

RESOURCE MANAGEMENT COMMITTEE**August 23, 2022****Submit & File: Information Item: Minimum Flows and Minimum Water Levels Priority List and Schedule Update***Purpose*

This submit and file report addresses the initial step for the statutorily required update of the District's priority list and schedule (priority list) for the establishment of minimum flows and minimum water levels (MFLs). Following review of public input on the updated draft priority list included in this report, and any necessary revisions, the priority list will be presented to the Governing Board in October 2022 for final review and approval prior to submittal to the Florida Department of Environmental Protection (DEP).

Background/History

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes, the District is required to annually update and submit its minimum flows and minimum water levels priority list to the Florida DEP by November 15th, for approval, and include the approved priority list in the District's Consolidated Annual Report by March 1st.

Attached is a draft "2022 Southwest Florida Water Management District Priority List and Schedule for the Establishment of Minimum Flows, Minimum Water Levels and Reservations" that staff will preliminarily review with DEP and public stakeholders. As indicated in the draft priority list, the District has established 203 MFLs, including MFLs for 126 lakes, 34 wetlands, 24 river segments, 10 springs or spring groups, 7 Upper Floridan aquifer (UFA) wells in the Northern Tampa Bay Water Use Caution Area (NTBWUCA), the UFA in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA) and in UFA at a site in the Dover/Plant City Water Use Caution Area.

In addition, 128 minimum flow or level reevaluations have been completed to confirm or support the revision or repeal of established minimum flows or minimum water levels. The District has also established 2 reservations; one for water from Morris Bridge Sink to support MFLs recovery for the lower Hillsborough River and another for water stored in Lake Hancock and released to Lower Saddle Creek to support MFLs recovery in the upper Peace River.

The draft priority list addresses all relevant statutory directives and guidance concerning minimum flow, minimum water level, and water reservation prioritization included in Rules 62- 40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida administrative Code (F.A.C.), and in Rule 62.41.304 within the Regulation of the Consumptive Use of Water Rule (Chapter 62-41, F.A.C.) of the DEP that address the Central Florida Water Initiative (CFWI) Area. Formatting requirements for the priority list from the DEP Office of Water Policy are also addressed.

Prioritization of water bodies through 2025 addresses the three-year minimum requirement specified in the Water Resource Implementation Rule. The draft priority list also includes water bodies for which MFLs establishment is expected to be completed during the remainder of this year, i.e., in 2022.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, including those specifically associated with withdrawals from within the CFWI area, are identified to support coordination of

regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for any of these water bodies is not, however, currently considered necessary or appropriate.

Past Year Rule Adoption Updates

Since the last priority list update, rulemaking for MFLs was completed for two water bodies. This rulemaking addressed the establishment of MFLs for Lower Shell Creek, which was scheduled for 2021. The rulemaking also addressed the scheduled 2021 reevaluation of the Dover / Plant City Water Use Caution Area Minimum Aquifer Level, which did not result in revision of the MFL but did support modification of compliance rule language for the MFL and repeal of the associated MFL recovery strategy rule.

Twenty-nine lakes are identified for reevaluation in 2021 on the current priority list. Rulemaking for these lakes, which include four Hernando County lakes (Hunters, Lindsey, Mountain, Neff) 22 Hillsborough County lakes (Barbara, Bird, Brant, Crystal, Cypress, Dosson, Ellen, Fairy, Halfmoon Hanna, Helen, Hobbs, Jackson, Juanita, Merrywater, Saddleback, Sapphire, Strawberry, Sunset, Sunshine, Taylor, Wimauma), two Pasco County lakes (Clear, Hancock), and one Polk County lake (Parker) is coded as “completed” on the priority list. This rulemaking was completed during the final phase of development of the priority list, so the water bodies were retained on the priority list that was submitted to, and subsequently approved by the DEP in late 2021.

Scheduling for Priority Water Bodies

Twenty-two water bodies are scheduled for MFLs development or reevaluation, and one reservation is identified for reevaluation on the draft priority list.

