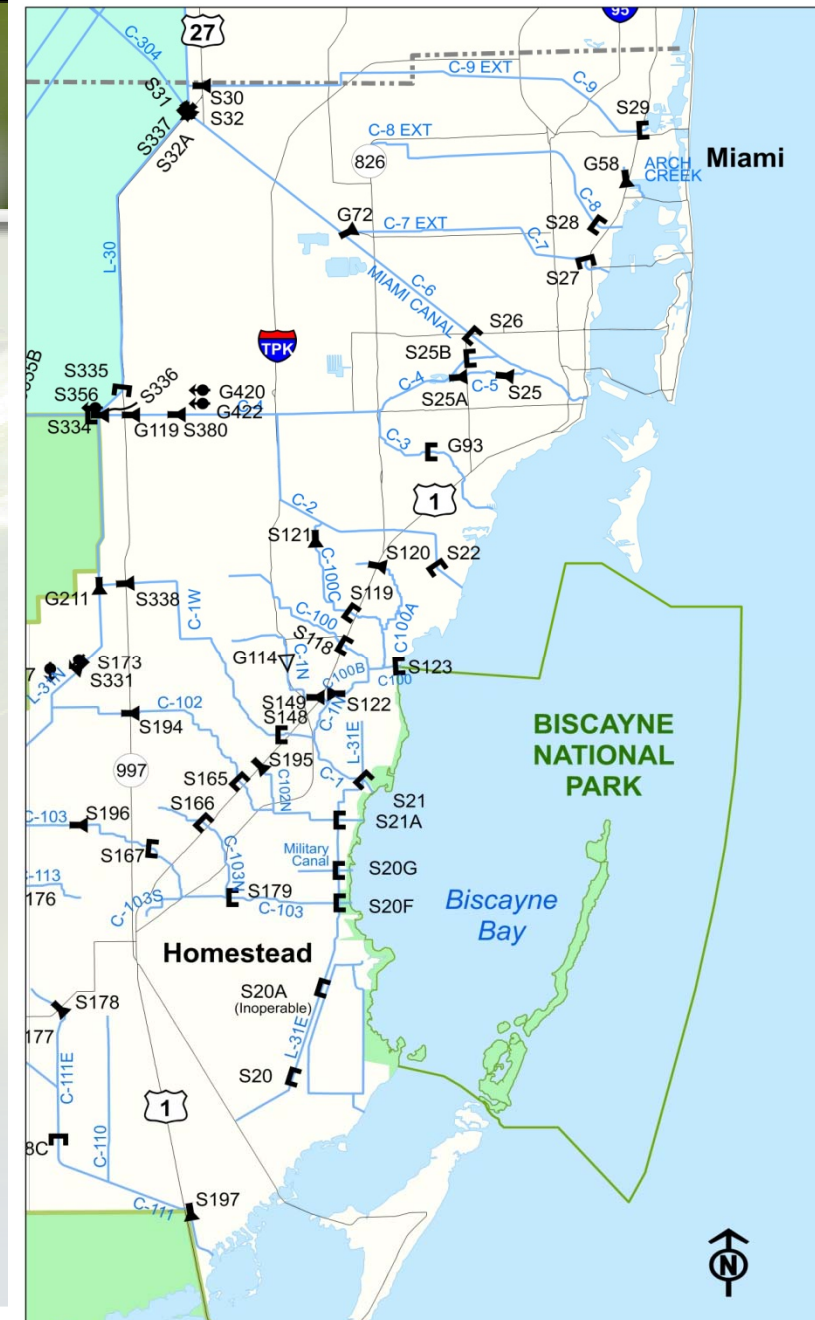




**Biscayne Bay Water Resource Rulemaking
South Miami-Dade Water Issues Roundtable
October 4, 2010**

**Brenda Mills, Lead Planner
Policy and Coordination Department**

- To initiate discussion with interested parties on the feasibility of protecting the existing surface water flows into Biscayne Bay, from the C-9 Canal South, from future consumptive uses



