

July 2014 Update On
**Lower Santa Fe and Ichetucknee Rivers and
Associated Priority Springs MFLs**

Presented by:

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The MFL Water Bodies

- Within Suwannee River Water Management District
- Lower Santa Fe River – empties to Suwannee River
- Ichetucknee River – Tributary of LSFR
- 16 priority springs



MFL Legal Requirements

- **Sec. 373.042(1), Fla. Stat.:**

“...the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.”

- Must be based on “best available information”
- Subject to independent peer review

- **Sec. 373.0421, Fla. Stat:**

- Agency “shall consider changes and structural alterations to watersheds, surface waters and aquifers..”
- Periodic MFL reevaluation and revision

- **DEP Rule 62-40.473, FAC:**

- 10 water resource values to be considered
- Expression of multiple flow/levels defining hydrologic regime

MFL Prevention/Recovery Strategy

- **Sec. 373.042(2), Fla. Stat.:**
 - Prevention/Recovery Strategy must be implemented if existing flow or level is below applicable MFL or projected to fall below applicable MFL within 20 years
 - Must achieve recovery to established MFL “as soon as practicable” or prevent existing flow or level from falling below established MFL
 - Must include phasing or timetable to allow provision of sufficient water supplies for existing and projected water uses, including development of additional water supplies and other measures concurrent with reduction in permitted withdrawals
 - Implemented as part of regional water supply plan
 - Can include regulatory and non-regulatory components

2013 Statewide DEP MFLs

- **Sec. 373.042(4), Fla. Stat.:**
 - Ch. 2013-229, Law of Florida (SB 244)
 - DEP may adopt MFL or prevention/recovery strategy by rule
 - Technical and staff support provided by the WMD to DEP for MFL and strategy development
 - All water management districts must apply MFL and strategy adopted by DEP
 - No rule adoption by WMD necessary
 - Important in cases where water uses impact MFLs across WMD boundaries

MFL Significance

- **Water Supply Planning**
 - Provides planning resource limitations
 - Indicates need for alternative water supplies
 - Incorporates prevention/recovery strategy
- **Water Use Permitting**
 - Establishes level at which “significant” harm occurs
 - Permitting criteria require compliance with MFLs and/or adopted prevention/recovery strategy
- **Water Users**
 - Limitation or reduction of traditional water sources
 - Required development of alternative supplies

LSFR MFLs

Development Timeline

- **2010** - SRWMD starts MFL development
- **2011** - SRWMD, SJRWMD and DEP enter Interagency Agreement
- **2011-2014** SRWMD evaluation of water resource values, surface water model development, historic baseline analysis
- **2013** - University of Florida Water Institute Peer Review
- **March 2014** – DEP Notice of Proposed Rule
- **April 2014** – DEP Rule Adoption Hearing
- **April 2014** – Admin. challenges to MFL rules by Fla. Wildlife Federation, Ichetucknee Alliance, *pro se* individual
- **May/June 2014** – Administrative Final Hearing
- **September 2014** – Expected ALJ Final Order

Rule Expression of MFLs

(c) The minimum surface water flows for the Priority Springs are established as a percent reduction from the median baseline flow contribution of each spring to the flow at the respective river gages listed in paragraphs 62-42.300(1)(a) and (b), F.A.C.:

1. Lower Santa Fe River Priority Springs:

- a. Santa Fe Rise: Eight percent
- b. ALA112971 (Treehouse): Eight percent
- c. Hornsby: Eight percent
- d. Columbia: Eight percent
- e. Poe: Eight percent
- f. COL 101974 (Unnamed): Eight percent
- g. Rum Island: Eight percent
- h. July: Eight percent
- i. Devil's Ear (Ginnie Group): Eight percent
- j. GIL 1012973 (Siphon Creek Rise): Eight percent

2. Ichetucknee River Priority Springs:

- a. Ichetucknee Head: Three percent
- b. Blue Hole: Three percent
- c. Mission: Three percent
- d. Devil's Eye: Three percent
- e. Grassy Hole: Three percent
- f. Mill Pond: Three percent

62-42.300 Minimum Flows and Levels and Recovery and Prevention Strategies

The Department hereby establishes the following minimum flows and levels in accordance with section 373.042, F.S.

