

(including MFLS for OFS), while ensuring that sufficient water will be available for all existing and future reasonable-beneficial uses and identified natural systems.

In 2017, the District and SJRWMD jointly approved the first North Florida Regional Water Supply Plan (NFRWSP) in Northeast Florida. The NFRWSP area includes 14 counties in the District and SJRWMD: Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union. Under section 373.709, F.S., Districts must reevaluate their determinations concerning the need for a water supply plan at least every five years. Thus, in December 2023, an amended NFRWSP was approved at each District's Governing Board meetings (the 2023 NFRWSP).

DISCUSSION

In July 2024, DEP published a Notice of Rule Development to begin rulemaking to amend the adopted LSFIR MFLs. Based on the best available information, two of the three recommended flows for compliance points on the rivers are not being achieved, which includes several OFS. As set forth in subsection 373.805(1), F.S., when an MFL for an OFS is adopted or amended, a prevention or recovery strategy must be adopted concurrently if the spring flows are below, or are projected to fall below, the applicable MFLs within a 20-year planning horizon. When that MFL prevention or recovery strategy is adopted, the District's regional water supply plan must be concurrently amended to include the MFL strategy, pursuant to section 373.0421(2), F.S.

Since some of the LSFIR MFLS are in recovery, a recovery strategy must be adopted concurrently. To accomplish this, DEP will adopt the regulatory part of the MFL recovery strategy, and the District and SJRWMD will adopt the project component of the MFL recovery strategy (the 2025 Implementation Strategy). On November 13, 2025, DEP plans to publish a notice of proposed rule to complete the rulemaking to adopt amended LSFIR MFLs and a revised regulatory component of the recovery strategy.

Thus, staff recommend approval of the attached project component of the overall recovery strategy known as the 2025 Implementation Strategy. At the same time, staff recommend approval of the attached First Addendum to the 2023 NFRWSP to add the projects identified in the 2025 Implementation Strategy to the existing regional water supply plan for the area as required by statute, recognizing the District's authority for water supply planning extends to water supply planning regions within its boundaries as established in section 373.069, F.S.

Since DEP's MFL recovery strategy rules will have a regulatory impact exceeding one million dollars, those rules cannot become effective until after legislative ratification. In the interim, District staff also recommend approval of the attached Addendum to the 2014 Recovery Strategy to add the regional projects identified in the 2025 Implementation Strategy to the existing recovery strategy. In this way, critical project implementation work can continue. The Addendum to the 2014 Recovery Strategy would remain in place until the permanent rule amendments become effective. At that point, the 2025 Implementation Strategy would become effective.

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Attachments