



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 5, 2018

Noah Valenstein, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd, MS 49
Marjory Stoneman Douglas Building
Tallahassee, FL 32399-3000

Subject: 2018 Priority Water Body List and Schedule

Dear Secretary Valenstein:

On behalf of the Governing Board, please find enclosed the Priority Water Body List and Schedule for the establishment of Minimum Flows and Levels (MFLs) and Reservations as required by Section 373.042(3), Florida Statutes. The list and schedule were approved by our Governing Board on October 11, 2018 (see enclosures).

The 2018 Priority Water Body List demonstrates the Board's continuing commitment to utilize sound science in the protection of our water resources. A water reservation for the Kissimmee River, its floodplain, and the Chain of Lakes is being developed to ensure that water will be available for the Kissimmee River Restoration project, a regionally significant restoration project. It will protect the nearly \$1 billion public investment to restore the Kissimmee River and its floodplain. The reservation will provide water resource protection for nearly approximately 172,500 acres of river, floodplain and lake habitat.

Past Year Accomplishments:

During the past year the focus has been on the science evaluations and rule development activities for the Caloosahatchee MFL reevaluation to determine the minimum flow criteria. An integrated modeling approach was used to evaluate the recommended revised MFL criteria. All scientific data, methodologies, models and assumptions were consolidated into an MFL technical support document that was reviewed by an independent scientific peer review panel. A public peer review session to allow public input into this process was conducted on August 17, 2017. Overall, the final peer review report was positive and supported the proposed rule. The focus has been to address multiple stakeholder concerns to get the rule adopted in 2018.

Changes to the Priority List:

The Caloosahatchee River MFL has been removed due to anticipated rule adoption in 2018.

Cross-boundary Impacts:

There are no cross-boundary impacts associated with these priority waterbodies.

Secretary Noah Valenstein
November 5, 2018
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We look forward to the Florida Department of Environmental Protection's review and approval of this year's Priority Water Body List. If you have any questions, please contact me or Terrie Bates, Water Resources Division Director at (561) 682-6952.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernie Marks", is written over the typed name and title.

Ernie Marks
Executive Director

EM/dm

Enclosures: Attachment A
Governing Board Resolution
Priority List Spreadsheet

c: Terrie Bates, SFWMD
Kristine Morris, DEP
Stephen James, DEP

South Florida Water Management District 2018 Priority Water Body List and Schedule Minimum Flows and Levels and Reservations

Reservations:

Kissimmee River and Chain of Lakes

- Reservation water bodies include:

Lakes Myrtle–Preston–Joel

Lakes Hart–Mary Jane

East Lake Tohopekaliga

Lake Tohopekaliga

Alligator Chain of Lakes (Alligator, Brick, Lizzie, Coon, Center and Trout)

Lake Gentry

Headwaters Revitalization Lakes (Lakes Kissimmee, Cypress and Hatchineha)

Kissimmee River and Floodplain

- Peer review completed in 2009
- Complete technical analysis and revise technical document
- Incorporate technical information into rulemaking process
- Hold additional public workshops
- Adopt rule in 2020

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2018 - 1010

A Resolution of the Governing Board of the South Florida Water Management District to authorize submission of the proposed 2018 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), Florida Statutes; providing an effective date.

WHEREAS, the South Florida Water Management District (District) is required by Section 373.042(3), Florida Statutes (F.S.), to submit an annual update of the Priority Water Body List for Minimum Flows and Levels and Water Reservations that reflects the District's water resource management priorities, the importance of the waters to the region, and the existence of, or potential for, significant harm to the water resources; and

WHEREAS, the water management districts are required to forward the Priority Water Body List and Schedule to the Florida Department of Environmental Protection for its review and approval; and

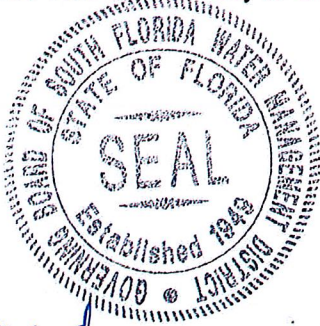
WHEREAS, the proposed 2018 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations considers the differing resource issues addressed by minimum flows and levels and water reservations based on staffing and technical resources to ensure successful completion of rulemaking.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The District's Governing Board hereby approves submission of the proposed 2018 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), F.S.

Section 2. The proposed 2018 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations is attached hereto and made a part hereof.

