

**MEMORANDUM OF UNDERSTANDING BETWEEN  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT,  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT,  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT,  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND  
FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The St. Johns River Water Management District (“SJRWMD”), the South Florida Water Management District (“SFWMD”), the Southwest Florida Water Management District (“SWFWMD”), collectively referred to as the “Districts,” the Florida Department of Environmental Protection (“FDEP”), and the Florida Department of Agriculture and Consumer Services (“FDACS”) enter into this Memorandum of Understanding (“MOU”) to accomplish the goals and purposes stated below.

**WHEREAS**, the Districts are legislatively created regional agencies of the state with abutting geographical boundaries; and

**WHEREAS**, the Districts each have existing programs to assess hydrologic conditions, to plan for future water supply needs, to regulate consumptive uses of water, and to declare water shortages within their boundaries; and

**WHEREAS**, in 2006 the Districts agreed to a Central Florida Coordination Area (“CFCA”) Action Plan to address the development of water supplies in the central Florida area; and

**WHEREAS**, the CFCA Action Plan Phase I concluded in 2008 with interim water use regulations limiting groundwater withdrawals to projected 2013 demands and requiring development of alternative water supplies to meet future needs; and

**WHEREAS**, the Central Florida Water Initiative (“CFWI”) was created in 2011, in part, to incorporate the CFCA Phase II process and broaden membership to include local government, agriculture, and commercial interests and further emphasize public input; and

**WHEREAS**, the Districts have an existing Memorandum of Understanding addressing coordination of various water resource management issues across water management district boundaries; and

**WHEREAS**, the Districts have considered their existing Memorandum of Understanding together with the issues that present themselves in the Central Florida region and determined a more specifically tailored Memorandum of Understanding will assist in comprehensive and coordinated management actions which are warranted in this region of heightened water resource concern; and

**WHEREAS**, the CFWI Planning Area is located in central Florida and consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County, as described in the CFWI RWSP, “Description of the CFWI Planning Area,” Pages 3-6, and is currently home to approximately 2.7 million people and supports a large tourist industry, significant agricultural industry, and a growing industrial and commercial sector; and

**WHEREAS**, the population of the CFWI Planning Area is projected to reach approximately 4.1 million by 2035, which is a 49 percent increase from 2010; and

**WHEREAS**, the total average water use in the CFWI Planning Area is projected to increase from approximately 800 mgd in 2010 to about 1,100 mgd in 2035; and

**WHEREAS**, it was concluded that fresh groundwater resources alone cannot meet future water demands in the CFWI Planning Area without resulting in unacceptable impacts to water resources and related natural systems; and

**WHEREAS**, through the CFWI Planning Area, the Districts are working collaboratively with other agencies and stakeholders to implement the CFWI Regional Water Supply Plan (“RWSP”), including the 2035 Water Resources Protection and Water Supply Strategies Plan (“Solutions Plan”), to protect, conserve and restore water resources in the CFWI Planning Area; and

**WHEREAS**, the CFWI guiding principles are (a) to identify the sustainable quantities of traditional groundwater sources available for water supply that can be used without causing unacceptable harm to the water resources and associated natural systems; (b) to develop strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources, including optimizing the use of existing groundwater sources, implementing demand management, and identifying alternative water supplies that can be permitted and will be implemented as demands approach the sustainable yield of existing sources; and (c) to establish consistent rules and regulations for the Districts that meet the goals and implement the results of the CFWI; and

**WHEREAS**, the Districts do not have authority to implement an adjoining water management district’s technical criteria as it reviews a consumptive use permit application; however, pursuant to section 373.219, Florida Statutes (“F.S.”), each water management district is responsible for considering impacts to water resources of the area as it reviews proposed consumptive use permit applications; and

**WHEREAS**, the Districts share a mutual interest in protecting the water resource from harm and otherwise assuring, on a continual basis, that the conditions for consumptive use permit issuance are met; and

**WHEREAS**, SJRWMD and SWFWMD have adopted and continue to adopt minimum flows and levels (“MFLs”), and associated recovery or prevention strategies, for various waterbodies within their jurisdictions; and

**WHEREAS**, pursuant to Section 373.026(3), F.S., FDEP shall cooperate with other state agencies, water management districts, and regional, county, or other local governmental organizations or agencies created for the purpose of utilizing and conserving the waters in this state, and to assist such organizations and agencies in exchanging ideas, knowledge, and data; and

