

**MEMORANDUM OF AGREEMENT REPLACING THE PREVIOUS INTERAGENCY
AGREEMENT AND AMENDMENTS THERETO BETWEEN
SUWANNEE RIVER WATER MANAGEMENT DISTRICT
AND
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

This MEMORANDUM OF AGREEMENT ("Agreement"), by and between the SUWANNEE RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under Chapter 373, Florida Statutes ("F.S."), whose address is 9225 County Road 49, Live Oak, Florida 32060, hereinafter referred to as "SRWMD", and ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a special taxing district organized under chapter 373, F.S., whose address is 4049 Reid Street, Palatka, Florida 32177, hereinafter referred to as "SJRWMD", and FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, hereinafter referred to as the "Department" (collectively, "the Parties"), is entered into in three originals this 23 day of May, 2024.

NOW THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

- A. This Memorandum of Agreement consolidates, restates, amends, and replaces in its entirety the original Interagency Agreement between the parties entered into on September 13, 2011, as amended on February 28, 2012, January 25, 2013, and May 13, 2015.
- B. This MOA does not supersede the Interagency Agreement between SJRWMD, SRWMD, and Alachua County adopted on July 13, 2012 (see attached agreement).
- C. Effective water management in Northeast Florida requires close coordination between the SRWMD and the SJRWMD ("the Districts") to ensure resource protection and equitable treatment of water users in the two Districts.
- D. The term "Geographic Area" for the purposes of this MOA means the entire North Florida Regional Water Supply Partnership (NFRWSP) area which includes Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union Counties.
- E. This agreement sets forth specific responsibilities of the parties to achieve appropriate coordination with respect to the Districts' water supply planning, water shortage planning, and consumptive use permitting responsibilities in the Geographic Area. SRWMD and SJRWMD agree that there have been changes in the level and configuration of the potentiometric surface of the Upper Floridan aquifer in northeast Florida and southeast Georgia. Both Districts are united in the need for continued coordinated planning and permitting using regional tools developed under this partnership.
- F. **Implementation of the Joint Regional Groundwater Flow Model:** To promote consistency in regional planning and permitting decisions, SRWMD and SJRWMD agree to jointly develop, implement and refine regional groundwater and surface water models.

The Parties agree that one regional model will enhance efficiency and effectiveness for coordinated planning and permitting.

- G. **Revisions to the Joint Regional Groundwater Flow Model:** To maintain the best available tools to support decision-making, the Parties agree to coordinate and collaborate on the review, updates, and release of revisions to the regional groundwater flow model for use in coordinated planning, permitting, and determination of cumulative impacts.
- H. **Data Needs and Analysis Collection:** SRWMD and SJRWMD will continue to share and incorporate monitoring and technical data, continue to develop and refine data sets based on District collection and external sources to recognize the best available data, and continue to communicate regularly concerning water resource issues of concern, including but not limited to: permitting, minimum flows and minimum water levels (MFLs), water resource constraints analyses, regional water supply planning, water resource and water supply development projects, and district-wide water supply assessments.
- a. SRWMD and SJRWMD will collaborate on the assessment of the most appropriate and available tools to evaluate both individual and cumulative harm to water resources.
 - b. SRWMD and SJRWMD will develop methods and maintain shared data files to evaluate cumulative impacts and offsets including:
 - i. Estimation of current water use;
 - ii. Estimation of water allocation at the end of permit duration;
 - iii. Estimation of project-specific recharge; and
 - iv. Tracking of water resource and water supply development project benefits, offsets, and implementation schedules.
- I. **Minimum Flows and Levels:** When setting Minimum Flows and Levels (MFLs) in the Geographic Area, SRWMD and SJRWMD shall coordinate on:
- a. The evaluation of water resource values;
 - b. Technical work, stakeholder review, peer review, and rulemaking for MFLs with anticipated cross-boundary impacts; and
 - c. Development of the best available methods to evaluate MFLs and monitor status.

The Department will be provided time to review and comment on technical work for MFLs with cross boundary impacts that may be adopted by the Department by Rule.

- J. **Development of Joint Prevention and Recovery Strategies:** When the parties through their coordination efforts deem appropriate, SRWMD, SJRWMD, and, as applicable, the Department will develop and implement a joint MFL recovery or prevention strategy. MFL recovery or prevention strategies will be within the applicable regional water supply plan(s) of SRWMD and SJRWMD consistent with section 373.709,

F.S.

- K. **Joint Regional Water Supply Planning:** SRWMD and SJRWMD agree to continue to update the joint North Florida Regional Water Supply Plan encompassing, at a minimum, the Geographic Area. SRWMD and SJRWMD will jointly continue and coordinate an open public process with all water user groups and other affected and interested parties, consistent with rule 62-40.531, Florida Administrative Code, and section 373.709, F.S.
- L. **Implementation of Joint Prevention and Recovery Strategies:** When it is determined that an MFL is in prevention or recovery and a joint prevention or recovery strategy is required, SRWMD and SJRWMD will work together to implement a plan designed to ensure the MFL is not violated.
- M. **Permitting:** In order to protect water resources and to enhance interdistrict efficiency, SRWMD and SJRWMD regulatory personnel agree to coordinate on the review of proposed withdrawals of water within one District that may have impacts within the other District.