Next Steps – from May 4, 2010 Meeting



- Meet with stakeholders to review existing data to support rule development
- Seek direction from Governing Board on rule type(s) to initiate
- Initiate rule development in 2010 per Governing Board direction
- Rule development
 - Public process
 - Governing Board/WRAC direction
 - Rule adoption

History of Water Resource Rule Development for Biscayne Bay

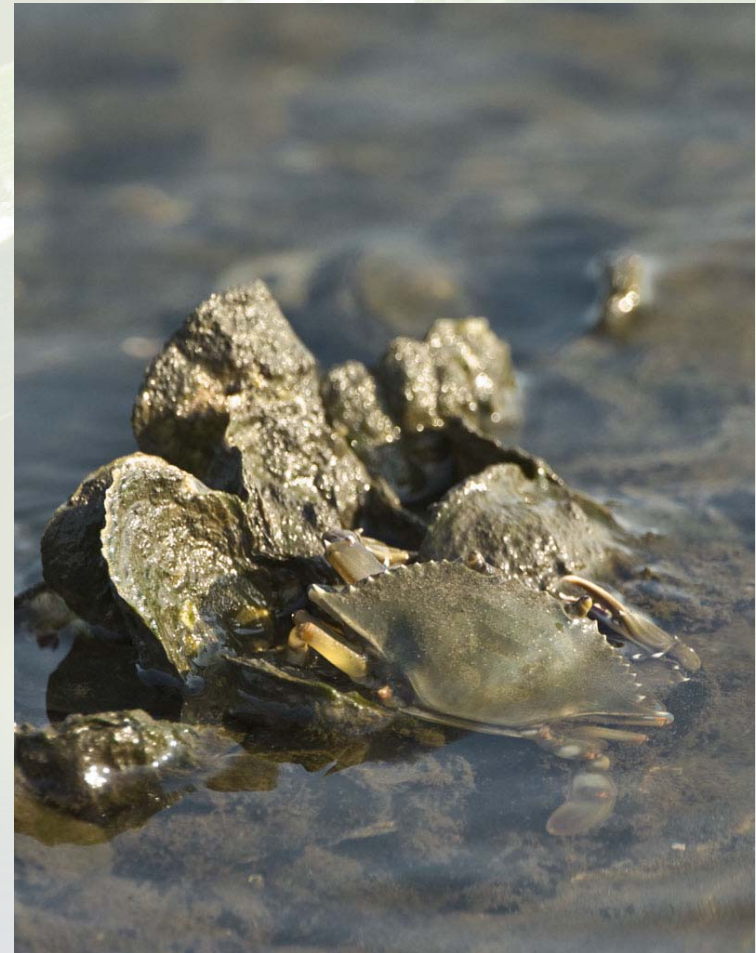
Summary Activities: 2003-2007

- Minimum flows and levels (MFL) is the level at which further withdrawals would result in significant harm to the water resource
- The SFWMD evaluated different approaches to establish MFL for freshwater entering Central Biscayne Bay
 - No clear link between biological resources and freshwater inflows (salinity) were identified to define “significant harm”
 - These linkages are necessary to establish technical basis for MFL
 - Stakeholder concerns that
 - Concerns that “rest of the bay” should be protected
 - Significant harm was not a sufficient level of protection
 - SFWMD needs to protect CERP Biscayne Bay Coastal Wetlands project flows to bay -- MFL not sufficient

History of Water Resource Rule Development for Biscayne Bay (Cont.)

