

BEFORE THE GOVERNING BOARD OF THE
NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Order No.: 20-015

IN THE MATTER OF:

Approval of the 2019
Region II Regional Water
Supply Plan

**FINAL ORDER APPROVING THE
2019 REGIONAL WATER SUPPLY PLAN FOR REGION II**

The Governing Board of the Northwest Florida Water Management District (District), after considering recommendations of District staff and being fully apprised of the matter, issues this Final Order pursuant to sections 373.036, 373.083, and 373.709, Florida Statutes (F.S.), based on the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Region II is one of seven water supply planning regions in the Northwest Florida Water Management District. Region II covers approximately 3,495 square miles and encompasses the entirety of Okaloosa, Santa Rosa, and Walton counties.
2. The traditional water supply source in Region II is groundwater. Primary resources are the Upper Floridan aquifer over most of the region, and the sand-and-gravel aquifer in central and northern portions of Santa Rosa County. In coastal portions of Region II, where population and development have been concentrated and continue growing, withdrawals from the Floridan aquifer resulted in water resource issues and concerns, including a drawdown in Floridan aquifer levels, water quality impacts, an ongoing risk of saltwater intrusion, and uncertainty regarding movement of the saltwater interface.

3. Remedial measures in coastal portions of Region II began in the 1980s with the Declaration of a Water Resource Caution Area, associated regulatory criteria, and water resource management planning.
4. The District's first Water Supply Assessment (WSA) in 1998 determined the need for a Region II Regional Water Supply Plan (RWSP). The District's Governing Board approved the first Region II RWSP in 2000 and, following subsequent WSAs in 2003 and 2008, approved RWSP updates in 2006 and 2012.
5. A major initiative during the 2000-2010 decade was the development of inland regional wellfields which now provide water supply for coastal communities and reduce reliance on coastal withdrawals in all three counties of Region II.
6. In former decades, the Floridan aquifer potentiometric surface lost as much as 185 feet of head pressure along the coast. In 2000, it was still 135 feet below sea level. Aquifer levels have since markedly improved; however, a significant cone of depression remains centered on the Okaloosa County coastal communities of Fort Walton Beach and Mary Esther. Potentiometric surface drawdown extends north to the Yellow River in Santa Rosa County, to areas north of Niceville and Valparaiso in Okaloosa County, and east of Destin into Walton County. Also, growth in and near the cities of Milton and Crestview and withdrawals northeast of Freeport have drawn down and flattened the potentiometric surface in those areas.
7. The 2018 WSA evaluated Region II water resources and related natural systems with 2015 base year water use estimates and future demand projections to the year 2040. The 2018 WSA determined that existing sources of water were not adequate and recommended continued implementation of the Region II RWSP.

8. With completion of the 2018 WSA, in December 2018 the Governing Board approved the staff recommendation to continue regional water supply planning for Region II. The purpose of this effort is to update the Region II RWSP to meet the water supply needs of all existing and future reasonable-beneficial uses and to sustain water resources and related natural systems requirements of Chapter 373, F.S., through the planning horizon to 2040.
9. Development of the 2019 Region II RWSP occurred in an open process actively seeking input from the public; local planning officials; water, wastewater, and reuse utilities; the Florida Department of Environmental Protection; the Florida Department of Agriculture and Consumer Services; and other affected and interested parties. This process began during development of the 2018 WSA when utilities and other self-suppliers were asked to respond to an outreach survey early in 2017. Draft WSA results, including technical data and modeling tools, were presented in public workshops in July 2018.
10. A public Informational Meeting on the 2019 Region II RWSP was held in Fort Walton Beach in January 2019. Thereafter, the RWSP planning team conducted outreach to public supply utilities and other self-suppliers to develop a list of water supply development project options. The RWSP report includes these water supply development project options, water resource development projects, and a list of potential funding opportunities. In September 2019, workshop information and a Draft 2019 Region II RWSP were disseminated.
11. Two public workshops were held in DeFuniak Springs on October 3, 2019, to provide opportunities for participants to ask questions and provide comments and recommendations. A public comment period remained open through October 30, 2019.
12. Region II water resource development projects include minimum flows and minimum water levels (MFL) technical assessments; groundwater evaluations; hydrologic data collection and

monitoring; coordination and technical support for reuse, water conservation, and aquifer storage and recovery (ASR) projects; and water use data, analyses, resource planning, and assessments. Water supply development project options include surface water development, reuse of reclaimed water, water conservation, and storage capacity and distribution system improvements.

13. The 2019 Region II RWSP is not a self-executing document. Implementation of the plan will occur through future Governing Board actions, including contracts, research, budgetary appropriations, cost-sharing arrangements, permitting, local agreements, intergovernmental coordination, and planning efforts. When such final decisions are made, affected persons will be offered appropriate public input opportunities and rights.
14. The 2019 Region II RWSP, Program Development Series 19-02, is attached to this Order as Exhibit A.
15. The 2019 Region II RWSP may be updated as appropriate in light of new technical information and analysis. Such updates may be due to the findings of MFL technical assessments and any required recovery or prevention strategies, or future water supply assessments, and are required to occur at no longer than five-year intervals.

