

Committee on Environmental Preservation and Conservation

CS/SB 10 — Water Resources

by Appropriations Committee and Senators Bradley and Flores

Everglades Agricultural Area reservoir project

The bill (Chapter 2017-10, L.O.F.) directs the expedited design and construction of a water storage reservoir in the Everglades Agricultural Area (EAA) to provide for a significant increase in southern storage to reduce the high-volume discharges from Lake Okeechobee. The reservoir is a project component of the Comprehensive Everglades Restoration Plan (CERP) and is designed to hold at least 240,000 acre-feet of water and include water quality features necessary to meet state and federal water quality standards. Upon the effective date of the act, the bill requires the South Florida Water Management District (SFWMD) to identify the lessees and landowners of specified land in the EAA near the A-2 parcel.

The SFWMD is required to contact such lessees and landowners by July 31, 2017, to express its interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. The bill authorizes the SFWMD and the Board of Trustees of the Internal Improvement Trust Fund (TIITF) to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. The bill requires that lease agreements relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., for an agricultural work program be terminated in accordance with the terms of the lease agreement.

The SFWMD is required to request that the United States Army Corps of Engineers (USACE) jointly develop a post-authorization change report for the A-2 project component of the Central Everglades Planning Project, using the additional land identified, with the goal of increasing the water storage provided by such project component to a minimum of 240,000 acre-feet. The post-authorization change report may include modification to the A-1 parcel if the SFWMD and the USACE determine that such configuration would provide for a minimum of 360,000 acre-feet of water storage. If the post-authorization change report does not receive the approval of USACE or Congressional approval by certain dates, the SFWMD is required to request that the USACE initiate a project implementation report for the EAA reservoir project.

The SFWMD is required to terminate the Second Amended and Restated Agreement for Sale and Purchase between U.S. Sugar and the SFWMD at the request of the seller if:

- The post-authorization change report receives Congressional approval; or
- The SFWMD certifies to the TIITF and the Legislature that the acquisition of land necessary for the EAA reservoir project has been completed.

The SFWMD is required to give preferential consideration to displaced agricultural workers for the construction and operation of the EAA reservoir project. The bill creates the Everglades Restoration Agricultural Community Employment Training Program within the Department of

Economic Opportunity to provide grants to stimulate and support training and employment programs.

The bill provides a total appropriation of \$33 million for the 2017-2018 fiscal year to the SFWMD to implement the EAA reservoir project. Additionally, beginning in the 2018-2019 fiscal year, and each fiscal year thereafter, the sum of \$64 million is available for the EAA reservoir project and is authorized to be used for debt service payments on up to \$800 million in Florida Forever bonds.

C-51 reservoir project

The C-51 reservoir project is located in western Palm Beach County and is designed to provide 60,000 acre-feet of water storage. The bill authorizes the SFWMD to negotiate with the owners of the C-51 reservoir project for the acquisition of the project or to enter into a public-private partnership. The SFWMD is authorized to acquire land near the C-51 reservoir as necessary to implement Phase II of the project. If state funds are appropriated for the C-51 reservoir project:

- The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be available to support consumptive use permits.

The bill appropriates \$30 million for the 2017-2018 fiscal year from the General Revenue Fund to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. Additionally, \$1 million is provided to the SFWMD to negotiate Phase II of the project.

The bill creates the water storage facility revolving loan fund within the Department of Environmental Protection (DEP). Under the program, the DEP will provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities, including water storage reservoirs, to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems. The loan for Phase I of the C-51 reservoir project is provided through the water storage facility revolving loan fund.

These provisions became law upon approval by the Governor on May 9, 2017.

Vote: Senate 33-0; House 99-19