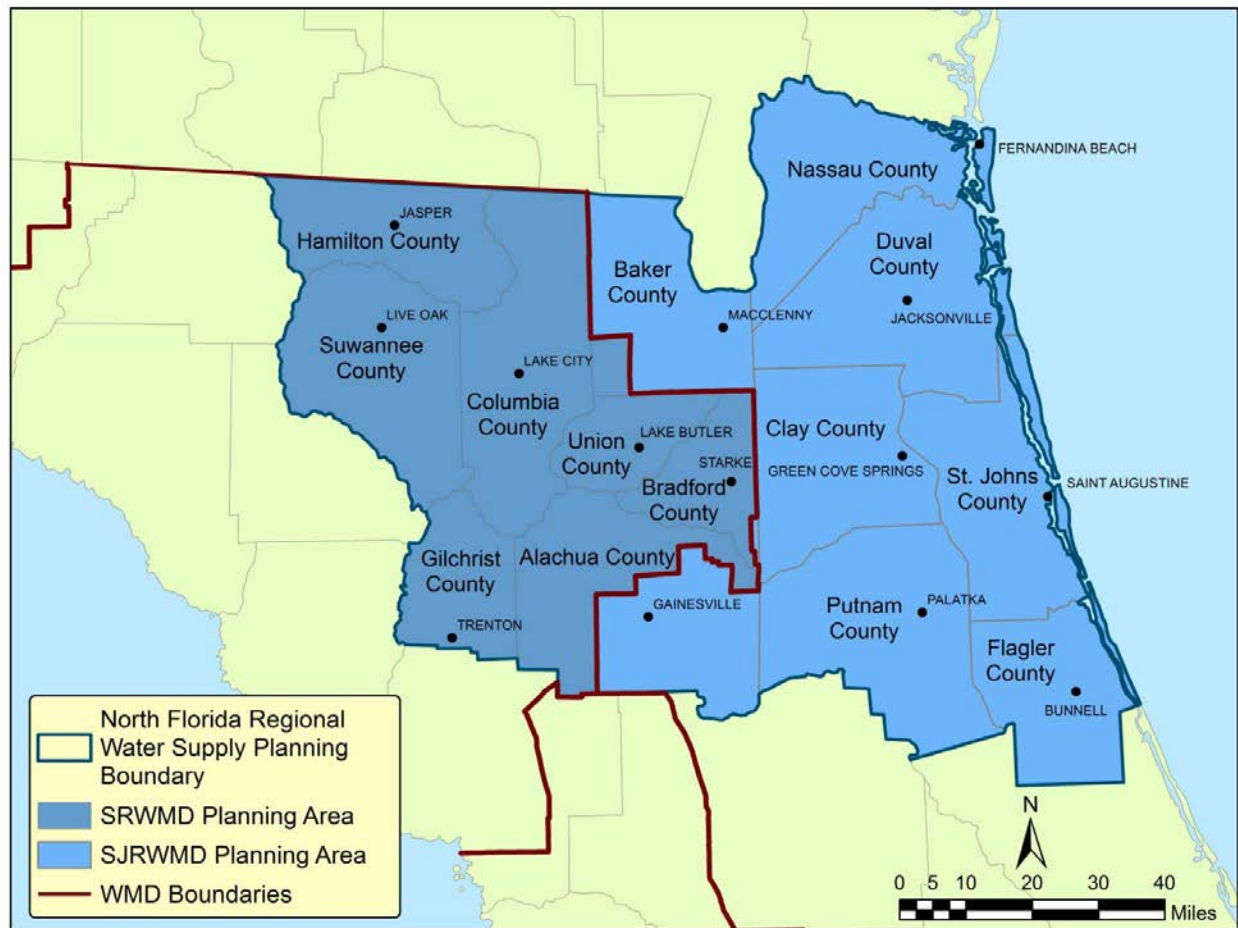


6.0 SUPPLEMENTAL REGULATORY MEASURES

1. Section 6.0 entitled "Supplemental Regulatory Measures" shall be adopted by the Department of Environmental Protection by rule pursuant to Section 373.042(4), F.S., as a component of the overall recovery strategy for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs MFLs. These rules shall be applicable within the boundaries of the SRWMD and that portion of the North Florida Regional Water Supply Planning Area (see Figure 6-1,) within the SJRWMD.

Figure 6-1. North Florida Regional Water Supply Planning Area



2. These rules provide additional criteria for review of consumptive use permit applications prior to the completion of the North Florida Southeast Georgia Regional Groundwater Flow Model and development of long-term recovery measures in the North Florida Regional Water Supply Plan (NFRWSP). Prior to the completion of the North Florida Southeast Georgia Regional Groundwater Flow Model, each District shall apply the best available modeling tools to evaluate permit applications and their potential impact to the MFLs in the Lower Santa Fe River Basin. Upon completion of the North Florida Southeast Georgia Regional Groundwater Flow Model, the MFLs and these additional regulatory criteria shall be re-evaluated pursuant to Rule 62-42.300(1)(e), F.A.C.

