

Regulatory Team Success Criteria Sub-group Evaluation

Instructions: Enter the answers to the questions listed below in summary form on the following table. Use the "enter" key to add additional lines in each category, as needed.

1. Overall Program Description:
 - a. Program name
 - b. What problem was the program intended to solve?
 - c. Did the program establish goals? (e.g. water resource sustainability, future water supply, existing legal use protection) If so, describe the program goals.
 - d. Describe the program's approach (i.e. "tools" to be used) to fix the problem. (e.g. Water resource development projects, water supply development projects, regulatory components, operational, water shortage plan, etc.)
 - e. Describe performance measures, if any, established to gauge success in achieving the program goals?
 - f. Were there time tables, interim milestones, and deadlines established for achieving the program goals? If so, describe.

2. How does the program address existing legal user rights?
 - a. How were existing uses considered? (E.g. actual permitted, permitted, projected uses? Cutbacks proposed? Source shifts? Before or after permit renewal?)
 - b. Did the program include recovery/restoration/prevention components that affected among existing legal users? If so, how were they apportioned among the existing legal uses?
 - c. Did the program establish waivers, variances or other forms of relief for hardship cases? If so, what was the nature of the relief provided by the program?
 - d. Does the program provide funding to implement changes to existing legal uses?

3. How does the program provide for future / new uses?
 - a. Does the program provide for future / new uses? If so, how were future uses addressed (e.g. optimization, efficiency, preferred sources, alternative sources, water resource development projects)
 - b. Does the program provide funding for future / new water supply projects?

4. How does the program achieve resource sustainability?
 - a. Is sustainability achieved through regulatory components? If so, explain and include any integration with other programs.
 - b. Is sustainability achieved through water resource development / restoration projects? If so, explain.
 - c. Did the Legislature specifically address the program sustainability? (E.g.: provide for "trade-offs," program components, funding, reporting)
 - d. Did the program provide for adaptive management? If so, what adaptive management procedures were included in this program?

1. Overall program description

a. Program Name: **SWFWMD – Northern Tampa Bay Water Use Caution Area (NTBWUCA)**

b. Target Problem: Within the NTBWUCA, certain wetlands, lakes, streams, springs and aquifer levels have been impacted by lower groundwater levels resulting from groundwater withdrawals. The eleven public water supply wellfields (Central System Facilities) located account for the majority of groundwater withdrawal impacts. For this reason the Central System Facilities are the primary focus of this program.

c. Program Goals: Achieve recovery of minimum flows and levels and abatement of environmental harm to wetlands, lakes, streams and springs.

d. Program Tools: Partnership Agreement with Tampa Bay Water for phased reduction of withdrawals from the Central System Facilities from 158 MGD in 1998 to 90 MGD in 2008 coinciding with development of 85 MGD of alternative water supplies and implementation of enhanced conservation, with financial assistance from SFWMD totaling in excess of \$300M. Other users potentially impacting MFLs or contributing to adverse environmental impacts would be re-evaluated upon permit renewal for their practical ability to implement measures to reduce impacts.

e. Performance Measures: Phased reduction of withdrawals from the Central System Facilities, increased scrutiny of other existing permitted uses on renewal and prohibition of new uses, unless they are consistent with overall objective of the program.

f. Timetables/deadlines: Yes. Phased reduction of withdrawals from Central System Facilities during Phase I (1998-2010) and sustained withdrawals from Central System Facilities at 90 MGD during Phase II (2010-2020) for purposes of assessing efficacy of the program.