Among these, 19 water bodies continue to be scheduled for MFLs development or reevaluation in accordance with the previous priority list. These water bodies include two Highlands County lakes (Tulane and Verona), one Polk County lake (North Wales) and two segments (upper and lower) of the Little Manatee River scheduled for 2022; three Polk County lakes (Aurora, Easy, Eva), Charlie Creek, and Horse Creek scheduled for 2023; and three Polk County lakes (Eagle, McLeod, Wailes), two Highlands County lakes (Jackson, Little Jackson), and four (the lower and three upper) segments of the Withlacoochee River scheduled for 2024.

Newly added to the priority list are the reevaluation of MFLs established for the three segments of the Upper Peace River and the reevaluation of the reservation established for Lake Hancock/Lower Saddle Creek. Reevaluation of the Upper Peace River MFLs is needed for development of MFLs that better address the full hydrologic regime of this regionally important river. Reevaluation of the Lake Hancock/Lower Saddle Creek reservation is necessary to address review requirements associated with established reservations provided in the Water Resource Implementation Rule and to support continued recovery of MFLs in the Upper Peace River.

The draft priority list does not include the reevaluation of the Saltwater Intrusion Minimum Aquifer Level for the Most Impacted Area of the Southern Water Use Caution Area and the development of MFLs for the lower segments of the Braden River and Manatee River, which were all previously scheduled for completion in 2023. These reevaluations were excluded from the draft priority list to address anticipated data needs and modeling.

Outreach and Follow-Up Activities

Staff presented the draft priority list to the Environmental Advisory Committee on July 12, 2022 and has scheduled presentation of the draft priority list to the Public Supply Advisory Committee on August 9, 2021. No specific changes to the draft priority list were provided during the Environmental Advisory Committee meeting. This recap was prepared prior to the Public Supply Advisory Committee meeting, so input that may have been provided by committee members is not noted here. Any comments provided during the Public Supply Advisory Committee meeting will be considered by staff for finalization of the priority list and as necessary, summarized in the meeting minutes and the committee liaison report to the Governing Board.

Following the August 2022 Governing Board meeting staff will post the draft priority list on the District web site. A public workshop will be facilitated by staff on August 24, 2022, to solicit additional stakeholder input on the priority list update process. Staff also anticipates co-facilitating a public workshop with South Florida Water Management District and St. Johns River Water Management District staff on September 1, 2022, for discussion of CFWI area water bodies included on each district's priority list and schedule.

Based on consideration of stakeholder input and any additional analyses, staff will amend the draft priority list, as necessary and return to the Governing Board in October to request approval of the priority list to be submitted to DEP by November 15, 2022. Upon approval by DEP, the priority list will be incorporated into the 2023 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2023.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Doug Leeper, MFLs Program Lead, Environmental Flows and Levels Section

2022 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PRIORITY LIST AND SCHEDULE FOR THE ESTABLISHMENT OF MINIMUM FLOWS, MINIMUM WATER LEVELS AND RESERVATIONS

Overview

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes (F.S.), the Southwest Florida Water Management District is required to annually update its priority list and schedule for the establishment of minimum flows and minimum water levels, submit the updated list and schedule to the Florida Department of Environmental Protection (DEP) by November 15th for approval, and include the approved list and schedule in the District's Consolidated Annual Report by March 1st. Minimum flows and minimum water levels are rules adopted by the state water management districts or DEP that define the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. In addition to prioritized minimum flows and minimum water levels, the priority list and schedule must include reservations proposed for establishment. Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety.

The District prepared this 2022 priority list and schedule to address all relevant statutory directives, and guidance concerning minimum flow, minimum water level and water reservation prioritization included in Rules 62-40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida Administrative Code (F.A.C.) and in Rule 62.41.304 within the Regulation of the Consumptive Use of Water Rule (Chapter 62-41, F.A.C.) of the DEP that address the Central Florida Water Initiative Area defined in Section 373.0465(2)(a), F.S.

