



September 13, 2024

To: Florida Department of Environmental Protection

Re: Comment on Lower Santa Fe and Ichetucknee Rivers (LSFIR) and Priority Springs Minimum Flows and Levels (MFLs)

The Florida Ground Water Association (FGWA) is a member-based organization established 89 years ago that represents hundreds of Water Well Contractors in the State of Florida. Our mission is to provide professional and technical leadership in the advancement of the ground water industry and in the protection, the promotion, and the responsible development and use of ground water resources in the State of Florida. We protect users of water wells and advocate for property owners' rights to have access to water using a well.

The Florida Ground Water Association (FGWA) is writing to express our concern and opposition to the proposed **regulatory strategy and new rules to restore the Lower Santa Fe and Ichetucknee Rivers, specifically prohibiting new private residential irrigation wells.** We believe this rule is not in the best interest of property owners, water well contractors, and small businesses. We urge the agency to remove the proposed section of the rule prohibiting the construction of new Floridan Aquifer irrigation wells for private residences for the following reasons:

1. Limitations Not Just

This rule continues to allow public supply, municipalities, agriculture, golf courses and commercial use of the water if an impact offset plan is presented, however, private residential irrigation wells are banned. In both instances the water comes from the same source; the Floridan aquifer.

Property owners have historically had the right to access and utilize natural resources found on their land, including water. This regulation infringes on those rights by restricting homeowners' ability to drill wells for irrigation purposes. Limiting access to the aquifer undermines long-standing rights and self-sufficiency.

Restricting access to private wells could reduce the overall value of properties, especially those with large landscapes, gardens or agricultural uses. Property owners are often required by their HOA, zoning, and/or community to irrigate their property. Prospective buyers may see the inability to drill a well as a limitation on the property's potential and utility.

FLORIDA GROUND WATER ASSOCIATION

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2. Environmental Impacts

Private irrigation wells have a much smaller environmental footprint than municipal, agricultural, industrial, or commercial use. The regulation is unnecessarily restrictive for residential users who draw relatively small amounts of water compared to larger users mentioned above. Not allowing private residents to drill their own well will require them to use a municipal well or public water system. Drawing all irrigation water from a single source well will increase the cone of depression around these wells and negatively impact water levels.

Water from a well is better for irrigation because it is lower quality than water treated to public supply standards. Contractors do not recommend that their customers run treated water to their irrigation systems.

3. Financial Burden and Small Business Impact

The regulation could result in significant financial strain for property owners who are forced to connect to public water systems. These systems often come with higher utility rates and installation fees, making it more expensive than maintaining a private well. This could disproportionately affect homeowners in rural or lower income areas, where access to such infrastructure may not be readily available or affordable.

This rule will greatly impact small businesses, leading to a substantial loss of income for Water Well Contractors and other small business, while increasing income for municipalities. Again, in both instances the water comes from the same source; the Floridan aquifer.

4. Enforce Current Rules

Is there a way to expand upon the current rule and how that may be a better solution? An alternative solution to tracking irrigation is to enforce current rules, which would require additional staff and provide job opportunities to the State. The Florida Ground Water Association has been lobbying for better enforcement for several years.

For the reasons explained above, the Florida Ground Water Association opposes DEP's current proposed rule language for 62-42.300 Minimum Flows and Levels and Recovery and Prevention Strategies as published in the Lower Santa Fe and Ichetucknee Rivers Minimum Flows and Levels Rule Development Workshop Draft Regulatory Strategy on July 31, 2024. This regulation attempts to protect the Floridan Aquifer, but does so at the expense of property rights, financial fairness, and practical water access for individual homeowners. The FGWA strongly urges the agency to reconsider the adoption of this proposed rule, as its negative consequences outweigh its perceived benefits.

Thank you for considering our comments. We would be happy to provide further information or clarification if needed.

Sincerely,

Florida Ground Water Association Board of Directors
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