**WHEREAS**, pursuant to Section 373.026(7), F.S., FDEP is authorized to exercise general supervisory authority over the water management districts; and

**WHEREAS**, FDACS is an agency of the State of Florida tasked with, among other responsibilities, supporting and promoting Florida agriculture and protecting the environment by developing agricultural best management practices (“BMPs”) and assisting farmers in implementing such BMPs to conserve water and prevent water pollution; and

**WHEREAS**, the Districts, FDEP, and FDACS believe it is prudent and efficient to develop a memorandum of understanding to define actions and steps that assure continuation of the collaborative process to accomplish the goals of CFWI as set forth in the CFWI Guiding Document dated January 30, 2015 (“Guiding Principles”), and build upon the work that has already been accomplished by the CFWI participants in addressing these guiding principles and goals, particularly in five subject areas for which such coordination procedures are outlined herein.

**NOW THEREFORE**, the Districts, FDEP, and FDACS agree as follows:

**I. WATER RESOURCE INVESTIGATIONS**

Coordination will involve (A) collection and management of hydrologic, environmental and other pertinent data and (B) hydrologic modeling.

**A. Data Collection and Management**

In order to build the strong technical foundation necessary to achieve the Guiding Principles, several technical teams were formed. Among those technical teams is the Data, Monitoring and Investigations Team (“DMIT”). The primary goal of the DMIT is to ensure that available hydrologic, environmental, and other pertinent data collected throughout the region is of a quality that can be used for the CFWI and is identified, inventoried, and accessible to support the CFWI technical initiatives and CFWI regulatory activities.

As part of the Districts’ continuing coordination within the CFWI, the Districts commit to continuing their participation on the DMIT through appropriate technical staff. In order to further the goal of the DMIT, the Districts also agree to cooperate as follows:

1. Development of a Standard Data Inventory Sheet. The DMIT developed an inventory data form so that incoming data and sources can be categorized and sorted. This task was completed on August 31, 2011. A copy of this form is attached as Exhibit A. The Districts will continue to utilize this inventory data form for their future data collection efforts in the CFWI.

2. Inventory Development. The initial inventory of data available from State and federal government sources was completed on January 31, 2012. The data inventory is currently available on <http://www.cfwiwater.com/CFWIresources.html>. Data collection is an ongoing, region wide activity. New data collection sites will continue to be added to the inventory. The Districts agree to:

- a) continue to coordinate their data collection efforts in the CFWI;
- b) maintain and expand the sources of data in the inventory;
- c) investigate new sources of data that could be added to the inventory;  
and
- d) improve access to the data in the inventory.

3. Use Minimum Standards for Data Collection. As required by this task, the DMIT developed “Minimum Standards for Water Resource Data Collection, Site Establishment and Field Data Collection Protocols.” This document was approved by the CFWI Steering Committee on February 28, 2014. The Districts will continue to utilize these protocols in their data collection efforts in the CFWI.

4. Develop Recommendations for Regional Monitoring. On June 27, 2014, the Steering Committee approved the DMIT’s Regional Monitoring Program Summary Report which identified recommendations for the Districts’ regional monitoring program. The Steering Committee then tasked the DMIT with developing an implementation strategy based on the Summary Report findings. At its January 30, 2015, meeting the Steering Committee approved the DMIT Hydrogeologic Work Plan for FY 2015-2020. A copy of the Work Plan is attached as Exhibit B. The Work Plan describes a schedule for the construction and testing of existing and new data collection sites identified in the Summary Report. The Districts agree to:

- a) use their best efforts, considering funding availability, to implement the Work Plan; and
- b) update the Work Plan annually to include the following:
  1. Review site prioritization;
  2. Update costs for well construction and wetland monitoring;
  3. Update monitoring and testing proposed for each fiscal year;  
and
  4. Document work completed in preceding fiscal years.

## **B. Hydrologic Modeling**

To support achievement of the Guiding Principles, the Hydrologic Analysis Team (“HAT”) was also created. The HAT was charged with developing the necessary

modeling tools and data analysis to support the CFWI. The principal groundwater modeling tool that was used in the development of the CFWI RWSP and Solutions Plan was the East Central Florida Transient Model (“ECFT Model” or “Model”).