Established Minimum Flows, Minimum Water Levels and Reservations

As of FY2022, District rules include minimum flows or minimum water levels for 203 water bodies (Chapter 40D-8, F.A.C.) and reservations for 2 water bodies (Chapter 40D-2, F.A.C.). As listed below, minimum flows or water levels are established for 126 lakes, 34 wetlands, 24 freshwater and estuarine river segments, 10 springs or spring groups (including all first magnitude springs and all second magnitude springs within the District that occur within state or federal lands purchased for conservation purposes), 7 Upper Floridan aquifer (UFA) sites in the northern Tampa Bay area, an UFA site in the Dover/Plant City area, and the UFA in the Most Impacted Area of the Southern Water Use Caution Area. In addition, 128 minimum flow or level reevaluations have been completed to confirm or support the revision or repeal of established minimum flows or minimum water levels. As also listed below, reservations have been established for Lake Hancock/Lower Saddle Creek and Morris Bridge Sink to support minimum flow recovery in 2 rivers.

Water Bodies with Adopted and Effective Minimum Flow and Minimum Water Level Rules, Including Those That Have Been Reevaluated

- Alafia River (upper segment)
- Alafia River (lower segment)/Lithia-Buckhorn Spring Group
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)

- Chassahowitzka River/Chassahowitzka Spring Group (an Outstanding Florida Spring) and Blind Spring (reevaluated)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness, and Hernando Pools
- Crystal River/Kings Bay Spring Group (an Outstanding Florida Spring)
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- Gum Slough Spring Run
- Hernando County Lakes – Hunters (reevaluated), Lindsey (reevaluated), Mountain (reevaluated), Neff (reevaluated), Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo, Anoka, Damon, Denton, Jackson (reevaluated), Little Lake Jackson (reevaluated), June-in-Winter, Letta (reevaluated), Lotela (reevaluated), Placid, Tulane, Verona
- Hillsborough County Lakes – Alice (reevaluated), Allen (reevaluated twice), Barbara (reevaluated), Bird (reevaluated twice), Brant (reevaluated twice), Calm (reevaluated), Carroll, Charles (reevaluated), Church (reevaluated), Crenshaw, Crescent, Crystal (reevaluated twice), Cypress (reevaluated), Dan (reevaluated), Deer (reevaluated), Dosson (reevaluated twice), Echo (reevaluated), Ellen (reevaluated), Fairy [Maurine] (reevaluated), Garden, Halfmoon (reevaluated), Hanna (reevaluated), Harvey (reevaluated twice), Helen (reevaluated), Hobbs (reevaluated twice), Hooker, Horse (reevaluated), Jackson (reevaluated), Juanita (reevaluated twice), Keene, Kell, Little Moon (reevaluated), Merrywater (reevaluated twice), Mound, Platt, Pretty, Rainbow (reevaluated), Raleigh, Reinheimer, Rogers, Round (reevaluated), Saddleback (reevaluated twice), Sapphire (reevaluated twice), Starvation, Stemper (reevaluated), Strawberry (reevaluated), Sunset (reevaluated twice), Sunshine (reevaluated twice), Taylor (reevaluated), Virginia (reevaluated twice), Wimauma (reevaluated)
- Hillsborough County Wetlands – Cypress Bridge 32 (reevaluated), Cone Ranch 1 (reevaluated), Cone Ranch 2 (reevaluated), Cone Ranch 3 (reevaluated), Cone Ranch 4 (reevaluated), Cone Ranch 5 (reevaluated), Cone Ranch 6 (reevaluated), Eldridge Wilde 11 (NW-44) (reevaluated), Morris Bridge Clay Gully Cypress (MBR-88) (reevaluated), Morris Bridge Entry Dome (MBR-35) (reevaluated), Morris Bridge Unnamed (MBR-16) (reevaluated), Morris Bridge X-4 (MBR-89) (reevaluated)
- Hillsborough River (lower segment) (reevaluated)
- Hillsborough River (upper segment)
- Homosassa River/Homosassa Spring Group (an Outstanding Florida Spring) (reevaluated)
- Levy County Lake – Marion (reevaluated)
- Marion County Lakes – Bonable, Little Bonable, Tiger
- Myakka River (lower segment)
- Myakka River (upper segment)
- Northern Tampa Bay – 7 Wells – Upper Floridan aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish (reevaluated), Bird, Buddy (reevaluated), Camp (reevaluated), Clear (reevaluated), Crews, Green, Hancock (reevaluated), Iola, Jessamine, King, King [East], Linda, Middle, Moon (reevaluated), Padgett (reevaluated), Parker aka Ann, Pasadena (reevaluated), Pierce (reevaluated), Unnamed #22 aka Loyce
- Pasco County Wetlands – Cross Bar Q-1 (reevaluated), Cross Bar T-3 (reevaluated), Cypress Bridge 4 (reevaluated), Cypress Bridge 16 (reevaluated), Cypress Bridge 25 (reevaluated), Cypress Creek W-56 (G) (reevaluated), Cypress Creek W-11 (reevaluated), Cypress Creek W-12 (reevaluated), Cypress Creek W-17 (reevaluated), North Pasco 3 (reevaluated), North Pasco 21 (reevaluated), South Pasco 2 (NW-49) (reevaluated), South Pasco 6 (NW-50) (reevaluated), South Pasco South Cypress (reevaluated), Starkey Central (reevaluated), Starkey Eastern (S-73) (reevaluated), Starkey M (S-69) (reevaluated), Starkey N (reevaluated), Starkey S-75 (reevaluated), Starkey S-99, Starkey Z (reevaluated)
- Peace River (lower segment) (reevaluated twice)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Pinellas County Wetland – Eldridge Wilde 5
- Pithlachascotee River (lower segment)
- Pithlachascotee River (upper segment)

