

Notice of Proposed Rule

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:RULE TITLES:

40A-8.021 Definitions

40A-8.051 Minimum Flow for Middle Econfina Creek, Including the Gainer Springs, Sylvan Spring, and Williford Spring Groups

PURPOSE AND EFFECT: The overall purpose is to establish the minimum flow for the Middle Econfina Creek, including the Gainer Spring, Sylvan Spring, and Williford Spring groups, to comply with Florida Statutes.

SUMMARY: The rulemaking will cover amending a rule to include necessary definition(s), and creating a rule setting the minimum flow for the Middle Econfina Creek, including the Gainer Spring, Sylvan Spring, and Williford Spring groups.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to the rule, the District has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, F.S

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.103 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Thurman, Chief, Bureau of Resource Evaluation, Division of Resource Management, Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333, (850)539-5999, paul.thurman@nfwfwater.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40A-8.021 Definitions.

(1) through (11) no change.

(12) “Middle Econfina Creek” means the portion of Econfina Creek between County Road 388 in Bay County, Florida and the Williford Spring Group in Washington County, Florida.

(13) “Gainer Spring Group” means the first magnitude spring group and associated spring runs located in Bay County at 30 degrees 25 minutes 38.7258 seconds north latitude and -85 degrees 32 minutes 53.7144 seconds west longitude.

(14) “Sylvan Spring Group” means the second magnitude spring group and associated spring run located in Washington County at 30 degrees 25 minutes 54.624 seconds north latitude and -85 degrees 32 minutes 53.7822 seconds west longitude.

(15) “Williford Spring Group” means the second magnitude spring group and associated spring run located in Washington County at 30 degrees 26 minutes 22.401 seconds north latitude and -85 degrees 32 minutes 51.342 seconds west longitude.

(16) “Middle Econfina Creek Average Flow” means the average of Middle Econfina Creek Daily Flow for the most recent 30 years of record. The Middle Econfina Creek Average Flow is inclusive of combined and undivided flow contributions from the Gainer Spring Group, Sylvan Spring Group, and Williford Spring Group.

(17) “Middle Econfina Creek Daily Flow” means the Average Daily Flow at USGS Station 02359500 (Econfina Creek Near Bennett, Fla.), or its successor located along Econfina Creek in Bay County, Florida.

(18) “Middle Econfina Creek Average Baseline Flow” means the average of Middle Econfina Creek Daily Flow between October 1, 1935, and October 14, 2023, adjusted to account for withdrawal impacts.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042 FS. History-New 6-12-2019, Amended 5-18-21, Amended

40A-8.051 Minimum Flow for Middle Econfina Creek, Including the Gainer Springs, Sylvan Spring, and Williford Spring Groups.

The Governing Board hereby establishes the following minimum flow. The Governing Board finds that the following minimum flow is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

The minimum Middle Econfina Creek Average Flow, inclusive of Gainer Spring, Williford Spring, and Sylvan Spring Groups, is 486 cubic feet per second. The minimum flow of 486 cubic feet per second represents an allowable flow reduction of 9.5%, or 51 cubic feet per second, from the Middle Econfina Creek Average Baseline Flow of 537 cubic feet per second.

The District will evaluate the minimum flow for the Middle Econfina Creek every five years as part of the regional water supply planning process to determine the extent to which the Middle Econfina Creek Average Flow has been reduced due to withdrawals as of the date of each evaluation. Each evaluation will include a review of:

- (1) Flow data;
- (2) Water withdrawals;
- (3) Aquifer water levels; and
- (4) Rainfall data.

Each evaluation is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Thurman, Chief Bureau of Water Resource Evaluation, Division of Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board, Northwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 1, 2024