, Governing Board business meeting. While the need to move quickly is understandable, the County reiterates a recommendation from its February 7, 2022, comment letter: public engagement and the quality of the final rule language should not be sacrificed to meet arbitrary administrative deadlines. Overall, the County is appreciative that the District has taken the time during this rulemaking effort to thoughtfully review stakeholder comment letters, to meet with stakeholders to discuss raised concerns, and to revise the draft Applicant's Handbook and draft Technical Document following those engagements — this positive momentum should not be sacrificed to meet an arbitrary deadline. Instead, a brief 30-day extension will provide additional time to complete ongoing stakeholder discussions and give District staff enough time to ensure that there are no inconsistencies between the final Applicant's Handbook and final Technical Document before presenting a Notice of Proposed Rule & Rule Adoption to the District's Governing Board at its May business meeting.



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The County hopes SFWMD will take the time to review these written comments and incorporate the City's proposed revisions, submitted on April 1, 2022, into the final Applicant's Handbook criteria. The County appreciates District staff's ongoing 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".

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  
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