Beyond MFLs: Water Resource Protections

Terrie Bates, Water Resources Division

July 24, 2014
By the Numbers:

Cumulative Number of MFLs & Reservations Established through FY 2013

- Approaches may be different among WMDs but doesn’t imply one is right and the others wrong

MFL Envy?
Does size matter?
Is bigger better?

MFL Prevention Waterbodies
- Biscayne aquifer
- Lower West Coast aquifers
- St Lucie Estuary
- Lake Istokpoga
- Florida Bay

MFL Recovery Waterbodies
- Lake Okeechobee
- Everglades
- Caloosahatchee River
- Loxahatchee River
Does size matter? Is bigger better?

**MFL Prevention Waterbodies**
- 1,040,769 acres: Biscayne aquifer
- 3,282,831 acres: LWC aquifers
- 6,840 acres: St Lucie Estuary
- 27,692 acres: Lake Istokpoga
- 270,533 acres: Florida Bay

**MFL Recovery Waterbodies**
- 439,832 acres: Lake Okeechobee
- 2,172,062 acres: Everglades
- 17,106 acres: Caloosahatchee
- 610 acres: Loxahatchee

7.3 million acres total
Some observations …

- Everyone wants their own MFL
- Perception that a waterbody is not “valued” or “worthy” unless it has an MFL established
- MFLs seen by many as the “gold standard” of resource protection
- What most folks really want is protection and restoration
- In some cases, MFL tunnel vision may get in the way of a broader approach
MFL alone may not = protection

Loxahatchee River
MFL alone may not = protection

Loxahatchee River

Loxahatchee Watershed
MFLs are important, but ....
Chapter 373 is a BIG toolkit
Ok, maybe not THAT big, but still ….

- Surface Water Management Criteria
- Best Management Practices
- Ecosystem Restoration
- Land Acquisition
- Planning
- Water Control Operations
- Project Construction
- Consumptive Use Criteria
  - Minimum Flows & Levels
  - Water Reservations
  - Restricted Allocation Area Rules
Implementation in water use permits

Permits issued based on most restrictive resource protection criteria

Rarely is MFL the constraint on water allocations in SFWMD.
MFL recovery strategies: CERP
Recovery strategies have limitations

MFL violations not improved by cutbacks to permitted users due to overwhelming influence of C&SF flood control project

Large scale regional storage projects key component of CERP

MFL recovery impacted by delays in CERP implementation

Concern that increasing demands would allocate water needed for restoration while waiting for CERP
Public interest prong of “3 Part Test” led to Restricted Allocation Rules
What does Restricted Allocation Rule do?

- Prohibits increases in allocation of water needed for the restoration of the Everglades and Loxahatchee River Watershed
  - Rule is a component of the MFL recovery strategies
  - Rule based on the public interest served in the restoration of these waterbodies
  - Base condition (actual) legal water use protected
  - Direct and indirect withdrawals included
  - Local groundwater storage, stormwater not needed for restoration and alternative sources not affected by rule
Public Policy Prong of “3 Part Test”
Restricted Allocation Rules
Public Policy Prong of “3 Part Test” Restricted Allocation Rules

Restricted Allocations

- Kitching Creek
- Jonathan Dickinson State Park
- Hobe Grove Ditch
- Loxahatchee River
- Moonshine Creek
- Cypress Creek
- Riverbend Park
- Loxahatchee Slough
- C-14
- C-18
- C-18E
- C-18 W
- TIEBACK CANAL
- M-Canal
- Grassy Waters Preserve
- Waterway

Loxahatchee River Watershed

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Future Water Reservation to Protect "New" Project Water

- Restricted Allocations
- Future Reservation

Map showing Loxahatchee River Watershed with various waterways and locations marked.
What does Water Reservation Rule do?

- Identifies water to be withheld from allocation for the protection of fish and wildlife
  - Established based on scientifically defensible determination of water needed for protection of fish and wildlife
  - Prevents increases in allocation from protected source
  - Existing legal uses protected for duration of the permit so long as they not contrary to the public interest
Biscayne Bay Water Reservation Rule

[Map of South Florida Water Management District with Biscayne Bay Bayou highlighted]
Reserves both “CERP Project Water” and existing canal flows up to target

- Near shore habitat flow target
- Existing canal flows
- CERP project water restored to sheetflow
Water Resource Protection

- MFLs are important tool for water resource protection, but they aren’t the only tool
- Recovery strategies can take a LONG time
- Other tools may work effectively in conjunction with MFL