PASSED and ADOPTED this 11th day of October, 2018.



Attest:

Rose Bmd
District Clerk/Secretary

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

[Signature]
Vice Chairman

Legal form approved:

By:

[Signature]
Office of Counsel

Print name:

Laura Cole

South Florida Water Management District Minimum Flows and Levels to be adopted in 2018

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
Caloosahatchee River	Caloosahatchee River	NA	Estuary	Lee	Yes	No	26° 43' 20.58"	81° 41' 34.96"	Notice of Rule Adoption- Sept. Board

[Your District Name] Minimum Flows and Levels to be adopted in 2019

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
None									

[Your District Name] Minimum Flows and Levels to be adopted in 2020

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
None									

[Your District Name] Minimum Flows and Levels to be adopted in 2021

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
None									

[Your District Name] Reservations Priority List

Waterbody Name	Waterbody Type	County(s)	Proposed Year	Rulemaking Status ⁵
Kissimmee River and Chain of Lakes	River and Lakes	Orange, Osceola, Polk, Okeechobee, and Highlands Counties	2020	Notice of Rule Development

¹ A spring with one vent should be labeled as "Example Spring." A spring with multiple associated vents should be labeled as "Example Springs." Multiple springs grouped together in a system should be labeled as "Example Spring Group." (Please refer to Florida Spring Classification System and Spring Glossary, Special Publication No. 52, for more details.) Include on individual lines, with specific names, if it is known at this time that there will be multiple waterbodies or compliance points (such as springs or multiple river gages) associated with the MFL.

² Include a system name if the waterbody (or compliance point) is a part of a larger system (i.e. river and spring waterbodies belong to one overall system, multiple priority springs represent individual MFLs but belong to one system). If not, then the Waterbody Name and System should be the same.

³ Aquifer, Estuary, Lake, River, River-Estuary, Spring-1, Spring-2, Spring-3, Wetland

⁴ For rivers, use the coordinates for the most upstream gage used to measure flow. For lakes, use the lake's center point. For springs, use the coordinates for the gage used to measure flow unless the gage is not located on the spring/spring run, in which case, use the spring's vent. For aquifers, wetlands, and estuaries, use the coordinates for the wells or gage used to measure the water source's level. Please use Decimal Degrees (DD) formatting.

⁵ Rulemaking Status would be the last 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. If formal rulemaking has not yet begun, enter N/A.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

January 23, 2019

Mr. Stephen James
Office of Water Policy
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

Subject: 2018 Priority Water Body List and Schedule Additional Information

Dear Mr. James:

I'm writing to provide an update and additional information on the 2018 South Florida Water Management Priority Water Body List and Schedule submitted to the Florida Department of Environmental Protection (FDEP).

In September 2018, the Governing Board held a public hearing and voted to approve the proposed Caloosahatchee MFL rule with an expected effective date in late October 2018. However, a rule challenge was subsequently filed, and the Division of Administrative Hearings held a hearing on the proposed rule on October 29-30, 2018. We are currently awaiting issuance of a Final Order by the Administrative Law Judge, so it is unknown at this time whether the rule will be approved in total, in part, or overturned. The attached schedule for MFL adoption has been updated to reflect the pending status of the Caloosahatchee MFL rule.

The schedule has also been updated to reflect a critical component of the Caloosahatchee MFL recovery strategy – development of the Water Control Plan for the C-43 West Basin Storage Reservoir. As you know, the C-43 Reservoir is a Comprehensive Everglades Restoration Plan designed to meet the environmental needs of the Caloosahatchee. The project is currently under construction and a Water Reservation Rule has already been adopted to ensure project water is protected for the Caloosahatchee. A key element of the C-43 Reservoir project is meeting the recovery flows for the Caloosahatchee MFL which will be accomplished by development of a Project Operation Manual (a/k/a Water Control Plan). We anticipate a significant work effort in 2020-2021, in partnership with the U.S. Army Corps of Engineers, to develop a Preliminary Project Operations Manual for submittal to FDEP with our future CERPRA Operations Permit application.

I hope this updated information on our ongoing and planned MFL activities is helpful. Please don't hesitate to call me at (561) 682-6952 if you have any questions.

