

## Notice of Proposed Rule

### **WATER MANAGEMENT DISTRICTS**

#### **Southwest Florida Water Management District**

RULE NO.: RULE TITLE:

40D-80.073 Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy

PURPOSE AND EFFECT: The purpose is to remove the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, which sunset on December 31, 2020.

SUMMARY: The Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, sunset on December 31, 2020. This rulemaking is to remove sunsetted rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. Regarding the "adverse impact to small business" threshold for requiring the development of a SERC, it is not anticipated that the rule revisions will have an adverse impact on small businesses and will not require the development of a SERC on this basis. Regarding the "\$200,000 increase in regulatory costs within one year of implementation" threshold for requiring the development of a SERC, the proposed rule revisions are not expected to lead to increased transactional costs to existing permittees, new applicants, or those seeking to revise existing Water Use Permits within 1 year of implementation. Therefore, the development of a SERC is not required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 F.S.

LAW IMPLEMENTED: 373.036, 373.171, 373.0421 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adrienne Vining, Assistant General Counsel, SWFWMD, 7601 U.S. Highway 301 North, Tampa, Florida 33637, (813)985-7481 ext. 4668

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 40D-80.073 follows. See Florida Administrative Code for present text.

**~~40D-80.073 Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Recovery Strategy.~~**

Hillsborough River Recovery Strategy.

Beginning November 25, 2007, the Minimum Flow for the Lower Hillsborough River shall be as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below. The District and the City of Tampa (City) shall measure the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter.

(1) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows of The Lower Hillsborough River, dated October 19, 2007, (the Funding Agreement), which is incorporated

herein by reference. A copy of the Funding Agreement is available from the District upon request. The Funding Agreement and subsection 40D-80.073, F.A.C., constitute the District's recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.

(2) The schedule to achieve the Minimum Flows for the Lower Hillsborough River is as follows:

(a) Sulphur Springs.

Beginning on November 25, 2007, the City shall be required to provide ten cubic feet per second (cfs) of water to the base of the City's dam each day, provided such use will not compromise public health, safety and welfare.

(b) Tampa Bypass Canal Diversions.

By January 1, 2008, provided that any permit that may be required is approved, the District shall divert up to 7.1 million gallons of water on any given day from the District's Tampa Bypass Canal (TBC) to the Hillsborough River at the District's Structure 161. The District shall then deliver water from the Hillsborough River immediately above the City's dam to the base of the City's dam to help meet the minimum flow requirements of the Lower Hillsborough River. Such diversions shall not occur if public health, safety or welfare will be compromised.

1. The District shall complete a comprehensive analysis of these diversions within 90 days of the first year of operation to identify and subsequently make any mechanical or efficiency adjustments that may be necessary. The District shall use its best efforts to expedite obtaining any permit that may be needed to undertake these actions.

2. By October 1, 2013, provided that the transmission pipeline has been constructed and is operational, all of the water diverted from the TBC middle pool under this provision to help meet the minimum flow shall be provided to the Lower Hillsborough River per subparagraph 40D-80.073(2)(g), F.A.C.

3. These diversions shall be prioritized as follows:

a. Priority Source One – Diversions From the TBC Middle Pool When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and There is Flow of at Least 11 cfs Over the District's Structure 162.

On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and there is flow of at least 11 cfs over the District's Structure 162, the District shall divert water from the TBC middle pool to the Hillsborough River.

(I) The District shall then deliver 75 percent of any water diverted from the TBC to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to the base of the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (h), F.A.C.

(II) The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River set forth in subsection 40D-8.041(1), F.A.C., but will not exceed 7.1 million gallons on any given day.

(III) Such diversions shall cease from the TBC middle pool if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

(IV) On days when flow over the Hillsborough River Dam naturally exceeds 20 cfs during the months of July through March, or 24 cfs during the months of April through June and when diversions from the TBC middle pool are not needed to replenish the supply from Storage Projects described in paragraphs 40D-80.073(3) and (4), F.A.C., diversions from the TBC middle pool shall not occur and any flows in the TBC lower pool above elevation 9.0 feet NGVD (1929 or its 1988 equivalent), shall be available for water supply.

(V) Prior to October 1, 2013, and during the months of March through June, on days when some water is needed from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River, all available water from the TBC middle pool not needed to be diverted in accordance with SWFWMD Water Use Permit No. 20006675 but not exceeding 7.1 million gallons on any given day will be diverted to the Hillsborough River. Water delivered to the Hillsborough River in excess of that needed to help meet the minimum flow of the Lower Hillsborough River shall remain in the Hillsborough River above the dam. Keeping this water in the Hillsborough River above the dam will reduce the time and quantities of supplemental flow needed to help meet the minimum flow requirements.

