

MEMORANDUM OF AGREEMENT
FOR THE VOLUSIA BLUE SPRING MINIMUM FLOW
REGIME ACTION PLAN BY AND AMONG THE ST. JOHNS
RIVER WATER MANAGEMENT DISTRICT, THE FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

THIS AGREEMENT is made by and among the St. Johns River Water Management District ("SJRWMD"), the Florida Department of Environmental Protection ("FDEP"), and the Florida Fish and Wildlife Conservation Commission ("FWC").

WITNESSETH

WHEREAS, the Governing Board of the SJRWMD, pursuant to its statutory responsibilities, has approved minimum flows for Blue Spring and Blue Spring Run, Volusia County, Florida, that increase incrementally over time and are referred to as the "Blue Spring Minimum Flow Regime."

WHEREAS, the Blue Spring Minimum Flow Regime defines the minimum long-term average flow in multi-year increments until 2024 and allows a maximum allowable reduction in the current long-term average flow from 157 cubic feet per second (cfs) to 133 cfs until March 2009. This minimum flow increases until after March 2024, when the minimum long-term average flow of the spring and spring run will be the current long-term average flow of 157 cfs.

WHEREAS, the Blue Spring Minimum Flow Regime is expected to support the protection of the use of Blue Spring as a winter warm water refuge for the West Indian Manatee population and is expected to support the protection of all relevant water resource values in Section 62-40.473, Florida Administrative Code, including recreation

in and on the water, fish and wildlife habitats and passage of fish, transfer of detrital material, maintenance of freshwater storage and supply, aesthetic and scenic attributes, sediment loads, and water quality.

WHEREAS, SJRWMD has received comments expressing concern that, given the phased structure of the Blue Spring Minimum Flow Regime, SJRWMD may not be able to ensure that the required flows will actually be achieved by the dates established in the rule.

WHEREAS, to address this concern, SJRWMD with the assistance of the other parties and the U.S. Fish and Wildlife Service has developed the Volusia Blue Spring Minimum Flow Regime Action Plan which describes a multi-faceted approach to implement the minimum flow regime ("Action Plan") and is attached hereto as Exhibit "A."

WHEREAS, the Action Plan provides for comprehensive physical, chemical and ecological monitoring to verify that flows from Blue Spring and Blue Spring Run do not fall below the established minimum flow regime as a result of groundwater withdrawals and to assist SJRWMD in determining whether rule amendments are warranted in the future.

WHEREAS, the parties are currently conducting multiple monitoring activities at Blue Spring and agree that, combined with the new monitoring activities approved in the Action Plan, a coordinated monitoring effort will increase efficiency, reduce costs, and ensure compatibility between different data gathering efforts.

WHEREAS, the Action Plan is designed to adaptively manage implementation of the Blue Spring Minimum Flow Regime and may itself be subject to change consistent with the principles of adaptive management.

WHEREAS, the parties wish to formalize their commitment to implementation of the Action Plan and achievement of the Plan's objectives.

NOW, THEREFORE, the parties hereby agree as follows:

1. SJRWMD, FDEP, and FWC, each of whom have independent funding sources and missions, commit to strive for the funding needed to implement the Action Plan, recognizing that such funding is contingent on legislative appropriations, the pursuit of grant funds, and other budgetary constraints. As part of the annual report required by the Action Plan, the parties will consider and discuss any funding or action strategy modifications necessary to achieve implementation of the Action Plan.

2. Each party shall assign a senior staff member to monitor implementation of the Action Plan and manage the progress made on implementation of its respective role in the Plan.

3. The parties anticipate that, consistent with the timetable outlined in the Action Plan, this agreement will remain effective until March 31, 2024 and that until such date funding will continue annually, subject to the provisions of paragraph 1, as will the joint efforts identified in the Action Plan.

4. The agreement may be executed in separate counterparts and shall be effective on the date it is executed by the last party.

5. This agreement may be amended, extended or terminated by written consent of the parties. If one party wishes to withdraw from the agreement, it shall provide at least ninety (90) days written notice to the other parties.

IN WITNESS WHEREOF, the St. Johns River Water Management District, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission have executed this Memorandum of Agreement.

**ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT**

By: _____

Print Name: Kirby Green

Title: Executive Director

Date: _____

Approved as to form and content

Office of General Counsel

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

By: _____

Print Name: _____

Title: _____

Date: _____

**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

By: _____

Print Name: _____

Title: _____

Date: _____