Back to the Drawing Board in 2008

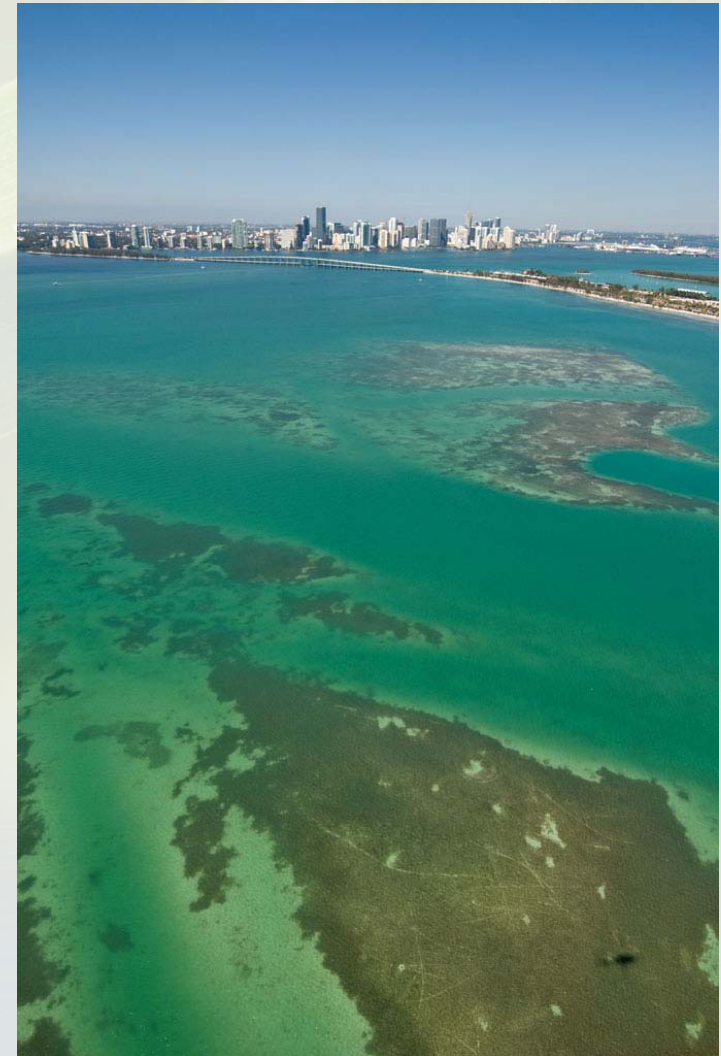
- Revised objectives
 - Evaluate surface water flows for entire bay
 - Protect to higher standard than significant harm threshold
- Assessed all available science
- Looked at other water resource rules to meet objective



History of Water Resource Rule Development for Biscayne Bay (Cont.)

2008 Peer Review Key Findings

- Information gaps exist
- Salinity could be an “indicator” to link to biological resource requirements
 - Link between biological resources and salinity not clear for each subregion
- Hyper-salinity identified as a “key concern” for bay
- The Technical Report and Peer Review can be found at:
<http://webboard.sfwmd.gov/default.asp?BoardID=NSTDPR>



Current Activities: Salinity Data Analysis

- Compiled the salinity data to understand the location, frequency and duration of elevated and hyper-saline events
 - Present at a technical workshop the week of October 25 – 29, 2010
- Still gathering additional data about salinity responses of fish and wildlife to establish linkages
- Send any new data, reports or publications to: *mhunt@sfwmd.gov*
 - Nothing new received since May meeting

Current Activities: Salinity Data Analysis (Cont.)

What we know so far...

- Treat bay as a holistic, singular water body
- Tremendous amount of QA/QC needed in order to apply monitoring data and draft a technical report adequate for peer review
- Still need to develop performance measures and targets for
 - Elevated and hyper-salinity
 - Estuarine conditions in North and Central Regions



In the meantime...