(VI) During the months of July through February, on days when water is needed from the TBC middle pool to help meet the minimum flow of the Lower Hillsborough River, only that amount of water needed to help meet the minimum flow but not in excess of 7.1 million gallons on any given day shall be diverted from the TBC middle pool to the Hillsborough River, and any water in the TBC middle and lower pools above elevations 12.0 and 9.0 feet NGVD (1929 or its 1988 equivalent), respectively, shall be available for water supply.

b. Priority Source Two – Diversions When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and the Flow Over the District's Structure 162 is Less Than 11 cfs.

On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and the flow over the District's Structure 162 is less than 11 cfs, the District shall divert water from the TBC middle pool to the Hillsborough River.

(I) The District shall then deliver 75 percent of any water diverted from the TBC middle pool to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (h), F.A.C.

(II) The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, but will not exceed 7.1 million gallons on any given day.

A. On days such diversions occur, the District will divert from the TBC lower pool to the TBC middle pool quantity equivalent to that diverted by the District from the TBC middle pool to the Hillsborough River.

B. Such diversions shall cease from both the TBC middle and lower pool when the stage of the TBC lower pool reaches 6.0 feet NGVD (1929 or its 1988 equivalent), as measured by the gauge at the District's Structure 160, or the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

(III) Once the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), withdrawals from this priority source to help meet the minimum flow for the lower Hillsborough River are considered withdrawals from the storage of the TBC lower pool. When the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

A. At no time shall withdrawals from the lower pool to help meet the minimum flow for the lower Hillsborough River cause the stage in the lower pool to go below 6.0 feet NGVD (1929 or its 1988 equivalent), or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

B. If supplemental flows are required to help meet the lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC lower pool reaches an elevation of 6.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-subparagraph 40D-80.073(2)(b)3.b.(III)A., F.A.C., above, are met, the District shall cease withdrawals from the TBC lower pool. The District shall only reinstate withdrawals from the TBC lower pool when its elevation equals or exceeds 9.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC lower pool replenishment.

C. The total withdrawn from storage on any given day shall not exceed 7.1 million gallons on any given day.

D. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C.

c. Priority Source Three – Diversions When TBC Middle Pool Elevations are Between 10.0 and 12.0 Feet NGVD (1929 or its 1988 equivalent).

The District will make all reasonable efforts to obtain authorization from the United States Army Corps of Engineers to allow the withdrawals of up to 7.1 million gallons on any given day from the TBC middle pool to aid in the Lower Hillsborough River minimum flow requirements when the TBC middle pool is below 12.0 feet and above 10.0 feet NGVD (1929 or its 1988 equivalent).

(I) These diversions will only occur when the stage of the TBC lower pool has reached 6.0 feet NGVD (1929 or its 1988 equivalent), or the TBC lower pool is in a state of replenishment as described in sub-sub-subparagraph 40D-80.073(2)(b)3.b.(III)B., F.A.C. These diversions will be limited to the quantity needed to help

achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C., but will not exceed 7.1 million gallons on any given day.

(II) These diversions shall cease if the elevation difference between the Hillsborough River and TBC middle pool exceeds 9.5 feet, if approved by the United States Army Corps of Engineers, as measured on either side of the District's Structure 161, or if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet, as measured on either side of the District's Structure 162.

(III) Diversions associated with this provision will not occur until the water transmission pipeline as set forth in subparagraph 40D-80.073(2)(g), F.A.C., is completed or by October 1, 2013, whichever is sooner. Once the stage in the TBC middle pool is below 12.0 feet NGVD (1929 or its 1988 equivalent), withdrawals to help meet the minimum flow for the Lower Hillsborough River are considered withdrawals from the storage of the TBC middle pool. When the stage is below 12.0 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

A. At no time shall withdrawals from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River cause the stage in the middle pool to go below 10.0 feet NGVD (1929 or 1988 equivalent), or cause the elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet, as measured on either side of the District's Structure 161, or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

B. If supplemental flows are required to help meet the Lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC middle pool reaches an elevation of 10.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-subparagraph 40D-80.073(2)(b)3.c.(III)A., F.A.C., above, are met, the District shall cease withdrawals from the TBC middle pool. The District shall only reinitiate withdrawals from the TBC middle pool when its elevation equals or exceeds 12.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC Pool Replenishment, and there is less than 11 cfs of flow over the District's Structure 162.

C. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons.

D. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C.

(c) Sulphur Springs Project.