Sincerely,

Terrie Bates
Water Resources Division Director

Enclosure

South Florida Water Management District Minimum Flows and Levels to be adopted in 2018

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
	Caloosahatchee River	NA	Estuary	Lee	Yes	No	26° 43' 20.58"	81° 41' 34.96"	Notice of Rule Adoption September Board

South Florida Water Management District Minimum Flows and Levels to be adopted in 2019

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
	Caloosahatchee River								Rule Challenge Pending

[Your District Name] Minimum Flows and Levels to be adopted in 2020

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
	C-43 Reservoir Water Control Plan - Recovery Strategy for Caloosahatchee MFL								N/A

South Florida Water Management District Minimum Flows and Levels to be adopted in 2021

New or Re-Evaluation	Waterbody Name or Compliance Point ¹	System Name ²	Waterbody Type ³	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude ⁴	Longitude ⁴	Rulemaking Status ⁵
	C-43 Reservoir Water Control Plan - Recovery Strategy for Caloosahatchee MFL								N/A

South Florida Water Management District Reservations Priority List

Waterbody Name	Waterbody Type	County(s)	Proposed Year	Rulemaking Status ⁵
Kissimmee River and Chain of Lakes	River and Lakes	Orange, Osceola, Polk, Okeechobee, and Highlands Counties	2020	Notice of Rule Development

¹ A spring with one vent should be labeled as "Example Spring." A spring with multiple associated vents should be labeled as "Example Springs." Multiple springs grouped together in a system should be labeled as "Example Spring Group." (Please refer to Florida Spring Classification System and Spring Glossary, Special Publication No. 52, for more details.) Include on individual lines, with specific names, if it is known at this time that there will be multiple waterbodies or compliance points (such as springs or multiple river gages) associated with the MFL.

² Include a system name if the waterbody (or compliance point) is a part of a larger system (i.e. river and spring waterbodies belong to one overall system, multiple priority springs represent individual MFLs but belong to one system). If not, then the Waterbody Name and System should be the same.

³ Aquifer, Estuary, Lake, River, River-Estuary, Spring-1, Spring-2, Spring-3, Wetland

⁴ For rivers, use the coordinates for the most upstream gage used to measure flow. For lakes, use the lake's center point. For springs, use the coordinates for the gage used to measure flow unless the gage is not located on the spring/spring run, in which case, use the spring's vent. For aquifers, wetlands, and estuaries, use the coordinates for the wells or gage used to measure the water source's level. Please use Decimal Degrees (DD) formatting.

⁵ Rulemaking Status would be the last 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. If formal rulemaking has not yet begun, enter N/A.

Include all MFLs adopted since the previous priority list submittal.

Waterbody Name or Compliance Point ¹	System ²	Waterbody Type ³	County(s)	Year Adopted	Rule Number	Most Recent Re-Evaluation ⁴	MFL Status ⁵	RPS Title ⁶	Latitude ⁷	Longitude ⁷	Comments
Caloosahatchee River	Caloosahatchee River	Estuary	Lee	2018	40E-8.221	2003	Recovery 3	Recovery Strategy	26° 43' 20.58"	81° 41' 34.96"	Staff resources were focused on adopting this MFL.

Include all Reservations adopted since the previous priority list submittal.

Waterbody Name	Waterbody Type ³	County(s)	Year Adopted
None			

¹ A spring with one vent should be labeled as "Example Spring." A spring with multiple associated vents should be labeled as "Example Springs." Multiple springs grouped together in a system should be labeled as "Example Spring Group." (Please refer to Florida Spring Classification System and Spring Glossary, Special Publication No. 52, for more details.) Include on individual lines, with specific names, if it is known at this time that there will be multiple waterbodies or compliance points (such as springs or multiple river gages) associated with the MFL.

² Include a system name if the waterbody (or compliance point) is a part of a larger system (i.e. river and spring waterbodies belong to one overall system, multiple priority springs represent individual MFLs but belong to one system). If not, then the Waterbody Name and System should be the same.

³ Aquifer, Estuary, Lake, River, River-Estuary, Spring-1, Spring-2, Spring-3, Wetland

⁴ Provide the most recent re-evaluation year. If there are older evaluations note in the comments "Prior re-evaluations in YYYY, YYYY..."

⁵ See guidance on MFL Grades associated with the CAR. The options are: Meeting, Prevention, Recovery 1, Recovery 2, or Recovery 3.

⁶ Include the name of the Recovery or Prevention Strategy, or indicate if there is none. The options are: "Under Development" if currently working on the strategy, "MFL Scheduled for Reevaluation" if MFL is on priority list for reevaluation and no strategy is being drafted at this time as a result, "N/A" if MFL was determined to be meeting at time of MFL adoption.

