

## Minimum Flows and Levels (MFL)

The Minimum Flows and Levels Rule was established by the Florida Legislature in response to the water crisis in South Florida. The statute is intended to protect water resources in Florida from significant harm resulting from over allocation of water withdrawals. The establishment MFLs is required by the state Legislature under Subsection 373.042(2), Florida Statutes (F.S.). It is also required by the state Comprehensive Plan, and the water resources implementation rule (Chapter 62-40.473, Florida Administrative Code, F.A.C.).

A brief overview of the statute:

(1) Within each section or the water management district as a whole, the Florida Department of Environmental Protection or the District Board shall establish the following:

(a) Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse shall be the limit at which further withdrawals would be **significantly harmful** to the water resources or ecology of the area.

(b) Minimum water level. The minimum water level shall be the level of groundwater in an aquifer and the level of surface water at which further withdrawals would be **significantly harmful** to the water resources of the area.

Other language in the statutes (Chapter 373.042(1), F.S.) states that the Water Management District Governing Boards shall use the “best information available” and that they may consider “seasonal variations” and the “protection of non-consumptive uses” in establishing MFLs. Additional instructions are provided in the State Water Resources Implementation Rule regarding MFLs (Chapter 62-40.473, Florida Administrative Code [F.A.C.]), indicating that “. . . consideration shall be given to the protection of water resources, natural seasonal fluctuations in water flows or levels, and environmental values associated with coastal, estuarine, aquatic, and wetlands ecology. . . .”

These environmental values include:

- a) Recreation in and on the water;
- b) Fish and wildlife habitats and the passage of fish;
- c) Estuarine resources;
- d) Transfer of detrital material;
- e) Maintenance of freshwater storage and supply;
- f) Aesthetic and scenic attributes;
- g) Filtration and absorption of nutrients and other pollutants;
- h) Sediment loads;
- i) Water quality; and
- j) Navigation.

Save Our Suwannee has been following the MFL rule-making process at the Suwannee River Water Management District. It is our fear that that “significant harm” is not clearly defined. For each system, the Suwannee River Water Management District has found what they believe to be the most vulnerable habitat or species and set “significant harm” to that limiting factor. However, there are no plans to monitor these habitats to confirm the accuracy of their estimates. Instead, they will use statistical models generated as a part of the permitting process to determine both “harm” and “significant harm” to the habitat.

The Suwannee River Water Management District has set the MFL for Madison Blue Spring, Manatee Spring, Fanning Spring and the Lower Suwannee River and Estuary. The MFL Rule for the Wacassassa River, the Middle Suwannee River and the Upper Santa Fe River are planned for Fall 2006.

Because of our concerns, Save Our Suwannee has developed a Monitoring Program. Our volunteers are observing and recording conditions in vulnerable habitats and report our results to the public. In the event we find a problem, we plan to compel the Water Management District to revisit the new rules.

For more information about Suwannee River Basin MFL's:

<http://www.dep.state.fl.us/water/waterpolicy/mfl.htm>

[http://mysuwanneeriver.com/resources/mflhandout\\_ebook.pdf](http://mysuwanneeriver.com/resources/mflhandout_ebook.pdf)

<http://mysuwanneeriver.com/features/cooperative+programs/minimum+flows+and+levels/default.htm>