

RESOURCE MANAGEMENT COMMITTEE**August 22, 2023****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 2023 for final review and approval prior to submittal to the Florida Department of Environmental Protection (DEP). Upon final approval, the draft priority list will replace the current 2022 priority list.

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 "2023 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.

Like the current priority list, 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.

Scheduling of water bodies through 2026 on the draft priority list 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 2023.

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 on the draft priority list 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

No rulemaking for MFLs or reservation establishment or reevaluation has been completed since the last priority list update. During the past year, however, rulemaking to update and clarify District rules associated with minimum wetland level establishment was completed.

Scheduling for Priority Water Bodies

Twenty-three water bodies are scheduled for MFLs or reservation development or reevaluation through 2026 on the draft priority list.

Eight of these water bodies continue to be scheduled in accordance with the current priority list. Minimum flow development for Charlie Creek, Horse Creek, and the upper and lower segment of the Little Manatee River remain scheduled for completion in 2023. Similarly, the planned reevaluation of minimum flows established for three segments of the upper Peace River and the reevaluation of the reservation established for Lake Hancock/Lower Saddle Creek continue to be scheduled for completion in 2025.

Ten water bodies on the current priority list have been rescheduled on the draft priority list. Minimum level reevaluations for lakes Tulane and Verona (Highlands County) have been rescheduled from 2022 to 2023 based on time that was needed for development and review of lake-level methods and criteria. The reevaluation of minimum levels for North Lake Wales was rescheduled from 2022 to 2025 for similar reasons and also based on recent compliance status of the lake, as well as to allow staff to focus immediate efforts on additional priority lakes in Highlands County. Minimum levels reevaluations for lakes Aurora and Eva (Polk County) were also rescheduled from 2023 to 2025 and the reevaluation of Eagle Lake was scheduled from 2024 to 2025 for these same reasons. Development of minimum flows for three segments of the upper Withlacoochee River was rescheduled from 2024 to 2025 based on delayed acquisition of topographic data necessary for hydrologic model development. Development of minimum flow for the lower segment of the Withlacoochee River has been rescheduled from 2024 to 2026 to allow for acquisition of critical environmental data necessary for hydrological modeling of the estuarine portion of the river.

Five water bodies identified for minimum levels reevaluation on the current priority list are not included on the draft priority list. Specifically, Lake Easy (Polk County) scheduled for 2023, lakes Jackson and Little Jackson (Highlands County) scheduled for 2024, and lakes McLeod and Wailes (Polk County) scheduled for 2024 were deleted. These changes were made based on recent compliance with the respective minimum levels established for each lake, and the need to prioritize other lake reevaluations to support the 2025 assessment planned for the Southern Water Use Caution Area (SWUCA) Recovery Strategy.

Six water bodies have been added to the draft priority list. The reevaluation of minimum levels established for lakes Angelo, Denton and Letta (Highlands County) is scheduled for 2024 as is the reevaluation of minimum levels established for Lake Bonnie (Polk County) in 2025—all in support of the SWUCA Recovery assessment. Reevaluation of the Saltwater Intrusion Minimum Aquifer Level established for the Most Impacted Area of the SWUCA is now scheduled for 2026 in anticipation of completion of new modeling tools for that assessment. Finally, the reevaluation of the minimum flow established for the Gum Slough Spring Run/Group (Sumter County) is scheduled for completion in 2026, based on a reevaluation date specified when the minimum flow was originally established.

Outreach and Follow-Up Activities

Staff presented the draft priority list to the Environmental Advisory Committee on July 11, 2023 and has scheduled presentation of the draft priority list to the Public Supply Advisory Committee on August 8, 2023. No changes to the draft priority list were provided during the Environmental Advisory Committee meeting. Because this recap was prepared prior to the Public Supply Advisory Committee meeting, input that may have been provided by members of that committee 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 2023 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 23, 2023, to solicit additional stakeholder input on the priority list update process. Staff will also co-facilitate a public workshop with South Florida Water Management District and St. Johns River Water Management District staff on September 1, 2023, for discussion of water bodies in the Central Florida Water Initiative area that are 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, 2023. Upon approval by DEP, the priority list will be incorporated into the 2024 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2024.

Staff Recommendation:

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

Presenter:

Doug Leeper, MFLs Program Lead, Natural Systems & Restoration

2023 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 2023 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 FY2023, 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/Group
- 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), Lola, 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 (an Outstanding Florida Spring)
- 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 2026 are listed by water body name in tabular form below. The single reservation prioritized for reevaluation during this period is also listed below.

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, spring, or aquifer is identified along with water body location information. Spring magnitude, based on flow rate is provided for the single prioritized spring system.

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 and the single prioritized minimum aquifer level reevaluation based on the expected level of complexity of these minimum flows and levels, 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 criteria 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 listed.

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 Water Management District?	Latitude	Longitude	Rulemaking Status ^b
Reevaluation (first)	Tulane, Lake	Tulane, Lake	Lake	Highlands	No	Yes ^c	27.5860	-81.5036	N/A
Reevaluation (first)	Verona, Lake	Verona, Lake	Lake	Highlands	No	Yes ^c	27.5978	-81.4969	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
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 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 Water Management District?	Latitude	Longitude	Rulemaking Status ^b
Reevaluation (first)	Angelo, Lake	Angelo, Lake	Lake	Highlands	No	Yes ^c	27.5861	-81.4665	N/A
Reevaluation (first)	Denton, Lake	Denton, Lake	Lake	Highlands	No	Yes ^c	27.5563	-81.4893	N/A
Reevaluation (second)	Letta, Lake	Letta, Lake	Lake	Highlands	No	Yes ^c	27.5603	-81.4618	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 Water Management District?	Latitude	Longitude	Rulemaking Status ^b
Reevaluation (first)	Aurora, Lake	Aurora, Lake	Lake	Polk	No	Yes ^c	27.8791	-81.4655	N/A
Reevaluation (first)	Bonnie, Lake	Bonnie, Lake	Lake	Polk	No	Yes ^c	27.9118	-81.557	N/A
Reevaluation (second)	Eagle Lake	Eagle Lake	Lake	Polk	No	No	27.9867	-81.7665	N/A
Reevaluation (first)	Eva, Lake	Eva, Lake	Lake	Polk	No	Yes ^c	28.0952	-81.6281	N/A
Reevaluation (first)	North Lake Wales	North Lake Wales	Lake	Polk	No	Yes ^c	27.9096	-81.5805	N/A
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

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 2026.

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 Water Management District?	Latitude	Longitude	Rulemaking Status ^b
Reevaluation	Gum Slough Spring Group	Gum Slough Spring Group	Spring (2 nd magnitude)	Sumter	Yes	Yes	28.9511	-82.2500	N/A
New	Withlacoochee River (lower segment)	Withlacoochee River (lower segment)	River-Estuary	Citrus, Levy	Yes	Yes	29.0208	-82.6381	N/A
Reevaluation	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Aquifer	Hillsborough, Manatee, Sarasota	Yes	No	27.5603	-82.4013	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	N/A

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

^b 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.

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