

Florida Fish and Wildlife Conservation Commission

Agency Action Plan

Issue: Establishment of Minimum Flows and Levels for Florida's Lakes, Rivers, Springs, and Estuaries

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Action Plan

This plan implements the Agency Policy for “Establishment of Minimum Flows and Levels for Florida’s Lakes, Rivers, and Springs” approved August 2008. The text of the approved Agency Policy is included as Appendix 1.

A. Plan Summary:

1. Plan Element 1: The Florida Fish and Wildlife Conservation Commission (FWC), as the state agency charged with protecting Florida’s fish and wildlife resources, promotes and supports the establishment of dynamic hydrological regimes that maintain the biological integrity of lake, river, springs, and estuarine ecosystems. The FWC is dedicated to reinforcing and expanding partnerships with involved agencies in matters that affect fish and wildlife resources.

Approach 1: The FWC will cooperatively assist Water Management Districts (WMDs) and Department of Environmental Protection (DEP) to develop minimum flows and levels (MFLs) that will maintain the hydrological and ecological functions of lakes, rivers, springs, and estuaries. Protection or maintenance of habitats required by indigenous species, maintenance of biological integrity, and the recovery of imperiled species are critical objectives.

2. Plan Element 2: The FWC has staff and expertise to provide science-based information so MFL development adequately protects

the abundance and diversity of fish and wildlife communities and their habitats.

Approach 2: FWC will assess data availability and informational gaps to provide scientific information to WMD and DEP during the various phases in the development and establishment of MFLs. FWC may conduct research and monitoring that interested parties deem appropriate in the development of MFLs.

B. Strategy:

To develop an approach to assist each WMD in defining the dynamic hydrological regimes that protect fish, wildlife, and their habitats for lake, river, springs, and estuarine systems. **Guiding Principle: The establishment of ecologically sound MFLs is important to the mission of the FWC.**

1. Objectives

A. FWC will work with water managers in the development of their priority lists, methodologies, criteria, and evaluations defining MFL regimes that protect fish, wildlife, and their habitats.

Guiding Principle: FWC will develop cooperative partnerships with WMDs and DEP.

B. FWC will work to increase pertinent scientific knowledge regarding the influence of MFLs on fish, wildlife, and their habitats in lake, river, springs, and estuarine systems. **Guiding Principle: FWC input will be science-based.**

C. FWC will work to obtain cooperation with other agencies and stakeholder groups to educate stakeholders and citizens regarding the ecological, recreational, and economic values of fish and wildlife resources in Florida lakes, rivers, springs, and estuaries. **Guiding Principle: The FWC will involve the public and consider social and economic impacts of MFLs.**

2. Tactics:

A. Create an inter-disciplinary standing MFL team that will oversee implementation of this Action Plan.

Task 1: The Directors of Fresh Water Fisheries, Habitat and Species Conservation and FWRI will sponsor a standing MFL Team, assign a MFL Leadership Team and allocate necessary staff time and resources to oversee the implementation of this Action Plan. The MFL Leadership Team will be comprised of one member representing the Fresh Water Fisheries, Habitat and Species Conservation Divisions and FWRI.

Task 2: The MFL team creates regional MFL subteams consisting of FWC staff that are MFL subject matter experts, representative regional fisheries and wildlife administrators, Regional Directors (RDs), and other members of the Regional Leadership Team to include in the implementation of this plan. The Fresh Water Fisheries Division, Regional Fisheries Administrator will serve as the "lead" in coordinating subteam activities and

input and coordination with the MFL Leadership Team, if a MFL Team member is not on the regional subteam.

B. Establish cooperative relationships with each WMD as well as other state, federal and non-governmental agencies involved in MFL development.

Task 1: The MFL Leadership Team will work with each WMD, DEP, and other agencies involved with MFL priority list development and waterbody-specific MFL development.

Task 2: The FWC Regional Directors will, in concert with the MFL Team and Regional staffs, work with each WMD Executive Director, their MFL staff, and DEP to reinforce and expand our continuing interagency cooperation, or help establish and foster cooperation with WMD's where there is no longstanding commitment to mutual cooperation. The RD's will also work with the WMD Executive Directors to address any significant outstanding agency concerns during the MFL development process where FWC and WMD staff cannot reach consensus.

Task 3: The MFL Leadership Team, in cooperation with the FWC regional biologists, will meet and work with the WMDs and DEP in the early development of the WMDs annual priority lists for MFL development and the development of MFL criteria for the priority waterbodies.

Task 4: FWC regional biologists and MFL Leadership Team will discuss cooperative approaches with each WMD for potential data needs and development of MFL criteria for the priority waterbodies.

Task 5: FWC regional biologists and MFL Leadership Team will discuss cooperative funding programs and opportunities with each WMD to collect needed data pertaining to fish and wildlife and evaluate MFL criteria.

Task 6: FWC will provide data and technical assistance to the WMDs in MFL development. Project leaders will provide data to the MFL Leadership Team and FWC regional biologists who will coordinate data evaluation with each WMD and stakeholders.

C. Coordination with the WMDs and DEP in developing MFL priority schedule.

Task 1: The MFL Team will develop a set of prioritization criteria and conduct a collaborative review of proposed MFL schedules to determine which waterbodies are priorities for FWC involvement.