Specifically, the Districts agree to cooperate as follows:

- a. Undertake heightened coordination for all consumptive use permit applications requesting an allocation of water equal to or greater than 500,000 gallons per day on an average annual basis.
 - b. When either District receives an application for a proposed water use that meets or exceeds the allocations listed in a., above, the reviewing District will provide the commenting District a copy of the application package within 5 days of its receipt and before the reviewing District sends a Request for Additional Information ("RAI"). The commenting District will then have 20 days to provide its comments to the reviewing District. When the reviewing District receives new or additional information from the applicant, such information will be shared with the commenting agency within 5 days of its receipt. The commenting District will then have 20 days to provide its comments to the reviewing District on the new or additional information.
 - c. Use the latest NFSEG groundwater flow model approved by SRWMD and SJRWMD for regulatory use, or a NFSEG-based subregional model approved by SRWMD and SJRWMD for regulatory use, to evaluate whether simulated flow changes at MFL gages resulting from the proposed groundwater withdrawals will cause a potential cross-district impact. This provision shall not be interpreted as requiring consumptive use permit applicants to use the aforementioned groundwater flow model.
 - d. District regulatory staff will coordinate on impact offsets for permit applications proposing groundwater or surface water allocations resulting in simulated flow changes of 0.15 CFS or more at MFL gages specified in regulatory strategies.
- N. **Staffing:** SRWMD and SJRWMD recognize that staffing and allocation of staff time are necessary to support activities within the Geographic Area. To promote efficiency and clear communication between SRWMD and SJRWMD under the Agreement, a SJRWMD staff member will be designated to serve as a liaison role to facilitate

communication on topics including, but not limited to: analysis of data, planning issues, permitting, projects, MFLs, and recovery and prevention strategies. Both Districts will allocate staff time and resources to implement relevant regulatory strategies, develop and update plans, and maintain supporting data sets, relevant models and tools.

- O. **Department Authority:** In the event that the Executive Directors of SRWMD and SJRWMD cannot reach resolution of any of the coordination requirements contained in this agreement, then the Department will be consulted as part of its general oversight authority to ensure consistency with state law and the water resource implementation rule.
- P. **Water Shortage:** In order to enhance the effectiveness of current and future water shortage declarations and to enhance interdistrict efficiency by avoiding duplication of related efforts, the SRWMD and SJRWMD agree to cooperate as follows:
1. Each district will provide the following information to the other district: a detailed description of the factors currently monitored to determine whether to declare a water shortage (i.e., specific hydrologic conditions, water demands, and other data), a schedule that indicates the frequency at which each of these factors is collected and analyzed, and a description of the committee or staff arrangement that currently conducts the monitoring and analysis efforts.
 2. The Districts will identify and implement appropriate means of coordinating these monitoring and analysis efforts. At a minimum, a mechanism for notifying one another of current monitoring and analysis results will be established.
 3. The Districts will establish a mechanism for notifying one another of recommended and adopted water shortage orders (declarations, modifications and rescissions). To that end, SRWMD and SJRWMD agree as follows:
 - a. Notification of any recommendation for a water shortage order or emergency order, including samples of related permittee and/or public communication materials will be provided as soon as practicable.
 - b. The Districts will respond to each notification or transmittal described above by providing any comments in as timely a manner as possible.
 - c. Any adopted water shortage or emergency order will be timely transmitted to the other district along with related permittee and/or public communication materials as soon as available.
 - d. To the extent practicable, the Districts will coordinate their public outreach and communication efforts regarding the water shortage or emergency order.

(signatures on following page)

Attest: Rosie Hamm

SUWANNEE RIVER WATER
MANAGEMENT DISTRICT

Thomas Hugh
Thomas Hugh
Executive Director

Date: 5/14/24


Approved as to Legal Form and
Content:

George T. Reeves
George T. Reeves,
General Counsel

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Attest: 

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT


Michael A. Register, P.E.
Executive Director

Date: May 14, 2024

Approved as to Legal Form and
Content:



Erin Preston,
General Counsel

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Attest:



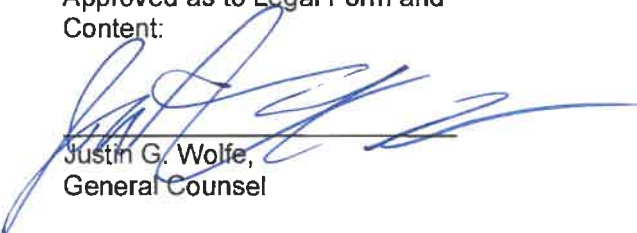
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Shawn Hamilton
Secretary

Date: 5/23/24

Approved as to Legal Form and
Content:



Justin G. Wolfe,
General Counsel

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