2. How does the program address existing legal user rights?

a. Tampa Bay Water’s right to withdraw a specified quantity from Central System Facilities during Phases I and II guaranteed by a system wide permit and modifications to the conditions for issuance. Other existing uses were not required to address impacts until renewal and only if they have a practicable ability to reduce impacts.

b. Recovery/Restoration/Prevention: Yes, as prescribed in Rule 40D-80.073, F.A.C.,

modifications to the various portions of the Applicant's Handbook and the SWFWMD-Tampa Bay Water Partnership Agreement.

c. Relief Mechanisms: Partnership Agreement tied cutback of permitted use from Central System Facilities to receipt of cooperative funding from SWFWMD. Smaller water users subject to evaluation of practical ability to implement impact reduction measures. Supplemental hydration of wetlands and lakes authorized as a means of achieving MFLs and mitigating adverse environmental impacts.

d. Funding: Over \$300M of cooperative funding committed by SWFWMD to development of alternative water supplies and implementation of enhanced conservation by Tampa Bay Water. Cutback of Central System Facilities tied to receipt of funding.

3. How does the program provide for future/new uses?

a. Provision for New/Future Uses: Requests for new withdrawals projected to impact a water body, which is suffering unacceptable adverse impacts or below its MFL, shall not be approved unless the use contributes to attainment of objectives set forth in Rule 40D-80.073, F.A.C.

b. Funding: No specified funding. However, SFWMD has an extensive alternative water supply source funding program.

4. How does the program achieve resource sustainability?

a. Regulatory Components: Yes. Reduction in permitted withdrawals by Central System Facilities to 90 MGD, requirement that upon renewal other users implement measures to reduce their impact to the extent practicable and prohibition of new quantities that are projected to impact water body, unless they contribute to achieve resource sustainability.

b. Water Resource Development/Restoration: Yes. SFWMD-Tampa Bay Water Partnership Agreement, which was incorporated by reference in Rule 40D-80.073, F.A.C., required development of 85 MGD of alternative water supplies and implementation of enhanced conservation aided by more than \$300M in cooperative funding from SWFWMD.

c. Legislative Intent: No specific legislative intent beyond what can be implied from general

provisions of Chapter 373, Florida Statutes.

d. Adaptive Management: Yes. Phased approach with reevaluation of progress is specified in the strategy.

1. Overall program description

a. Program Name: **SWFWMD – Southern Water Use Caution Area**

b. Target Problem: Flow rates and water levels for most MFL water bodies are below MFLs predominantly because groundwater withdrawals have lowered Floridan aquifer levels. As a result of the lowered aquifer levels, saltwater intrusion is occurring and river flows and lake levels are impacted by reduced water levels, including some of the rivers and lakes for which MFLs have been established.

c. Program Goals: Recovery of the flows and levels to the MFLs and the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses.

d. Program Tools: Regulatory component involving prohibition of new or increased impacts on MFLs, unless offset by a “Net Benefit” and implementation of enhanced conservation. Guiding principles for regulatory component are: (i) Contribute significantly to resource management and recovery, (ii) protect investments of existing water user permit holders; and, (iii) allow for economic expansion and new economic activities in the SWUCA. Planning component involves development of alternative water supplies and water resource projects to enhance surface water flow such as the Lake Hancock Project.

e. Performance Measures: No increased or new impacts to MFLs without corresponding net benefit and recovery of MFLs through water resource and water development projects.

f. Timetables/deadlines: (i) Restore MFLs in priority lakes in the Ridge area by 2025; (ii) Restore MFLs flows to the Upper Peace River by 2025; (iii) Reduce the rate of saltwater intrusion in coastal Hillsborough, Manatee and Sarasota counties by achieving the proposed minimum aquifer level for saltwater intrusion by 2025; and, (iv) ensure there are sufficient water supplies for all existing and projected reasonable beneficial uses.

2. How does the program address existing legal user rights?

a. Treatment of Existing & Proposed Uses: MFL impacts existing as of January 1, 2007 are not a basis for permit denial, because the recovery strategy as a whole is intended to achieve recovery as soon as practicable.

b. Recovery/Restoration/Prevention: Yes, as provided in Rule 40D-80.074, F.A.C., various provisions of the Applicant’s Handbook and The SWUCA Recovery Strategy Final Report dated March 2006.

