

## M E M O R A N D U M

**TO:** Governing Board Members

**FROM:** Kenneth G. Ammon, P.E., Deputy Executive Director,  
Everglades Restoration and Capital Projects

**DATE:** March 1, 2011

**SUBJECT:** Approval of 2011 Priority Water Body List and Schedule for Minimum Flows and Levels

**Background:**

Florida law requires an annual update by the water management districts to prioritize water bodies for developing Minimum Flows and Levels (MFL) rules (see attachment A). Florida law also requires all water management districts to establish MFL criteria by rule for surface water and aquifers within their jurisdiction to protect the water resources. MFL criteria have been adopted for 13 water bodies within the SFWMD. In addition to MFLs, water reservations and restricted allocation areas have been adopted by rule to protect natural systems. A separate list where water reservations or restricted allocation area rules will be developed is also included (see attachment B) to capture all rule development activities to protect natural systems from future allocations. Which legal tool to apply is dependent on a number of factors that vary by the water resource being protected and the type of protection needed for the water resource. For example, an MFL is appropriate when future withdrawals are identified in regional water supply plans as potentially causing significant harm, while a reservation is more appropriate for restoration projects to protect water necessary for fish and wildlife.

While this list (attachment A) is being submitted in accordance with the statutory requirements, it in and of itself is not rule development. When drafted, each individual rule will be submitted to the Office of Fiscal Accountability and Regulatory Reform for review in accordance with the Executive Order 11-01.

**How this helps meet the District's 10-Year Strategic Plan:**

Completing rule making for the priority water resources listed will protect water for the natural system from allocation, which is one of the Water Supply program's success indicators. Completing water reservation rule making will fulfill one of the federal legal requirements necessary for CERP projects to initiate construction. For example, the federal cost-sharing agreement called the Project Partnership Agreement for the CERP Caloosahatchee (C-43) West Basin Reservoir Project can be executed once the Caloosahatchee Estuary water reservation rule becomes effective.

**Funding Source:**

No funding is associated with this item.

**This Board item impacts what areas of the District, both resource areas and geography:**

The next five years will focus on completing the ongoing reservation rules for the Caloosahatchee Estuary and the Kissimmee River and Chain of Lakes. Rule development will begin to protect water through a restricted allocation area rule for Biscayne Bay in support of the Biscayne Bay Coastal Wetland Phase I CERP project. Investigations will begin in Estero, Rookery and Naples Bays to determine if additional regulations are warranted to protect these water bodies. Data collection and its analysis as well as model development and application to lay the foundation to update MFL criteria for the Caloosahatchee Estuary will continue. The technical evaluation and its documentation to determine whether to update the existing Florida Bay MFL will be completed in 2011.

**What concerns could this Board item raise?**

Some stakeholders may prefer additional water bodies to be listed as a priority on the MFL list. This is especially true for water bodies that are under investigation such as Estero, Rookery, and Naples Bays. Other stakeholders will support the recent addition of updating the Caloosahatchee Estuary MFL criteria and the initiation of rule development to protect surface water to Biscayne Bay.

**Why should the Governing Board approve this item?**

The South Florida Water Management District is required by Section 373.042, Florida Statutes, to conduct an annual update of the Minimum Flows and Levels Priority Water Body List and Schedule to reflect changing water resource management priorities and to provide staff guidance as to the Governing Board's priorities.

**Attachments – Resolution**

Attachment A: 2011 Priority Water Body List and Schedule for Minimum Flows and Levels

Attachment B: 2011 Water Reservation and Restricted Allocation Area Rule Activities

KGA/bjm