CONCLUSIONS OF LAW

16. The governing boards of water management districts are authorized to undertake regional water supply planning under section 373.709, F.S. (2019). This includes the updating of existing plans, such as the Region II RWSP.
17. Section 373.709, F.S., establishes a framework for RWSP scope, analysis, implementation, and process. Each RWSP must be based on at least a 20-year planning period. Governing

boards shall reevaluate the determination of the need for regional water supply planning at least once every 5 years.

18. The Florida Department of Environmental Protection (DEP) requires water management districts to include intermediate water use projections for every five-year interval. See Rule 62-40.531(1)(a), F.A.C. Water use estimates and projections shall be provided in each RWSP for six use classes. See Rule 62-40.531(1)(b), F.A.C.
19. Water resource development projects and water supply development project options must be included in RWSPs. See Section 373.709(2), F.S. (2019).
20. The Governing Board concludes that the Region II RWSP 2019 Update meets the requirements of Section 373.709, F.S., and Rule 62-40.531, F.A.C.
21. Section 373.709(5), F.S., establishes the opportunity for administrative review of District approval of an RWSP. This provision states:

Governing board approval of a regional water supply plan shall not be subject to the rulemaking requirements of Chapter 120. However, any portion of an approved regional water supply plan which affects the substantial interests of a party shall be subject to s. 120.569.

22. Section 120.569, F.S., details the legal provisions that apply in all proceedings in which the substantial interests of a party are determined by an agency. The Notice of Rights describes the potential remedies which may exist and is attached hereto as Exhibit B.
23. The Notice of Rights shall not cover actions taken by the Governing Board in the future to implement the 2019 Region II RWSP. When implementing action is taken, the Governing Board shall offer an appropriate point of entry to substantially affected parties.

24. The 2019 Region II RWSP may be updated or amended as new technical information and analysis becomes available. Such updates shall occur in accordance with section 373.709, F.S., at intervals no longer than five years from the date of entry of this order.
25. The Governing Board authorizes staff to make minor changes to the 2019 Region II RWSP in response to stakeholder comments submitted to staff, or scrivener edits, that do not alter the substance of the 2019 Region II RWSP.

ORDER

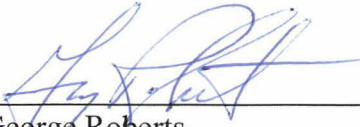
Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby

ORDERED:

26. The Region II RWSP 2019 Update is hereby approved in accordance with section 373.709, F.S.
27. District staff are authorized to make minor changes to the 2019 Region II RWSP that do not alter the substance of the 2019 Region II RWSP in response to stakeholder comments submitted to staff. Such changes must occur no later than 21 days after the January 23, 2020, Governing Board meeting.
28. District staff are instructed to distribute notice of this Order by certified mail, regular mail, and/or electronic mail to persons who have participated in the plan development process and those entities identified as appropriate for implementing water supply development projects. Notice shall also be published in the Florida Administrative Register.


DONE AND SO ORDERED in Marianna, Florida on this 23rd day of January, 2020.

NORTHWEST FLORIDA WATER
MANAGEMENT DISTRICT
By its Governing Board



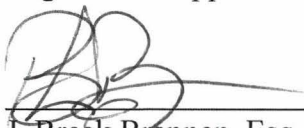
George Roberts
Chair

Attest:




Brett J. Cyphers
Executive Director and Acting Secretary
January 23, 2020

Legal Form Approved:



J. Breck Brannen, Esq.

Filed on this date, pursuant to Section 120.52, F.S., with the designated District agency clerk,
receipt of which is hereby acknowledged.



Clerk

1/24/2020

Date

Exhibit A

2019 Region II Regional Water Supply Plan



Brett J. Cyphers
Executive Director

Exhibit B

Northwest Florida Water Management District

81 Water Management Drive, Havana, Florida 32333-4712
(U.S. Highway 90, 10 miles west of Tallahassee)

Phone: (850) 539-5999 • Fax: (850) 539-2777

NOTICE OF RIGHTS

Northwest Florida Water Management District

81 Water Management Drive, Havana, FL 32333-4712

(850) 539-5999 Fax (850) 539-2693

www.nwfwater.com

January 27, 2020

The following information addresses procedures to be followed if you desire an administrative hearing or other review of agency action.

In its January 23, 2020 regular meeting, the Governing Board of the Northwest Florida Water Management District approved the Region II Regional Water Supply Plan (RWSP), pursuant to Section 373.709, Florida Statutes (F.S.). This plan covers Okaloosa, Santa Rosa, and Walton counties.

APPROVAL OF THE REGION II REGIONAL WATER SUPPLY PLAN

Any person whose substantial interests are or may be affected by the action described may petition for an administrative hearing in accordance with the requirements of Section [28-106.201](#), Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under Section [120.573](#), F.S., before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-4712, by no later than 21 days after the publication date of this notice. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under sections [120.569](#) and [120.57](#), F. S. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to Section [120.68](#), F.S. Review under Section 120.68, F.S., is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure [9.110](#).

GEORGE ROBERTS
Chair
Panama City

JERRY PATE
Vice Chair
Pensacola

JON COSTELLO
Tallahassee

TED EVERETT
Chipley

BO SPRING
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