

MEMO

TO: Interested Parties

FROM: Northwest Florida Water Management District

DATE: February 1, 2012

RE: Development and Implementation of Minimum Flows and Levels at the NFWFMD

Since 1997, Florida Statutes have called for the development and implementation of Minimum Flows and Levels (MFLs) to protect Florida's springs, rivers and aquifers that were in danger of being affected by external impacts. (Chapter 373.042, F.S.) In its initial letter in 1997, the Northwest Florida Water Management District acknowledged the policy and discussed the development of MFLs on the Apalachicola River (Attachment 18).

Each year the District submitted a priority list (Attachments 4-19) with targeted dates for completion of the MFLs. The Apalachicola River remained the only water body on the District's priority list for completion (estimated initially to be in 2000-2001) until 2000, when the aquifer in the coastal areas of Santa Rosa, Okaloosa and Walton Counties was added with a completion date of 2005 noted in the priority list delivered to DEP at that time (Attachment 15).

Due to changes to Florida Statute in 2002 requiring the addition of 1st magnitude springs to MFL priority lists, the District added Jackson Blue Springs to be set in 2010 and Wakulla Springs to be set by 2009 (Attachment 13). In 2005, the shifting of completion dates began with a year delay in the development of an MFL for the Floridan aquifer in the coastal region of Santa Rosa, Walton and Okaloosa counties from 2006 to 2007 (Attachment 10).

Considering that the only available data to that point showed a total expenditure of less than \$250,000 on the District's MFL development (Attachment 2), it is little wonder that the delays began to materialize. In 2006, the lack of funding budgeted by NFWFMD for MFLs reached its logical outcome when half of the water bodies on the District's MFL priority list were delayed, including Wakulla Springs.

Over the next few years, the District continued to submit priority lists that contained significant delays, including a four-year delay for Wakulla Springs. The reason given for these delays was generally the inability to complete enough modeling or collect enough hydrologic data to establish the MFL; however, the budget for that modeling and data collection was simply not reflected in the District's expenditures (Attachment 2).

The pattern of delays continued until Governor Scott took office and selected Herschel Vinyard as the Secretary of DEP. When a letter was sent to the District asking directly about the lack of MFLs in the district, the district's response was that the law only required the creation and submittal of a priority list, not the actual creation of any MFLs (Attachment 3). It then became blatantly obvious that the NFWFMD had no intention of following the law and implementing MFLs. It should be noted that an MFL has never been established or implemented for any water body on any of the priority lists submitted by the District.

Since Jon Steverson was appointed executive director in June 2012, he has made working with the Governor and Secretary to protect the health of the region's water resources his top priority. A major part of that prioritization has been to meet the District's obligation to develop Minimum Flows and Levels (Attachment 1).

As indicated above, the District's expenditures and activities were discovered to be lacking and the timelines provided in the past for completion of MFLs were not realistic given the necessary funding and effort required to complete them.

In fact, if you include all of the District's expenditures ever budgeted for MFLs together prior to the current year (\$1.25 million over the nine years we have data for and an additional six or seven years before that when MFL laws were passed), they would still be less than what the District is poised to spend in the current (FY 2012-13) and proposed (FY 2013-14) preliminary budget by \$750,000 (Total Budget for Current and Proposed Years: \$2.02 million). (Attachment 2)

As demonstrated in the District's latest priority list, the District has set out on a realistic path that clearly demonstrates its commitment to meeting its responsibility to develop and implement MFLs. The District has chosen to begin its MFL program with a 1st Magnitude Spring (St. Mark's River Rise) and an aquifer (Florida Aquifer in area of Coastal Franklin County) that will give the District's talented and knowledgeable staff the ability to gain valuable experience as they complete their first MFLs.

It should also be noted that although Wakulla Springs is not the first spring on the list for completion, data collection on Wakulla Springs is being increased in the current year's budget (Attachment 2). In addition, the work being done on the St. Mark's River Rise Spring will directly help in the development of the MFL for Wakulla Springs.

The bottom line is that the District has established realistic completion dates that only provide room for finishing ahead of schedule — not dates that are set and changed in an arbitrary manner.

Of course, it's important to note that in the end, none of this progress would exist without Governor Scott, Secretary Vinyard, the District's Governing Board and the Executive Director's involvement and approval. It is unfortunate that much time has been lost in the establishment of these MFLs, but the commitment to their completion cannot be in doubt after considering the size of the investment made since Secretary Vinyard was named Secretary of DEP and Jon Steverson was named Executive Director of the District.