(1) Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs: The minimum surface water flows for the Lower Santa Fe and Ichetucknee River and Associated Priority Springs are provided below:

(a) The minimum surface water flows for the Lower Santa Fe at the Santa Fe River near Ft. White, FL are the following points on the flow duration curve:

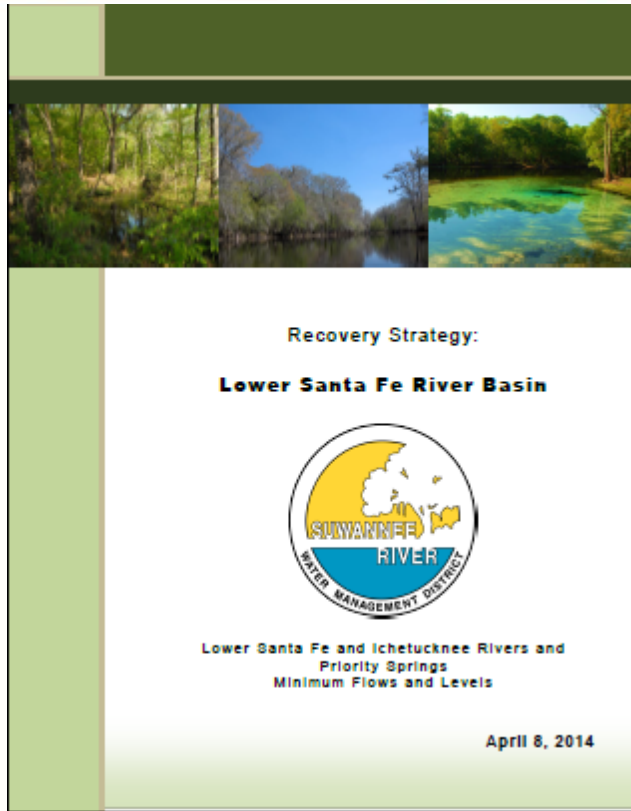
- 1. 3,101 cubic feet per second (cfs) for a flow duration frequency of five percent;
- 2. 2,523 cubic feet per second (cfs) for a flow duration frequency of 10 percent;
- 3. 1,768 cubic feet per second (cfs) for a flow duration frequency of 25 percent;
- 4. 1,214 cubic feet per second (cfs) for a flow duration frequency of 50 percent;
- 5. 920 cubic feet per second (cfs) for a flow duration frequency of 75 percent;
- 6. 749 cubic feet per second (cfs) for a flow duration frequency of 90 percent;
- 7. 672 cubic feet per second (cfs) for a flow duration frequency of 95 percent;

(b) The minimum surface water flows for the Ichetucknee River at U.S. Highway 27 are the following points on the flow duration curve:

- 1. 473 cubic feet per second (cfs) for a flow duration frequency of five percent;
- 2. 448 cubic feet per second (cfs) for a flow duration frequency of 10 percent;
- 3. 386 cubic feet per second (cfs) for a flow duration frequency of 25 percent;
- 4. 343 cubic feet per second (cfs) for a flow duration frequency of 50 percent;
- 5. 318 cubic feet per second (cfs) for a flow duration frequency of 75 percent;

Lower Santa Fe River Recovery Strategy

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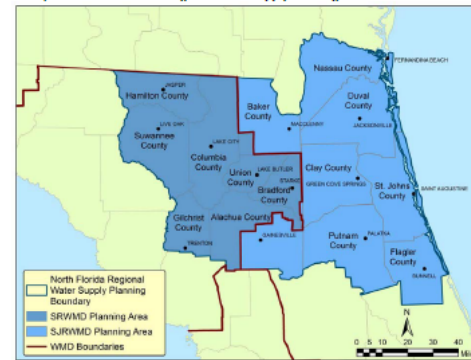


Section 6.0: Supplemental Regulatory Measures
Recovery Strategy: Lower Santa Fe Basin
Effective Date
Incorporated by reference in Rule 62-42.300, F.A.C.

6.0 SUPPLEMENTAL REGULATORY MEASURES

1. Section 6.0 entitled "Supplemental Regulatory Measures" shall be adopted by the Department of Environmental Protection by rule pursuant to Section 373.042(4), F.S., as a component of the overall recovery strategy for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs MFLs. These rules shall be applicable within the boundaries of the SRWMD and that portion of the North Florida Regional Water Supply Planning Area (see Figure 6-1.) within the SJRWMD.