As part of the Districts’ continuing coordination within the CFWI, the Districts commit to continuing their participation on the HAT through appropriate technical staff. In order to further the goal of the HAT, the Districts also agree to cooperate as follows:

1. Model Updates. While the current version of the ECFT Model used during the CFWI Solutions Planning Phase was sufficient to meet the CFWI’s needs, the Districts agree that upgrading the model is needed for future use in the CFWI Planning Area. Therefore, the Districts agree to undertake the following updates in coordination with stakeholders:

- a) Water Use Update – A consistent methodology for estimating water use within the model domain will be developed. The methodology will include measured values where available.
- b) Extend model boundaries to hydrologic boundaries – It is good modeling practice to have model boundaries coincide with hydrologic boundaries. To that end, the western boundary of the ECFT Model will be extended to the Gulf of Mexico and the eastern boundary will be extended to the Atlantic Ocean. In addition, the southern boundary of the Model will be moved south to incorporate withdrawals that affect MFLs waterbodies and wetlands.
- c) Rain-Runoff Partitioning - The current Green-Ampt method, selected by the United States Geological Survey (“USGS”) for the current ECFT Model, is effective but is considered data intensive for parameters that are difficult to accurately quantify. Other methods such as Hydrologic Simulation Program - Fortran (“HSPF”) will be explored to improve computational efficiency and accuracy.
- d) Land Use Update - The current Model used land use from 2004/2005. The Model will be updated to include more recent land use information.
- e) Update hydrostratigraphic framework - Additional data gathered since the last model update, including data collected as part of the data collection and monitoring program proposed by the DMIT, will be incorporated into the Model.

2. Task Sequencing and Anticipated Completion Date. The Districts will use their best efforts, considering funding availability and potential technical challenges, to complete the above-listed updates by summer 2017. The Districts will generally sequence the updates as follows:

- a) Statements of Work
- b) Data Compilation
- c) Incorporate Data into Model
- d) Model Calibration
- e) Documentation
- f) Peer Review

3. Although the Model has been and will be used for planning purposes, it is envisioned and desired to have the Model available for the regulated community to utilize for specific consumptive use permit applications. Once the tasks listed above are completed, the Districts shall work to adapt the Model for use as a permitting tool.

4. In order to facilitate achievement of this schedule, the Districts will continue their coordination efforts throughout the duration of the project. The Districts will convene quarterly teleconferences with the full HAT and interested stakeholders to discuss project progress and resolve issues that may have arisen during the model update process. In addition, the Districts will jointly prepare a progress report twice per year on the status of the modeling updates, including documentation of the work completed to date and any necessary changes to the above schedule.

## **II. WATER SUPPLY PLANNING**

Pursuant to Section 373.709, F.S., The Districts are required to conduct water supply planning for regions “where it is determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period.” One of the goals of the CFWI is the development of one coordinated regional water supply plan, including any needed recovery and prevention strategies. The purpose of this section is to facilitate achievement of that goal and to seek consistency and coordination, as appropriate, among the Districts in assisting local governments with comprehensive plan amendment review.

### **A. Current Water Supply Planning Activities**

The Districts will schedule the CFWI RWSP which includes the Solutions Plan for consideration by their respective governing boards at their November 2015 meetings.

### **B. Future Water Supply Planning Activities**

1. The Districts will report annually regarding progress on implementation strategies and regional projects, modeling, permitting, and refinements to monitoring and data collection needs.

2. Immediately after approval of the RWSP and Solutions Plan, the Districts will initiate a process for a 5-year assessment and update of the 2015 CFWI RWSP.

3. In order to prepare for the next update of the RWSP, the Districts also agree to the following:

- a) Each District will select a team of personnel comprised of staff members who are knowledgeable of the water supply planning efforts at their respective district to participate in the update process.

- b) The Districts will make water use projections for their respective areas following the recommendations of the interdistrict Water Planning Coordination Group (created by FDEP pursuant to Executive Order 96-297), Water Demand Projections Subcommittee, as reflected in its Final Report, dated April, 1998, as may be amended from time to time by consensus of the Districts. For all public supply permittees divided by the Districts' boundaries, the appropriate Districts will agree upon consistent population and water use estimates and population and water demand projections.
- c) The Districts, with input from stakeholders, will develop a strategy for performance of investigations of traditional and alternative water supply options and shall also cooperate in the development of joint implementation strategies for the identified water supply options.
- d) When one of the Districts timely receives a complete application for funding of an alternative water supply project under subsection 373.707(8), F.S., the District receiving the application shall consider another District's approval of funding for the same or a related alternative water supply project as part of the funding program guidelines established under subsection 373.707(8)(f), F.S.. This provision shall not obligate either District to provide funding for a water supply project located outside its boundaries.