3. In view of the statutory recognition in section 373.709(2)(a)2., F.S., that "...alternative water supply options for agricultural self-suppliers are limited," the Department recognizes that the districts may participate in developing offsets for proposed uses for the purposes of protecting the MFL water bodies consistent with the goals of the Recovery Strategy.
4. "MFL water bodies," when used in this section, shall mean the MFLs established for the Lower Santa Fe and Ichetucknee Rivers and Associated Priority Springs adopted in subparagraph 62-42.300(1)(a)–(c), F.A.C. "MFL water body" shall mean any one of the MFL water bodies described in this definition.
5. Additional Review Criteria for all Individual Permit Applicants:
 - a) Evaluation of Potential Impacts: All applications, including applications for renewals, modifications, and new uses, shall be evaluated for their potential impact on the MFL water bodies utilizing best available information. Potential impacts to the MFL water bodies shall be assessed based on potential changes to flow at the Lower Santa Fe River Ft. White Gage and the Ichetucknee River US Highway 27 Gage.
 - b) New Permits:
 - i. Applications that do not demonstrate a potential impact to the MFL water bodies shall be issued provided the applicant meets the conditions for issuance.
 - ii. Applications that demonstrate a potential impact to the MFL water bodies shall provide reasonable assurance of elimination or offset of the potential impact. Such applications shall be considered consistent with the Recovery Strategy, provided the applicant meets all other existing conditions for issuance.
 - c) Renewals and Modifications with Increased Allocations:
 - i. Applications that do not demonstrate a potential impact to the MFL water bodies based on the total requested allocation shall be issued provided the applicant meets the conditions for issuance.
 - ii. Renewal and modification applications that demonstrate a potential impact to the MFL water bodies based on the total requested allocation shall provide reasonable assurance of elimination or offset of that portion of the requested allocation that exceeds the existing allocation and that results in potential impacts to the MFL water bodies. Such applications shall be considered consistent with the Recovery Strategy and shall be issued a permit for a duration of no more than five years provided the applicant meets all other existing conditions for issuance. If the potential impacts of the total requested allocation to the MFL water bodies will be eliminated or offset, the five year permit duration limitation under this subparagraph shall not apply. Permits issued for a duration longer than five years must include the necessary actions to provide for elimination or offset of impacts of the total requested allocation to the MFL water bodies, and a schedule for implementation.
 - d) Renewals with No Increase in Allocations:
 - i. Applications that do not demonstrate a potential impact to the MFL water bodies based on the total requested allocation shall be issued provided the applicant meets the conditions for issuance.
 - ii. Renewal applicants that demonstrate a potential impact to the MFL water bodies based on the requested allocation shall be considered consistent with the Recovery

Strategy and shall be issued a permit for a duration of no more than five years provided the applicant meets all other existing conditions for issuance. If potential impacts to the MFL water bodies will be eliminated or offset, the five year permit duration limitation under this subparagraph shall not apply. Permits issued for a duration longer than five years must include the necessary actions to provide for elimination or offset of impacts to the MFL water bodies, and a schedule for implementation.

- e) Existing permitted uses: Existing permitted uses shall be considered consistent with the Recovery Strategy provided the permittee does not exceed its permitted quantity. Such permits shall not be subject to modification during the term of the permit due to potential impacts to the MFL water bodies unless otherwise provided for in rule revisions pursuant to Rule 62-42.300(1)(e), F.A.C. Nothing in this section shall be construed to alter the District's authority to enforce or modify a permit under circumstances not addressed in this provision.
- f) Nothing contained in this Section shall be construed to require a permittee in Florida to be responsible for recovery from impacts to an MFL water body from water users in Georgia, or in any case to be responsible for more than its proportionate share of impacts to an MFL water body that fails to meet the established minimum flow or level.

6. Additional Individual Permit Conditions:

- a) Permits within the boundaries of the SRWMD and that portion of the North Florida Regional Water Supply Planning Area within the SJRWMD that are issued for a duration of greater than five years shall be issued with the following permit condition:

Following the effective date of the re-evaluated Minimum Flows and Levels adopted pursuant to Rule 62-42.300(1)(e), F.A.C., this permit is subject to modification during the term of the permit, upon reasonable notice by the District to the permittee, to achieve compliance with any approved MFL recovery or prevention strategy for the Lower Santa Fe River, Ichetucknee River, and Associated Priority Springs. Nothing herein shall be construed to alter the District's authority to modify a permit under circumstances not addressed in this condition.

- b) Permits for agricultural use located within Columbia, Suwannee, Union, and Gilchrist Counties, and the portions of Baker, Bradford, and Alachua Counties within the boundaries of the SRWMD, shall include the following condition:

The permittee agrees to participate in a Mobile Irrigation Lab (MIL) program and allow access to the Project Site for the purpose of conducting a MIL evaluation at least once every five years.