Figure 6-1. North Florida Regional Water Supply Planning Area

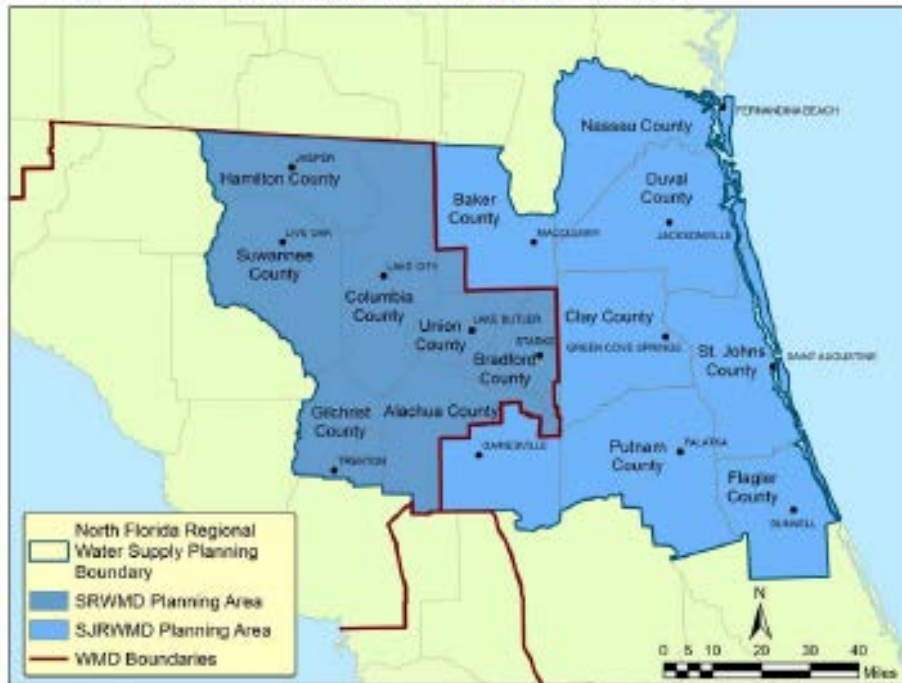


2. These rules provide additional criteria for review of consumptive use permit applications prior to the completion of the North Florida Southeast Georgia Regional Groundwater Flow Model and development of long-term recovery measures in the North Florida Regional Water Supply Plan (NFRWSP). Prior to the completion of the North Florida Southeast Georgia Regional Groundwater Flow Model, each District shall apply the best available modeling tools to evaluate permit applications and their potential impact to the MFLs in the Lower Santa Fe River Basin. Upon completion of the North Florida Southeast Georgia Regional Groundwater Flow Model, the MFLs and these additional regulatory criteria shall be re-evaluated pursuant to Rule 62-42.300(1)(e), F.A.C.

- **Regulatory Component** – Adopted by rule by DEP
- **Non-Regulatory Strategy** – Approved by SRWMD Governing Board

MFL & Strategy Reevaluation

Figure 6-1. North Florida Regional Water Supply Planning Area



Proposed MFL and strategy are an interim step

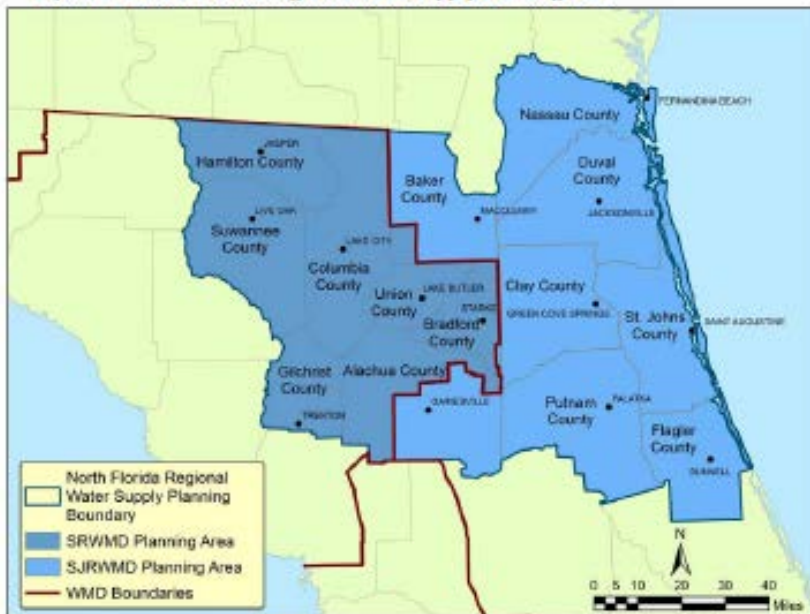
- Phased process
- Time to develop improved tools
- Time to address remaining concerns and coordinate

•Rule 62-42.300(1)(e), FAC:

- MFLs will be reevaluated upon completion of North Florida Southeast Georgia (NFSEG) Regional Groundwater Flow Model
- MFL and strategy will be readopted no later than December 31, 2019

LSFR Regulatory Recovery Strategy

Figure 6-1. North Florida Regional Water Supply Planning Area



- Applies in North Florida Regional Water Supply Planning Area
- Impact evaluation based on “best available” information
- **New water uses** – All impacts to MFL water bodies must be offset
- **Renewals with increases** – Offset effect of increase and limited to 5 year permit

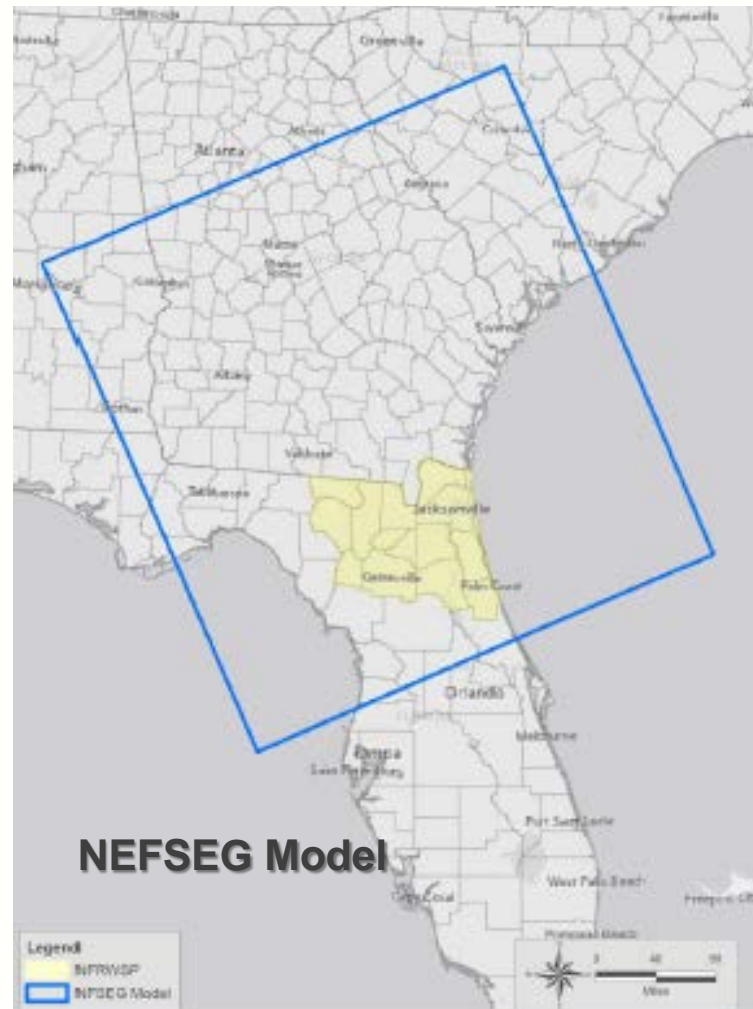
- **Renewal with no increase** - 5 year permit unless MFL impacts offset
- **Existing permits** – Not subject to modification
- **Proportional impacts** – Users only responsible for proportionate share of impact to MFL water body
- **Georgia impacts** – Fla. users not responsible for impact of Georgia use

Administrative Challenge to MFL & Strategy

- **Challengers** – Florida Wildlife Federation, Ichetucknee Alliance, Paul Still
- **Respondents** – DEP and SRWMD
- **Intervenors in Support** – SJRWMD, North Florida Utility Group, Local Counties
- **Issues Raised by Challengers:**
 - Validity of Statement of Estimated Regulatory Costs
 - Validity of SRWMD approval of non-regulatory aspects of strategy
 - Alleged ambiguity in MFL language
 - Whether recovery strategy is restrictive enough, particularly for existing users
 - Whether recovery must be achieved
 - Whether entirety of strategy has to be adopted as rule by DEP
- FWF dismissed from case for lack of standing
- Final Order from ALJ expected in September

Next Steps: Development of NFSEG Model

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Next Steps: Important Considerations

- How much do groundwater withdrawals impact flow in the MFL water bodies?
- Improve withdrawal estimates
- Collection of additional hydrologic and ecological data
- How are impacts apportioned?
- How will AWS projects be developed and paid for?
- What portion of impacts come from Georgia withdrawals?
- How will Georgia be incorporated into process?
- Further coordination between DEP, SRWMD, SJRWMD, and stakeholders – development of joint regional water supply plan