4. Agricultural Demand Projections. To support the Districts in their water supply planning efforts and in accordance with Section 373.709, F.S., FDACS agrees to make available to the Districts data on future agricultural water supply demands, which will include:

- a) Applicable agricultural crop types or categories.
- b) Historic estimates of irrigated acreage, current estimates of irrigated acreage, and future projections of irrigated acreage for each applicable crop type or category, spatially for each county, including the historic and current methods and assumptions used to generate the spatial acreage estimates and projections.
- c) Crop type or category water use coefficients for a 1-in-10 year drought and average year used in calculating historic and current water demands and projected future water demands, including data, methods, and assumptions used to generate the coefficients. Estimates of historic and current water demands must take into account actual metered data as available. Projected future water demands must incorporate appropriate potential water conservation factors based upon data collected as part of FDACS' agricultural water conservation program.
- d) An evaluation of significant uncertainties affecting agricultural production which may require a range of projections for future agricultural water supply demands.

In developing the data used to determine agricultural demand projections, FDACS shall consult with the agricultural industry, the University of Florida Institute of Food and

Agricultural Sciences, FDEP, the Districts, the National Agricultural Statistics Service, and the United States Geological Survey. FDACS shall coordinate with the Districts to establish a schedule for provision of data on agricultural water supply needs in support of the Districts' water supply planning efforts.

5. State Funding Assistance. In accordance with Sections 373.705 and 373.707, F.S., and subject to annual appropriations by the Legislature, FDEP agrees to provide state funding from the Water Protection and Sustainability Program created in Section 403.891, F.S., and distribute such funds pursuant to Sections 373.707 and 403.980, F.S. for financial assistance for qualifying water supply projects identified in the CFWI RWSP. Water supply development projects that are consistent with the RWSP and meet one or more of the following criteria shall receive priority consideration for state or water management district funding assistance:

- a) The project supports establishment of a dependable, sustainable supply of water which is not otherwise financially feasible;
- b) The project provides substantial environmental benefits by preventing or limiting adverse water resource impacts, but requires funding assistance to be economically competitive with other options; or
- c) The project significantly implements reuse, storage, recharge, or conservation of water in a manner that contributes to the sustainability of regional water sources.

Water supply development projects that meet the above criteria and that also bring about replacement of existing sources in order to help implement a minimum flow or level shall be given first consideration for state or water management district funding assistance.

### **C. Development of Water Resource Protection and Specific Prevention and Recovery Projects**

The CFWI Planning effort has identified several water bodies that are currently not meeting their established MFLs. The SWFWMD Southern Water Use Caution Area ("SWUCA") Recovery Strategy is included in this CFWI Planning effort and is designed to recover established MFLs as soon as practicable or prevent the existing flows or levels from falling below the established MFLs. Results from field assessments of non-MFL wetlands and water bodies indicate impacts from withdrawals are currently occurring in several areas.

In coordination with stakeholders, the Districts will undertake the following actions to address MFLs not being met now and MFLs not anticipated to be met over the planning horizon and adverse impacts to non-MFL water resources and related natural systems:

1. Each District will move forward expeditiously to complete MFL prevention and recovery strategies. Completing these strategies will help prioritize the water resource development and water supply development projects that should move forward, and help prioritize funding assistance.



2. In completing strategies, the Districts will consider the recommendations for the water supply project options and management strategies developed in the CFWI Planning process.

3. Before moving forward in implementing any specific water supply project option or management strategy, the Districts will confirm that it would not conflict with any MFL prevention or recovery strategy.

4. The Districts will continue to monitor, study, and evaluate non-MFL water bodies, including wetlands, lakes, and springs, including wetlands studied during the CFWI RWSP.

5. The Districts will complete an evaluation of wetland systems identified as having existing stress and those deemed to be at risk from existing and future groundwater withdrawals. The Districts will also identify management strategies and projects to mitigate for stressed wetlands determined to be impacted by groundwater withdrawals no later than the first update of the CFWI Regional Water Supply Plan.