Task 2: The FWC regional biologists, with the MFL Leadership Team, will prioritize, using the prioritization criteria, those regional waterbodies where significant fish and wildlife resources may be affected. During the prioritization process, the regional biologists and the MFL Leadership Team will review available data, data needs,

and timeliness of developing projects necessary to assist MFL development for specific systems.

Task 3: The MFL Team and the Regional Biologists will review the regional priorities and develop a statewide MFL priority list; this effort may require intra-divisional resources.

Task 4: MFL Team will submit prioritized MFL development recommendations for FWC research to the appropriate Team Sponsors. With sponsor approval of MFL Team recommendations, the MFL Leadership Team will develop a response to the WMD and DEP regarding the MFL schedule and those waterbodies with which the FWC has expertise and those priority waterbodies where FWC assistance is offered.

D. Coordination with the WMDs and DEP in developing MFL studies and criteria

Task 1: The MFL Leadership Team with the regional biologists', will discuss with the WMD and DEP staff those waterbodies that are of statewide priority and where FWC Regional and MFL staff can offer assistance in the design of the MFL studies and has the ability to conduct some aspects of the studies.

Task 2: With sponsor approval of MFL Team recommendations and WMD acceptance for technical assistance, the MFL Leadership Team will coordinate with

Division and Office Section Leaders to incorporate priority projects into Operational and Work Plans.

Task 3: Each Division and Office evaluates work load priorities and allocates time, where feasible, for identified experts required to assist in MFL development.

Task 4: The MFL Team, identified experts, and regional biologists will compile and organize best available scientific information regarding fish, wildlife, and their habitats for lakes, rivers, springs, and estuaries.

Task 5: The MFL Team, identified experts, and regional biologists will identify critical data gaps and specific needs for additional information and research on the priority MFL waterbodies.

Task 6: The MFL Leadership Team with the regional biologist will discuss with the WMD and DEP staff, the existing information critical data gaps and recommended research to be incorporated into the necessary studies to develop the MFL document and criteria. See also Tactic B. Task 4 & 5.

Task 7: The MFL Team will coordinate with the WMD and DEP in the review of draft technical MFL documents and provide a critical review with recommendations during the drafting and technical review panel discussions.

Task 8: The MFL Team and regional biologists, will present to the WMD and DEP the FWC agency comments

and recommendations during the adoption phase of the MFL process.

E. **Engage and educate stakeholders in the MFL process to understand their viewpoints and concerns.**

Task 1: MFL Team facilitates, with the water managers, a working group conference to examine Florida's unique challenges in defining and developing hydrological regimes that protect fish and wildlife resources for lakes, rivers, springs, and. This conference should include FWC, DEP, and WMD staff involved with MFL development as well as interested stakeholders.

Task 2: The MFL Team will work with the WMDs and DEP to help promote water conservation and other innovative measures to balancing human needs and the need for fish and wildlife.

Appendix 1

Florida Fish and Wildlife Conservation Commission

Agency Position and Executive Summary

Issue: Establishment of Minimum Flows and Levels for Florida's Lakes, Rivers, and Springs

Issue Team:

August 2008

AGENCY POSITION

The FWC supports flows and levels management of Florida's lakes, rivers and springs that will maintain the health, diversity and welfare of fish and wildlife communities in freshwater and estuarine ecosystems.

The FWC encourages innovative measures for conservation and management of water resources that balance human and ecological needs.

EXECUTIVE SUMMARY

The Florida Fish and Wildlife Conservation Commission (FWC) is the State agency charged with protecting Florida's fish and wildlife resources. Healthy aquatic ecosystems depend on natural flows and fluctuations in water levels to maintain abundant and diverse aquatic plant communities, fish and wildlife populations and benthic invertebrates. Rivers exhibit wide flow regimes that are critical to the health of fish and wildlife populations and their required habitats. Springs provide important and unique habitats for native fish and wildlife communities. Fluctuating river and spring discharges into estuaries, bays and other marine environments maintain ecological functions which support a vast array of estuarine and marine fauna, including economically important finfish and shellfish fisheries. As Florida's population continues to increase, reliance on groundwater sources cannot be sustained. Decades of groundwater withdrawal to meet demands of municipalities, agriculture and industry has lowered aquifer levels, reduced spring flows and impacted surface water levels and flows. The Department of Environmental Protection (DEP) and the state's five water management districts (WMD) are working to comply with a legislative mandate (373.042, Florida Statutes(FS)) to establish minimum flows and levels (MFLs) for rivers, lakes, springs and

aquifers such that by definition, “further withdrawals would be significantly harmful to water resources or ecology of the area.” Water managers may also establish water reservations for the protection of fish and wildlife, public health and safety under 373.223(4), FS. As water managers plan for future water demands, these MFLs will set limits or reservations to consumptive water use. Even with these MFLs, permitted consumptive water use from fresh waters may potentially impact fish and wildlife species and their habitats. In order to establish MFLs and water reservations, the best available information regarding fish and wildlife species, their habitats and recreational, aesthetic and scenic attributes shall be considered (Ch. 62-40.473, Florida Administrative Code). The Commission will share science-based information with water managers for the development of minimum lake levels, river flows and spring flows that protect the abundance and diversity of fish and wildlife communities and their habitats.