1. By October 1, 2009, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

2. By October 1, 2010, the City shall complete the construction of the upper gates and the pump station to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

3. By October 1, 2012, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City is to provide to the base of the dam, all available flow from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

a. These diversions shall not exceed 11.6 million gallons on any given day.

b. The City is authorized to use any remaining quantities at Sulphur Springs for water supply purposes consistent with SWFWMD Water Use Permit No. 20002062.

4. Additionally, beginning on October 1, 2010, on days when the minimum flow requirements are being adjusted for the Lower Hillsborough River, as described in paragraph 40D-8.041(1)(b), F.A.C., and there is flow at Sulphur Springs in excess of the quantity needed to help meet the adjusted flow as described in paragraph 40D-8.041(1)(b), F.A.C., and the minimum flow requirements in paragraph 40D-8.041(2)(b), F.A.C., and the City is not using such flow to augment the Hillsborough River above the dam, the City shall move such quantity to the base of the City's dam up to the unadjusted quantities described in paragraph 40D-8.041(1)(b), F.A.C.

(d) Blue Sink Analysis.

By October 1, 2010, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City's dam.

(e) Transmission Pipeline Evaluation.

By October 1, 2010, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City's David L. Tippin Water Treatment Facility, including a spur to just below the City's dam.

(f) Blue Sink Project.

By October 1, 2011, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City will provide all available flow from Blue Sink project to help meet the minimum flow provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

(g) Transmission Pipeline Project.

By October 1, 2013, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete the water transmission pipeline described in subparagraph 40D-80.073(2)(e), F.A.C., and move the water the District will move as specified in subparagraphs 40D-80.073(2)(b) and (h), F.A.C., to the Lower Hillsborough River directly below the dam as needed to help meet the minimum flow or to transport water in accordance with SWFWMD Water Use Permit No. 20006675.

1. This transmission line will eliminate all adjustment for losses described in subparagraphs 40D-80.073(2)(b) and (h), F.A.C.

2. Additionally, the City will provide an additional flow of 1.9 million gallons each day to the base of the dam from the TBC middle pool provided that water is being transported in accordance with SWFWMD Water Use Permit No. 20006675. This additional 1.9 million gallons each day is anticipated to be part of the water savings associated with this transmission pipeline.

3. Once the pipeline is completed, the 1.9 million gallons each day of additional flow provided by the City as part of the water savings associated with the pipeline will be used in preference to all other sources except Sulphur Springs and Blue Sink to help meet the minimum flow for the Lower Hillsborough River.

4. In the event that this pipeline is not substantially completed by October 1, 2013, or that the City did not provide the District with a minimum ninety (90) days notice prior to October 1, 2013, of the delay of completion of the pipeline due to circumstances beyond its control, then, the City will be responsible for delivering the flows the District was previously obligated to divert from the TBC middle pool to the Hillsborough River and then to immediately below the City's dam under subparagraphs 40D-80.073(2)(b) and (h), F.A.C.; except that the District shall continue to be responsible to pump water from the TBC lower pool to the middle pool as described in subparagraph 40D-80.073(2)(b)2., F.A.C., and from Morris Bridge Sink to the TBC middle pool as described in subparagraph 40D-80.073(2)(h), F.A.C.

5. The City shall also provide the 1.9 million gallons each day if needed to help meet the flow described in this provision, from some other permissible source and is obligated to do so pursuant to subparagraph (2)(b)4. above.

(h) Morris Bridge Sink Project.

1. By October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District shall divert up to 3.9 million gallons of water on any given day from the Morris Bridge Sink to the TBC middle pool.

a. The Morris Bridge Sink diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, after utilizing the quantity diverted from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (g), F.A.C.

b. However, on days when Tampa Bay Water does not draw the TBC lower pool down to 9.0 feet NGVD (1929 or its 1988 equivalent) for water supply purposes, and supplemental flow is needed for the Lower Hillsborough River minimum flow requirements beyond water that can be delivered from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline described in subparagraphs 40D-80.073(2)(a), (c), (f), and (g), F.A.C., the District shall divert up to 7.1 million gallons on any

given day from the TBC lower pool to the TBC middle pool prior to diverting flows from the Morris Bridge Sink to the TBC middle pool.

c. The District shall cease to divert water from the TBC lower pool under this provision once the elevation of the TBC lower pool reaches 9.0 feet NGVD (1929 or its 1988 equivalent).