⁷ For rivers, use the coordinates for the most upstream gage used to measure flow. For lakes, use the lake's center point. For springs, use the coordinates for the gage used to measure flow unless the gage is not located on the spring/spring run, in which case, use the spring's vent. For aquifers, wetlands, and estuaries, use the coordinates for the wells or gauge used to measure the water source's level. Please use Decimal Degrees (DD) formatting.



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 20, 2019

VIA U.S. MAIL & ELECTRONIC COPY

Ernie Marks
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

**RE: South Florida Water Management District / 2018-19 Minimum Flows and
Minimum Water Levels Priority List and Schedule**

Dear Mr. Marks,

Thank you for your letter, dated November 5, 2018, providing the South Florida Water Management District's (The "District") 2018-19 Minimum Flows and Minimum Water Levels (MFL) Priority List and Schedule, and for your subsequent letter, dated January 23, 2019, which provided an update and additional information. The Office of Water Policy appreciates your efforts and submittal in accordance with our recent format guidance and spreadsheet. We shared your list with other divisions within the Department, including the Florida Geological Survey, the Division of Environmental Assessment and Restoration, the Florida Coastal Office, and the Florida Parks Service. No substantive comments were received.

Over the past year, the District has continued its work on the Caloosahatchee MFL re-evaluation and the governing board authorized rule adoption on this MFL at its September 13, 2018 board meeting. The rule was challenged and as of the date of this letter, the rule was awaiting the final order of the Administrative Law Judge. Please provide notification to the Office if the rule is filed for adoption so that we may update our records accordingly. As a vital component to the Caloosahatchee MFL recovery strategy, the District's Priority List and Schedule also includes the development of the Water Control Plan for the C-43 West Basin Storage Reservoir. We acknowledge that the project will represent a substantial effort by the District in the years 2020 and 2021, and look forward to the development of a Preliminary Project Operation Manual in partnership with the U.S. Army Corps of Engineers.

Additionally, the Kissimmee River and Basin Lakes reservation is planned for adoption in 2020. The Kissimmee River and Basin Lakes reservation is a significant undertaking that, in addition to the Kissimmee River and Floodplain, will include Lakes Myrtle, Preston, Joel, Hart, Mary Jane,

February 20, 2019

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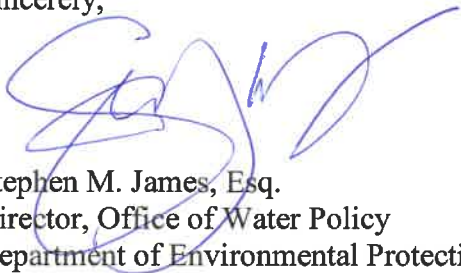
East Tohopekaliga, Tohopekaliga, Alligator, Brock, Lizzie, Coon, Center, Trout, Gentry, Kissimmee, Cypress, and Hatchineha over a five-county region.

We note that the Kissimmee River and Basin Lakes reservation extends into the Central Florida Water Initiative (CFWI) Planning Area. The District conducted a Joint Public Workshop for CFWI Priority Waterbodies MFL List & Schedule on September 25, 2018. This meeting was done in conjunction with the St. Johns River Water Management District (SJRWMD) and the Southwest Florida Water Management District (SWFWMD), and it presented an opportunity for stakeholders to provide comment on each District's priority list and schedule with emphasis on the CFWI area. We fully support the District's outreach in that forum to discuss and coordinate CFWI planning area MFLs with stakeholders, SJRWMD, and SWFWMD. Additionally, the Department encourages your continued coordination and communication with both the Southwest Florida and St. Johns River Water Management Districts, as well as all interested stakeholders, on this reservation and any additional waterbodies the District adds to the priority list in the coming years.

The Department appreciates all your efforts regarding MFL development in the District, with a special thanks to Mr. Don Medellin, as well as your valued participation on the CFWI MFL Sub-team. Pursuant to section 373.042(2), FLA. STAT., this letter constitutes approval of your 2018-19 MFL Priority List and Schedule.

Should you have any questions, please feel free to contact me directly, or Pamela Flores at (850)245-3194.

Sincerely,

A handwritten signature in blue ink, appearing to read "S.M. James", is written over a circular stamp or seal.

Stephen M. James, Esq.
Director, Office of Water Policy
Department of Environmental Protection

SMJ/prf

cc: Terrie Bates, SFWMD
cc: Don Medellin, SFWMD