- Polk County Lakes – Annie, Aurora, Bonnie, Clinch (reevaluated), Crooked (reevaluated), Crystal, Dinner, Eagle (reevaluated), Easy, Eva, Hancock, Lee, Lowery, Mabel, McLeod (reevaluated), North Lake Wales, Parker (reevaluated), Starr (reevaluated), Venus, Wailes (reevaluated)
- Rainbow River/Rainbow Spring Group (OFS)
- Shell Creek (lower segment)
- Sulphur Springs
- Sumter County Lakes – Big Gant, Black, Deaton, Miona, Okahumpka, Panasoffkee
- Southern Water Use Caution Area – Upper Floridan aquifer Tampa Bypass Canal
- Weeki Wachee River/Weeki Wachee Spring Group (an Outstanding Florida Spring)

Water Bodies with Adopted and Effective Reservation Rules

- Lake Hancock/Lower Saddle Creek (water reserved to contribute to achieving minimum flows adopted for the three upper segments of the Peace River for the protection of fish and wildlife)
- Morris Bridge Sink (water reserved to contribute to achieving or maintaining minimum flows adopted for the lower segment of the Hillsborough River for the protection of fish and wildlife)

Prioritized Water Bodies for Establishment or Reevaluation of Minimum Flows and Minimum Water Levels

Minimum flows and minimum water levels proposed for establishment or reevaluation through 2025 are listed by water body name in tabular form below. No reservations are prioritized for establishment or reevaluation during this period.

System name is provided for each water body to distinguish waterbodies that may be part of a larger system. All currently prioritized waterbodies are, however, sufficiently distinct so the waterbody name and system name are the same. Water body type, i.e., lake, river, river-estuary or aquifer, is provided along with location information. District intent regarding completion of voluntary, independent, scientific peer review is also identified for each water body. Voluntary scientific peer review is proposed for minimum flows development or reevaluation for all prioritized river segments based on the expected level of complexity of the minimum level and flows, and the anticipated degree of public concern regarding their development. None of the prioritized lake minimum levels are expected to be subjected to voluntary scientific peer review, based on anticipated use of previously peer-reviewed methodologies for their development.

Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, including those specifically associated with withdrawals from within the Central Florida Water Initiative area, are identified to support coordination of regulatory activities among the districts and DEP. Development of minimum flow or water levels by the DEP for any of these water bodies is not, however, currently considered necessary or appropriate.