6. The Districts will continue to coordinate when implementing these strategies. In completing the design and operational plans for water supply project options, opportunities to make positive contributions to strategies will be investigated and implemented in coordination with responsible entities.

#### **D. Minimum Flow and Level and Reservation Development**

1. Priority Lists. Pursuant to Section 373.042(2), F.S., the Districts are required annually to submit to FDEP for review and approval a priority list and schedule (“priority list”) for the establishment of MFLs and reservations within their jurisdictions. The CFWI MFLs and Reservations Team (“MFL Team”) has documented the processes for the establishment of the priority list of each of the Districts. In the document “Processes Used by the South Florida, St. Johns River, and Southwest Florida Water Management Districts for Developing Priority Lists for Minimum Flows and Levels and Reservations, December 2013,” as approved by the CFWI Steering Committee on December 12, 2013, the MFL Team noted that the public input process for development of the priority list differed among the Districts. In order to have a more consistent priority list approval process the Districts agree to hold at least one publicly-noticed meeting prior to governing board consideration as part of their efforts in developing their respective annual priority lists if such lists contain waterbodies within the CFWI planning area.

2. Peer Review. Rules 62.40.473(1) and 62-40.474(4), Florida Administrative Code (“F.A.C.”), provide guidance for determining whether to conduct voluntary peer review of proposed MFLs and reservations. The MFL Team was tasked with outlining a standard process for ensuring consistent peer review of proposed MFLs and water reservations in the CFWI area, which resulted in the document “Standard Peer Review Process for Minimum Flows and Levels and Water Reservations within the Central Florida

Water Initiative Area, March 2014,” approved by the CFWI Steering Committee on February 17, 2014. A copy of the report is attached as Exhibit D. In order to ensure a standard process for ensuring consistent peer review of proposed MFLs, the Districts will follow the peer review process outlined in Exhibit D.

3. MFL Expression and Status Assessment Consistency. The MFL Team has completed an initial summary of its progress towards achieving MFL expression and status assessment consistency, which was approved by the CFWI Management Oversight Committee on April 29, 2013. The Districts agree to come to an agreement regarding the expression and status assessment consistency no later than December 31, 2015. Once such an agreement is finalized, the Districts agree to amend this MOU to incorporate the agreement herein.

#### **E. Technical Assistance to Local Governments**

In order to achieve consistency in water supply planning-related technical assistance to local governments, the Districts agree to do the following:

1. The Districts will coordinate with each other in their review of comprehensive plan amendments which involve any water supply issues which could impact another district, as follows:

- a) The district receiving notification of a proposed comprehensive plan amendment within the CFWI involving any water supply issues will notify the other district of receipt of the notice of the proposed amendment, and if requested, forward a copy of the pertinent information to the other district(s) upon receipt of the proposed amendment.
- b) The Districts will coordinate in the preparation of comments to the Florida Department of Economic Opportunity (“DEO”) on comprehensive plan amendments within the CFWI. The district in which the amendment is proposed shall forward preliminary comments to the other district(s) in as timely a manner as possible prior to the date comments are due to the DEO. The district(s) receiving those preliminary comments shall respond with any recommended revisions or additional concerns in as timely a manner as possible.
- c) In cases where a proposed amendment directly involves lands which are divided by district boundaries, the appropriate districts will coordinate in developing their comments to the DEO, with each district forwarding their own comments to DEO. The coordination should consist of discussions between the district and draft comments forwarded to each other in as timely a manner as possible prior to the deadline to send comments to DEO.

2. The Districts will coordinate in the provision of technical assistance to the local governments which are divided by water management district boundaries through the preparation and future updating of the relevant portions of each district’s strategic plan and/or regional water supply plans.

### **III. WATER USE REGULATION**

A. **Geographic Area.** The area to be considered for water use regulation coordination purposes generally includes the CFWI Planning Area.

B. **Coordination Team.** Coordination will be accomplished by a team of personnel from the Districts comprised of staff members who are knowledgeable of the water use regulation efforts at their respective districts. The team shall meet at a minimum twice per year to review progress on these efforts and to seek input from other district team members. In keeping with its general supervisory authority, FDEP will designate a staff member from its Office of Water Policy to observe these efforts .