2. Prior to the completion of the pipeline described in subparagraph 40D-80.073(2)(g), F.A.C., the District shall transfer any water delivered to the TBC middle pool from the Morris Bridge Sink or the TBC lower pool under this provision to the Hillsborough River near the District's Structure 161.

a. These deliveries shall be made on the same day the District delivers water from the Morris Bridge Sink or the TBC lower pool.

b. The District shall then deliver 75 percent of any water diverted to the Hillsborough River under this provision to the Lower Hillsborough River. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam.

c. The deliveries of the water from the Morris Bridge Sink to the TBC middle pool then on to the Hillsborough River are in addition to any other diversions from the TBC middle pool to the Hillsborough River described in subparagraphs 40D-80.073(2)(b) and (h).

3. Once the City completes the water transmission pipeline described in subparagraphs 40D-80.073(2)(e) and (g), F.A.C., or as may be otherwise responsible for delivering the flows the District was previously obligated to divert pursuant to subparagraph 40D-80.073(2)(g), F.A.C., the City shall move any water the District delivers to the TBC middle pool from Morris Bridge Sink or the TBC lower pool under this provision to the Lower Hillsborough River directly below the dam. Such delivery by the City will occur on the same day the District delivers the water from the Morris Bridge Sink or the TBC lower pool to the TBC middle pool.

4. At no time shall withdrawals from the TBC under this provision cause:

a. The elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet as measured on either side of the District's Structure 161; or

b. The elevation difference between the TBC middle and lower pools to exceed 7.0 feet as measured on either side of the District's Structure 162.

(i) Beginning October 1, 2017, the City shall be required to meet the minimum flows at the base of the dam as set forth in subsection 40D-8.041(1), F.A.C.

(3) The City and the District shall, as specified in the Funding Agreement incorporated in paragraph (1) above, cooperate in the evaluation of options for storage of water (Storage Projects) such as aquifer storage and recovery and additional source options (e.g., diversions from Morris Bridge Sink greater than those described in subparagraph 40D-80.073(2)(h), F.A.C.), in sufficient permissible quantities, that upon discharge to the base of the dam, together with the other sources of flow described in paragraph 40D-80.073(2), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

(4) The City may propose for District approval additional source or storage projects that when completed may be used in lieu of all or part of one or more sources described in subparagraphs 40D-80.073(2)(b)-(h), F.A.C.

(5) Any District sponsored project, which shall include evaluation of up to 3.9 million gallons per day of additional quantities other than those identified in subparagraph 40D-80.073(2)(h), F.A.C., from the Morris Bridge Sink, shall be implemented by the District no later than October 1, 2017, provided that it is deemed feasible by the District, to eliminate or reduce the need to divert water from the TBC middle and lower pool storage as described in subparagraph 40D-80.073(2)(b), F.A.C. Such projects shall be implemented only after receiving any required permits.

(6) Each spring, beginning in 2008, the District shall review the recovery strategy to assess the progress of implementation of the recovery strategy and report that progress to the Governing Board. This annual review and report shall include identification of the Storage Projects or other additional source options that will be operational by October 1, 2017. If and when developed, Storage Projects or other additional source options to supply supplemental flows to meet the minimum flow will be used in preference to removal of water from storage in either the middle or lower pools of the TBC as described in paragraph 40D-80.073(2), F.A.C.

(7) The City and the District shall continue the existing monitoring and analysis of the water resources within the Lower Hillsborough River and the District shall provide this information to the Governing Board as part of the annual review and report described in paragraph (4), above.

(8) In 2013, and for each five-year period through 2023, the District shall evaluate the hydrology, dissolved oxygen, salinity, temperature, pH and biologic results achieved from implementation of the recovery strategy for the prior five years, including the duration, frequency and impacts of the adjusted minimum flow as described in paragraph 40D-8.041(1)(b), F.A.C. As part of the evaluation, the District will assess the recording systems used to monitor these parameters. The District shall also monitor and evaluate the effect the Recovery Strategy is having on water levels in the Hillsborough River above the City's dam to at least Fletcher Avenue. The District will evaluate all projects described in this Recovery Strategy relative to their potential to cause unacceptable adverse impacts prior to their implementation.

(9) In conjunction with recovery of the Lower Hillsborough River and to enhance restoration of McKay Bay and Palm River estuary, the District intends to undertake a wetland restoration project adjacent to McKay Bay. The City agrees to contribute to the project by providing up to 7.1 million gallons on any given day of reclaimed water, as needed for the project. Within five years of completion of this wetland project, and for two subsequent five-year periods thereafter, the District shall review the hydrologic, dissolved oxygen, salinity, temperature, pH and biologic results achieved from the implementation of the restoration project and other similar District projects that may occur.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963 FS. History-New 8-3-00, Amended 8-3-00, 11-25-07, 5-26-10, 5-19-14, \_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 14, 2021