- Activities in Miami-Dade County
 - SFWMD initiated construction of BBCW Project components
 - FP&L seeking certification of Units 6 & 7
 - Miami-Dade county still growing
 - Everglades is capped as a source for consumptive use
 - Miami-Dade County water use permit

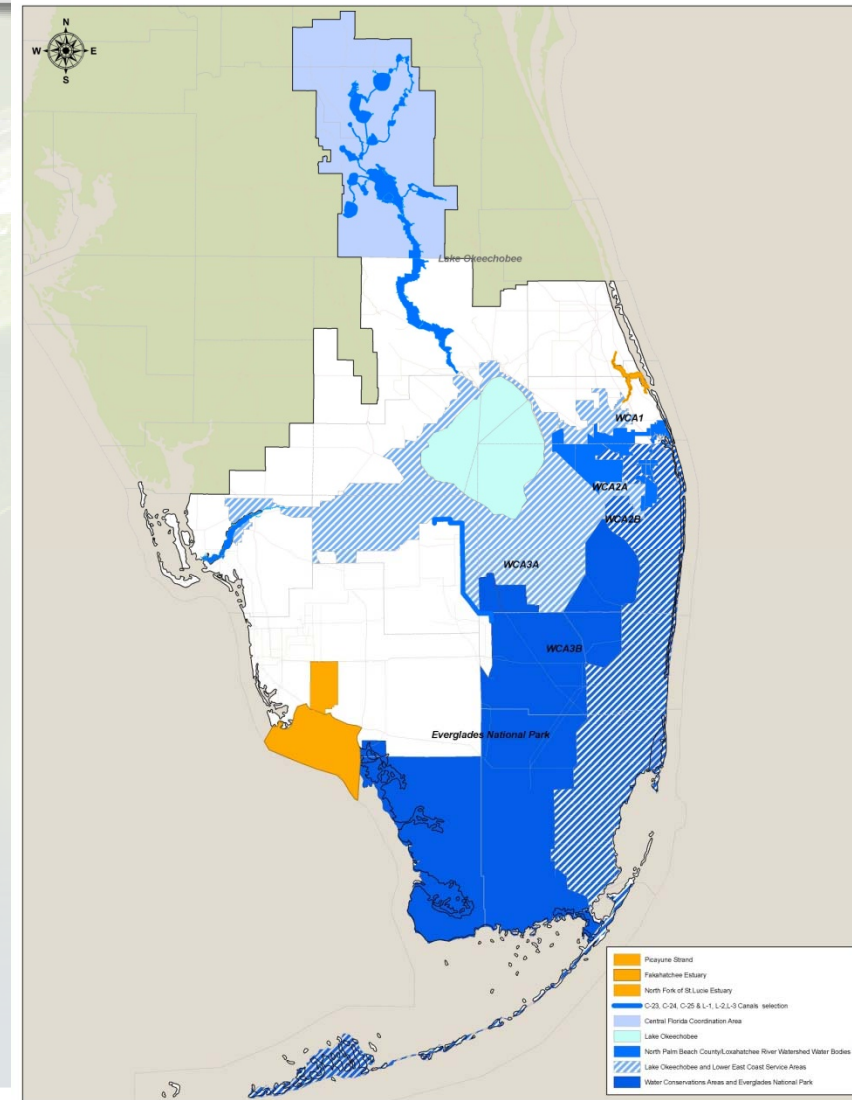


Where Are We Today?

- Long history trying to identify a regulatory tool to protect water to Bay and gather the necessary technical information to support it
- Several false starts &/or changes in scope and objectives
- Conditions in Miami-Dade County continue to change
- No specific consumptive use regulatory criteria to protect surface water runoff in the Basin

Recent Successes in Protecting Water for Natural System

- Restricted Allocation Area Rules in place for
 - Everglades - 2007
 - Lake Okeechobee - 2008
 - Central Florida - 2007
 - Loxahatchee River - 2007
- Reservation Rules in place for
 - Picayune Strand - 2009
 - St. Lucie River - 2010