C. **Application Review Procedures.** In order to achieve a comprehensive review of proposed withdrawals of water within one water management district which may have impacts within one or more of the other districts, and in an effort to better protect the water resources of the state, within the CFWI Planning Area, the staff of the Districts will undertake the following heightened coordination for all applications requesting an allocation of water equal to or greater than 500,000 gallons per day on an average annual basis, or which could have harmful impacts to water resources or cause impacts to existing legal users within the CFWI.

1. Whenever possible, the Districts shall notify each other prior to pre-application meetings and, when requested, shall arrange a joint pre-application meeting between the affected district(s) and the applicant.

2. A copy or electronic link of the application with all supporting technical information and the name and phone number of the reviewing hydrologist shall be provided to the commenting districts no later than 10 days following actual receipt of the application.

3. Comments on the application should be provided to the reviewing district no later than 15 days following receipt of the application by the commenting districts. The comments shall indicate whether a copy of subsequently submitted compliance information required under the permit is desired.

4. A copy of any correspondence between the reviewing district and the applicant should be provided to the commenting district(s) contemporaneously with either mailing or receipt. If the commenting district has any additional comments based on such correspondence, they shall provide these comments to the reviewing district within 10 days.

5. Comments received from another district shall be provided to the applicant and considered in any subsequent requests for additional information or in the staff report

issued by the reviewing district, as appropriate and consistent with the reviewing district's rules.

6. A copy of the Notice of Intended or Proposed Agency Action, whichever is appropriate to the reviewing district, should be provided to the commenting districts contemporaneously with its provision to the applicant.

D. **Uniform Rules.** By December 31, 2016, the Districts' governing boards shall authorize the initiation of rulemaking for a set of uniform rules for the CFWI Planning Area, concerning the following topics:

- a) A single definition of "harmful to the water resources" consistent with the term's usage in s. 373.219, F.S.
- b) A single permit review process, including conditions for issuance.
- c) A single process regarding integration of MFLs and reservations into the consumptive use permitting program.
- d) A single method for calculating residential per capita water use.
- e) Development of consistent conservation requirements by use class.

The uniform rules shall include existing recovery strategies within the CFWI Planning Area adopted before July 1, 2015.

#### **IV. WATER CONSERVATION**

A. The Districts, in consultation with FDEP, agree to develop a CFWI Comprehensive Water Conservation Implementation scope of work that includes voluntary and incentive-based initiatives, research, education and outreach initiatives, and regulatory incentives to achieve or exceed these savings (identified in the Solutions Plan), including prioritization of allocated funding, by January 31, 2016. The Districts will continue to work on recommendations to amend the 2015 Florida Building Code to incorporate, among other things, high-efficiency indoor water use standards for new construction.

B. FDACS agrees to continue to work with FDEP, the Districts, and other stakeholders to develop and improve BMPs to address agricultural water quality and water use impacts, and to assist farmers in implementing BMPs to conserve water and prevent water pollution.

#### **V. WATER SHORTAGE MANAGEMENT**

The Districts recognize on-going and future water resource concerns in the CFWI Planning Area exist and warrant specifically tailored use of district authorities to better manage available supplies. Pursuant to Section 373.246, F.S., the Districts are authorized to formulate water shortage plans for implementation via district orders during drought conditions. The Districts each adopted water shortage plans within their

jurisdictional boundaries and have an existing Memorandum of Agreement which, in part, addresses coordination of water shortage activities. However, to more effectively coordinate water supply management during drought conditions, the Districts commit to the following actions and milestones.

1. Draft CFWI Regional Water Shortage Plan Development. The Districts agree to develop a Draft Regional Water Shortage Plan, in consultation with FDEP and in coordination with stakeholders. Coordination will be accomplished by a team of personnel from the Districts comprised of staff members who are knowledgeable of the water shortage plans at their respective districts. Particular attention shall be paid to unique considerations associated with the CFWI region's water resources and users; achieving equitable distribution of available supplies across district boundaries; and optimizing use of available supplies in a manner that avoids serious harm to the resource. During development of the Draft CFWI Regional Water Shortage Plan, the Districts shall, at a minimum, consider the following topics in addition to existing rules and potential refinement of these rules to address the CFWI region:

