



FLORIDA SPRINGS COUNCIL

Kristine Papis Morris
Florida Department of Environmental Protection
Office of Environmental Accountability and Transparency
By email: Kristine.P.Morris@FloridaDEP.gov

February 5, 2020

Subject: Florida Springs Council Comments on Draft Minimum Flows and Levels Re-evaluation for the Lower Santa Fe River, Ichetucknee River, and Priority Springs

Dear Ms. Morris,

The Florida Springs Council (FSC) is a 501(c)(3) non-profit organization composed of 53 member organizations and hundreds of individual supporters working for the restoration and protection of Florida's springs, rivers, and the Floridan Aquifer. FSC has reviewed the draft minimum flows and levels basis document (MFL) for the Lower Santa Fe River, Ichetucknee River, and Priority Springs; attended the December 10th, 2019, presentation at the Suwannee River Water Management District (SRWMD); and attended the January 21st, 2020, MFL workshop in Lake City. In addition, we have reviewed the peer review document completed by Sam Upchurch on behalf of Alachua County and analysis provided by the Florida Springs Institute.

Based on the above, we believe that the draft MFL fails to meet the statutory requirements under 373.042, is not protective of the Santa Fe and Ichetucknee Rivers, and will result in significant harm to Outstanding Florida Springs.

In November of 2013, the SRWMD adopted an interim MFL for the Lower Santa Fe River, Ichetucknee River, and Priority Springs. As part of the MFL, the SRWMD found that significant harm to water resource values was occurring, requiring the development of a recovery plan. Despite the adoption of a document the District classifies as a recovery plan, approximately 2,100 new well permits were issued within the springshed since it went into effect in 2015.

The Florida Springs Institute's analysis of USGS discharge data, the same data utilized by SRWMD to develop the draft MFL, found a 28 percent decrease in flow from 2000 to 2017 at the US 47 gauge, when compared to pre-2000 data. These data indicate that the river systems are already experiencing significant harm from decreased flows. The continuing downward trend in flows (when adjusted for rainfall) further indicates that the "recovery plan" has failed to yield restoration benefits. For these reasons, we challenge the draft MFL report's assertion that additional flow reductions should or can be permitted.

PO Box 268
High Springs, FL 32655

Florida Springs Council is a 501(c)3 organization



Of greatest concern, is that the proposed MFL is not designed to protect Outstanding Florida Springs.

The Florida Springs and Aquifer Protection Act (FSAPA), signed into law in 2016, requires the adoption of MFLs for 30 Outstanding Florida Springs, including several within the Santa Fe River basin. However, the draft MFL only sets minimum flow levels in the rivers, not in the Outstanding Florida Springs. As Mr. Upchurch points out in his peer review, “The basis document concludes that the priority springs are protected by the riverine MFLs. This conclusion is problematic given the relatively small contribution of individual springs...” He goes on to say that the draft MFL is “weak” and “shows little understanding of specific springs and resurgences.” **Mr. Upchurch concludes “the proposed riverine MFLs do not adequately protect the springs.”**

The draft MFL contends that there are insufficient data to develop MFLs for the Outstanding Florida Springs. If this is the case, DEP and the SRWMD must explain why they have failed to collect the data necessary to adopt protective MFLs for Outstanding Florida Springs, and immediately and expeditiously work to collect such data. The current MFL and recovery strategy must remain in place until such data are available.

Quite simply, the law states that the District or DEP must adopt MFLs for Outstanding Florida Springs, not just the rivers fed by those springs. **Consequently, the draft MFL fails to meet the requirement under 373.042 to adopt an MFL for each Outstanding Florida Spring and makes it impossible for the SRWMD or DEP to perform their statutory duty under 373.805 of determining “if the spring is below or is projected within 20 years to fall below the (MFL).”**

The FSAPA anticipates that additional data will be acquired, and actions will need to be modified (373.801(4)). **It does not, however, allow the SRWMD or DEP to fail to adopt MFLs for Outstanding Florida Springs because they didn’t collect the data necessary to follow the law.** In fact, it appears that there was not even a good faith attempt to follow the law and develop MFLs for the Outstanding Florida Springs. As Mr. Upchurch states, “exploration of alternative MFL criteria is absent.”

The proposed MFL also appears to be in contradiction with the very intent of the FSAPA. Section 373.801(3)(b) states, “Many of this state’s springs are demonstrating signs of significant ecological imbalance, increased nutrient loading, and declining flow. Without effective remedial action, further declines in water quality and water quantity may occur.” Section 373.901(4) clarifies that such “action is urgently needed.” In fact, the Legislature found the need for more protective MFLs so urgent that it “authorized and found that all conditions are met, to use emergency rulemaking provisions” to adopt MFLs (373.042(2)(c)). Considering this legislation, **the draft MFL’s proposal for a less protective rule and increased pumping, which will inevitably harm already diminished Outstanding Florida Springs, is negligent.**



Alarming, it appears that the draft MFL could trigger a provision in 373.805(3) which allows for the adoption of the MFL without concurrently adopting a recovery or prevention strategy. We object to the removal of an existing protection for the Outstanding Florida Springs along the Santa Fe and Ichetucknee Rivers that would allow additional pumping and result in further degradation of these Outstanding Florida Springs.

Today, more than ever, protecting Florida's waters is a top public and political concern. We have seen the effects of pollution and over-pumping on our springs and rivers. Newspaper and magazine articles, radio shows, and tv stories across the country and around the globe highlight our algae-filled waters and depleted springs. In the face of public outcry, and the well-understood economic, social, and environmental consequences of "not getting the water right," we do not understand why our water agencies continue to propose deficient rules and policies. It seems all of Florida wants to protect Florida's waters except for the agencies in charge of their protection.

The draft MFL is inadequate for the above-stated reasons. Given the likelihood that the draft MFL will not go into effect for more than a year, we urge the SRWMD and DEP to withdraw this draft MFL and work with Florida Springs Council members and other subject experts to create a protective MFL for these Outstanding Florida Springs, as required by law.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Smart", with a stylized flourish at the end.

Ryan Smart,
Executive Director,
Florida Springs Council
561-358-7191

Cc:
Noah.valenstein@dep.state.fl.us
Virginia.Johns@SRWMD.org
Donald.Quincey@SRWMD.org
Richard.Schwab@SRWMD.org
Virginia.Sanchez@SRWMD.org
Charles.Keith@SRWMD.org
Gary.Jones@SRWMD.org