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Subject: Draft Rules: Santa Fe and Ichetucknee Rivers, Springs, MFL's/Recovery
Date: Sep 2, 2024 at 1:37:28 AM
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EXTERNAL MESSAGE

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From: Santa Fe Lake Dwellers Association

Re: Commentary on Draft Recovery Rules

Santa Fe Lake Dwellers is an interested and affected party.

Outstanding Florida Waters are rivers, lakes and other water features designated by the Florida Department of Environmental Protection (DEP) under authority of Section 403.061 (27), Florida Statutes as "worthy of special protection because of their natural attributes." Outstanding Florida Waters have special restrictions on any new activities that would lower water quality or otherwise degrade the body of water. Lake Santa Fe, the Ichetucknee River and group of springs, and Santa Fe River System are all Outstanding Florida Waters.

The proposed rule will include minimum flows for the LSFIR and any associated recovery or prevention strategy required by section 373.0421, F.S.. The LSFIR includes six Outstanding Florida Springs as defined by 373.802(4), F.S., and is therefore subject to 373.805, F.S.

The Florida Springs & Aquifer Protection Act passed in 2016, addresses Minimum Flow Levels (MFLs) for OFS and states that adopting MFLs and Recovery Strategies "requires immediate action" calling on FDEP to "expeditiously adopt a recovery or prevention strategy."

FDEP was required to adopt a new MFL and Recovery Strategy by the end of 2019. It appears however that FDEP is currently five years behind schedule and does not intend to adopt new rules until at least 2026, which is allowing continuing and escalating damage.

SJRWMD & SRWMD records show that in Alachua County from 2015 to 2024, zero (0) new permits have been denied, 28 have been approved, and that an additional 6 million gallons of water per day are being pumped. Permits were approved even though this increased pumping would further harm the rivers and defeat recovery. SRWMD had an opportunity with the Seven Springs Bottling CUP to protect the rivers, but in spite of widespread objections they issued the permit.

MFL'S for Rivers and Springs

State law requires FDEP to adopt Minimum Flows & Levels for each Outstanding Florida Spring. FDEP has ignored this requirement and instead set MFLs for the rivers. This unsound methodology completely ignores the specific springs, resurgence and current conditions. It does not adequately protect the springs and should not be continued or adopted.

FDEP should establish MFLs for each Outstanding Florida Spring using the best available information, as required by Florida law Draft Recovery Strategy

Water management districts continue to issue unlimited water use permits that cause significant harm to our rivers and springs. This practice needs to stop. The WMD cannot meet its obligation to protect the resource and issue unlimited WUP's.

We should be able to trust our state agencies to follow the law. And we should be able to trust the Florida Department of Environmental Protection and water management districts to protect the environment, not polluters, nor to continue to permit unsustainable withdrawals, or where waters are already below MFL's, or in recovery; nor when continuing consumptive use permitting will have this result.

Current policy does not meet many requirements found in Florida Statute (373.805(4)).

Self-reporting by the applicants or permittees, not the actual pumping and flow data, should not be used to determine the impact of the withdrawal. This may not be reliable or follow the most accurate methodology.

Giving permittees 20 years, or more, to complete projects that offset their harm to the springs and rivers. During this time period harmful water withdrawals continue unchecked and permittees are even granted permits to increase their water use. This should not be permitted.

Contains no penalties for permittees who fail to offset their impacts within 20 years and even allows permittees who commit to an offset, but never do it, to receive a "Temporary Allocation" to continue the damaging pumping.

Existing users who commit to an offset project, but fail to offset their impacts, should have their permits reduced to address the permittee's proportionate share of impacts.

Applicants for new water use permits after rule adoption should be required to offset their impacts before being allowed to withdraw water. In no case should a permit be issued after rule adoption that impacts an MFL Recovery Point.

Impacts and offsets should be determined by actual water use and flow data.

Sincerely,

Terry Brant, Legislative Chairman
Santa Fe Lake Dwellers Association

cc: Senator Keith Perry
Rep. Chuck Clemmons, Sr.
Hugh Thomas, Director, SRWMD
Dr. Bob Knight, FL Springs Council
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