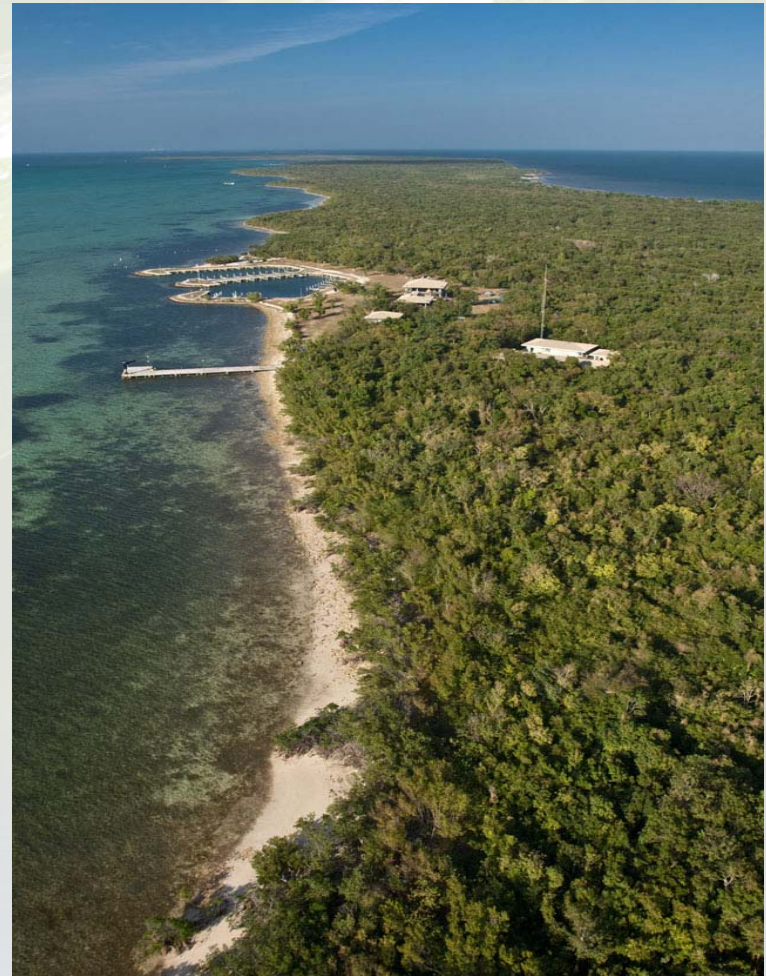


Potential Scope of Rule

- What do we mean when we say “Protect water to Biscayne Bay”?
 - Prevent additional consumptive use of existing surface water flows to Biscayne Bay
- Which parts of the Bay would rule apply?
 - Protect water to all parts of bay equally, e.g., type of protection does not differ by region
- What about groundwater?
 - No additional regulatory criteria proposed. Existing rules to maintain location of saltwater interface
- Would it protect CERP BBCW project inflows to Bay?
 - Yes, rule is suitable to fulfill federal requirements

Factors to Consider

- MFL and Reservation require completion of technical report and independent peer review
- Uncertainty of the outcome and duration to draft the rule and present it to the Governing Board
- Additional rules (MFLs or reservations) could still be developed in future as scientific linkages identified



Bay-wide Restricted Allocation Area Rule

■ Pros

- Protects entire Bay
- Equally protective of all surface water inflows despite information gaps in science
- Protects “pot of water” for Bay by preventing additional consumptive uses that could reduce existing flows into Bay
- Flexible -- protects existing flows, future increases or redistribution of flows

Bay-wide Restricted Allocation Area Rule (Cont.)

■ Cons

- Potentially affects future water supplies for Miami-Dade County
- Proposed rule would not physically redistribute water within bay
- Proposed rule would not change timing of when water is delivered to Bay
- Proposed rule would not create new water to meet restoration targets

Next Steps



- ✓ Meet with stakeholders to review existing data to support rule development
- Seek direction from Governing Board on rule type(s) to initiate – (if needed)
- Initiate rule development by **December 2010** per Governing Board direction
- Rule development
 - Public process
 - Governing Board/WRAC direction
 - Rule adoption



Thank You