The status of rulemaking for each prioritized water body is also provided.

Minimum Flows and Minimum Water Levels to be Adopted in 2022.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation	North Lake Wales	North Lake Wales	Lake	Polk	No	Yes ^d	27.9096	-81.5805	N/A
Reevaluation	Tulane, Lake	Tulane, Lake	Lake	Highlands	No	Yes ^d	27.5860	-81.5036	N/A
Reevaluation	Verona, Lake	Verona, Lake	Lake	Highlands	No	Yes ^d	27.5978	-81.4969	N/A
New	Little Manatee River (lower segment)	Little Manatee River (lower segment)	River-Estuary	Hillsborough	Yes	No	27.6708	-82.3528	N/A
New	Little Manatee River (upper segment)	Little Manatee River (upper segment)	River	Hillsborough, Manatee	Yes	No	27.6708	-82.3528	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2023.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation	Aurora, Lake	Aurora, Lake	Lake	Polk	No	Yes ^d	27.879079	-81.465545	N/A
Reevaluation	Easy, Lake	Lake Easy, Lake	Lake	Polk	No	Yes ^d	27.858101	-81.56204	N/A
Reevaluation	Eva, Lake	Eva, Lake	Lake	Polk	No	Yes ^d	28.095218	-81.62806	N/A
New	Charlie Creek	Charlie Creek	River	Hardee, Polk	Yes	No	27.3747	-81.7967	N/A
New	Horse Creek	Horse Creek	River	Hardee, DeSoto	Yes	No	27.1992	-81.9886	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2024.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation (second)	Eagle Lake	Eagle Lake	Lake	Polk	No	No	27.986734	-81.766533	N/A
Reevaluation (second)	McLeod, Lake	McLeod, Lake	Lake	Polk	No	No	27.967464	-81.752949	N/A
Reevaluation (second)	Jackson, Lake (Highlands)	Jackson, Lake (Highlands)	Lake	Highlands	No	Yes	27.491027	-81.462497	N/A
Reevaluation (second)	Little Jackson	Little Lake Jackson	Lake	Highlands	No	Yes	27.467746	-81.463525	N/A
Reevaluation (second)	Wailes, Lake	Wailes, Lake	Lake	Polk	No	Yes ^d	27.901501	-81.572589	N/A
New	Withlacoochee River (lower segment)	Withlacoochee River (lower segment)	River-Estuary	Citrus, Levy	Yes	Yes	29.0208	-82.6381	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	River	Citrus, Marion, Sumter	Yes	Yes	28.9886	-82.3497	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	River	Citrus, Sumter, Hernando	Yes	No	28.8231	-82.1833	N/A
New	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	River	Hernando, Sumter, Pasco, Lake, Polk	Yes	No	28.5925	-82.2222	N/A

Minimum Flows and Minimum Water Levels to be Adopted in 2025.

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^a	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD? ^b	Latitude	Longitude	Rulemaking Status ^c
Reevaluation (first)	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	River	Hardee, Polk	Yes	No	27.5042	-81.8011	N/A
Reevaluation (first)	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.7511	-81.7822	N/A
Reevaluation (first)	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.9019	-81.8175	N/A

Reservations Priority List.

Waterbody Name	Waterbody Type	County(s)	Proposed Year	Rulemaking Status ^c
Hancock, Lake/Lower Saddle Creek (reevaluation)	Lake, River	Polk	2025	NA

^a System name identifies larger system that the water body is associated with for minimum flows rule development; otherwise, system name is same as waterbody name or compliance point.

^b WMD = Water Management District

^c Last rulemaking action taken: Notice of Rule Development published; Notice of Proposed Rule published; Rule challenge pending; Rule adopted, Ratification not required; Rule adopted, Awaiting ratification; Rule adopted, Ratified. N/A indicates formal rulemaking has not been initiated.

^d Potential cross-boundary withdrawal impacts from adjacent water management district associated with the Central Florida Water Initiative area.