- a) Identification of Affected Sources
  1. Groundwater
    - a. Surficial Aquifer System ("SAS")
    - b. Upper Floridan Aquifer System ("UFAS")
    - c. Lower Floridan Aquifer System ("LFAS")
  2. Surface water
    - a. Lakes
    - b. Springs / flows
    - c. Rivers / creeks / tributaries
- b) Identification of use classes and particular water use activities within those classes which warrant uniquely tailored water shortage restrictions
- c) Monitoring of Water Conditions: Development of water shortage "triggers" and factors which address the potential for serious harm to the water resources in CFWI and are uniquely tailored to the resource and water users in the CFWI.
- d) Development of CFWI water shortage restrictions: Particular attention should be given to crafting consistent restrictions across district boundaries that also recognize water use efficiency associated with existing programs; enabling user-based operational plans, agreements, shifting withdrawals to sources or locations which are less affected by shortage conditions, and other mechanisms that provide for mutual reduction, sharing, or rotation of use.
- e) CFWI Water Condition and Demand Evaluation Procedures:
  1. Initiation of District water shortage coordination procedures
  2. Real-time reporting and sharing of supply and demand data
  3. Status of water source conditions and triggers, if any, for all affected supply sources, including:
    - a. Surface water
    - b. Groundwater

- c. Future supply or demand conditions
4. Status of demands and sources used to meet the demands
- f) CFWI Water Shortage Declaration Procedures:
  1. Joint staff recommendation to District Executive Offices and / or governing boards concerning water shortage declaration, modification, and rescission.
  2. Coordination between District Executive Offices as to execution of emergency water shortage orders and timing and scope of water shortage order recommendations, including declaration, modification, and rescission, to the Districts' governing boards.
  3. Staff coordination with CFWI Utilities and other Users and the Florida Department of Agriculture and Consumer Services ("FDACS").
  4. Development and use of standardized public communication materials.
  5. Coordination of enforcement and media efforts, including required publications, elected official outreach, local law enforcement, press releases and interviews.

2. Implementation. The Districts agree to complete a Draft CFWI Regional Water Shortage Plan by July 1, 2016 for consideration by the Districts' Governing Boards for potential rule development. If a notice of rule development is published, then the Districts shall use their best efforts to adopt the same within six months of such publication.

## **VI. GENERAL PROVISIONS**

The following provisions are intended to ensure the orderly administration of this MOU.

1. This MOU supersedes the Memorandum of Understanding between the Districts dated October 24, 2000, as to the CFWI Planning Region. The October 24, 2000 MOU remains in effect for regions outside the CFWI.
2. The Parties will provide continued collaboration between themselves, regional public water supply utilities, and other stakeholders.
3. Upon request by either SJRWMD, SFWMD, or SWFWMD, FDEP agrees to provide assistance and act as a facilitator in assisting the Districts in resolving any conflicts that may arise between them during the administration of this MOU. The Districts shall retain the ability to make the final decision regarding how any such conflicts are ultimately resolved.

4. FDEP and FDACS agree to assist and support the Districts regarding any legislative activities required to accomplish the tasks identified in this MOU, or to accomplish the goals of the CFWI.

5. FDEP and FDACS agree to continue their active participation as key members of the CFWI Steering Committee.

6. In an effort to efficiently oversee the administration of this MOU, the Parties will each designate, in writing, one position to assist in the areas of Water Conservation, Water Resource Investigations and Water Supply Planning. The Districts will also designate, in writing, one position to assist in the areas of Water Use Regulation and Water Shortage Management. Designated staff shall also serve as the principal contact persons for the Parties under this MOU.

7. The Parties shall meet bi-annually, in April and October of each year, to assess compliance with this MOU and to determine its effectiveness in achieving its purposes and goals. Amendments to the MOU may be addressed during these meetings. Responsibilities for the meeting arrangements shall be rotated annually amongst the Districts, beginning with SJRWMD.

8. This MOU may be amended in writing by mutual agreement of the Parties. The Governing Boards of the Districts hereby delegate to the executive directors the authority to execute any and all amendments to this MOU. Any party may terminate its participation in this MOU by providing 60 days' written notice to the other Parties.

9. Nothing herein shall be construed to conflict with any requirement of Chapter 373, F.S., or any District, FDEP, or FDACS rule.

AGREED TO this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

[INSERT SIGNATURE BLOCKS FOR EACH WMD, FDEP, and FDACS]