c. Relief Mechanisms: Yes, applications submitted for new groundwater quantities after January 1, 2007 may be permitted, if the applicant provides a “net benefit,” as defined in AH 3.9.2.6.2.2.4.
d. Funding: New alternative water supplies funded by SWFWMD to greatest extent practicable.
3. How does the program provide for future/new uses?
a. Provision for New/Future Uses: New applications submitted for new groundwater quantities after January 1, 2007 may be permitted, if the applicant provides a “net benefit” as defined in AH 3.9.26.2.2.4.
b. Funding: New alternative water supplies funded by SWFWMD to greatest extent practicable.
4. How does the program achieve resource sustainability?
a. Regulatory Components: Yes, regulatory components are intended to achieve resource sustainability by 2025.
b. Water Resource Development/Restoration: Yes, SWUCA Recovery Strategy Final Report dated March 2006 provides for water resource and water supply development projects to assist in attaining the sustainability goals.
c. Legislative Intent: Yes, Section 373.0363, Florida Statutes provides for development of a Southern Water Use Caution Area Strategy
d. Adaptive Management: Yes, subject to annual and 5-year reevaluations.

1. Overall program description

a. Program Name: **SWFWMD – Dover/Plant City WUCA**

b. Target Problem: Impact to crops and existing legal uses of water caused by freeze protection withdrawals in eastern Hillsborough County and western Polk County. Withdrawals during January 3-13, 2010 resulted in reduction of aquifer levels by 60 feet, increased sinkhole occurrence and more than 750 neighboring groundwater wells damaged or rendered temporarily unusable.

c. Program Goals: The goal of the recovery strategy is reduction in groundwater withdrawals for freeze protection by 20% from January 2010 withdrawal quantities by January 2020. Rule 40D-80.075(2), F.A.C.

d. Program Tools: Regulatory component consists of amendments to the Applicant's Handbook to address groundwater withdrawal impacts, alternative water supplies, frost/freeze protection methods and recovery.

e. Performance Measures: According to AH 3.9.4.2.1, all applications will be evaluated to determine whether the proposed withdrawal for crop protection will impact the MALPZ and for new quantities, the resulting drawdown will not exceed 0.0 feet within the boundary of the MALPZ. Additionally, according to AH 3.9.4.5.2, the responsibility of existing and new permittees to investigate and resolve crop establishment withdrawal rated complaints will be determined based on a ratio that places a greater burden on recently permitted uses versus previously permitted uses.

f. Timetables/deadlines: 2020 goal of 20% reduction in freeze protection withdrawals, to timetable for full compliance.

2. How does the program address existing legal user rights?

a. Treatment of Existing & Proposed Uses: According to AH 3.9.4.2.2, applications for renewal or modification of a WUP with no proposed increase in crop protection quantities or change in use type will be evaluated according to the then applicable conditions for issuance, provided, however, the existing impact of permitted quantities on the MALPZ will not be a basis for permit denial.

b. Recovery/Restoration/Prevention: This WUCA is not based on the establishment of a MFL. Therefore, the goal of the program is mitigation of the impact of frost/freeze protection withdrawals on existing legal uses and land uses.

c. Relief Mechanisms: AH 3.9.4.2.3 allows for self-relocation of existing permitted uses to a different property provided that the withdrawal at the new location cannot increase impacts on the MALPZ. Additionally, AH 3.9.4.2.6 allows applicants for new quantities with requested withdrawals constrained by impacts on the MALPZ to be permitted based on implementation of a “net benefit” option identified in the rule.
d. Funding: Incentive based programs for agricultural users.
3. How does the program provide for future/new uses?
a. Provision for New/Future Uses: Applicants for new quantities with impacts on the MALPZ are not permitted without implementation of a “net benefit.”
b. Funding: Incentive based programs for agricultural users.
4. How does the program achieve resource sustainability?
a. Regulatory Components: Yes, via limitation on new quantities with impacts on the MALPZ and through the provision assigning responsibility for crop establishment impacts.
b. Water Resource Development/Restoration: Yes, AWS development is an option for permitting of new uses.
c. Legislative Intent: No specific legislative intent beyond what can be implied from general provisions of Chapter 373, Florida Statutes..
d. Adaptive Management: Provides for 5 year reevaluation of recovery strategy goals.