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From: "SSJ SierraClub" <ssjsierra@gmail.com>
Subject: Draft regulations for Minimum Flow Levels (MFL) compliance
Date: Oct 22, 2024 at 8:01:06 AM
To: "OWP_Rulemaking@floridadep.gov" <OWP_Rulemaking@floridadep.gov>

EXTERNAL MESSAGE
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o Whom It May Concern,

Florida’s water resources, like those across the U.S., are under severe strain, and consumptive use permits exacerbate the problem. While the U.S. has vast water reserves, they are not limitless. Florida’s Floridan aquifer, a crucial water source, has seen water levels drop by 60%, and the threat of saltwater intrusion is growing as freshwater is depleted. Over-extraction for agriculture, which consumes 1.5 billion gallons daily, further threatens water security. Climate change and rising sea levels increase the pressure on Florida’s water supply. Without urgent reforms and reductions in water consumption, the consequences could be devastating, impacting millions.

The Florida Department of Environmental Protection's (DEP) draft regulations for Minimum Flow Levels (MFL) compliance reveal significant shortcomings in protecting Florida's springs and aquifers. The primary flaw lies in the DEP’s reliance on riverine MFL compliance points, which disregards the health of individual springs, as noted by experts like Dr. Sam Upchurch. This approach undermines the very essence of 373.042, F.S., which mandates proper protection for springs, not just rivers.

The delayed timeline for achieving offsets—up to 20 years for existing consumptive use permits (CUP)—further exacerbates this issue. By allowing such lengthy grace periods, DEP postpones meaningful restoration efforts, essentially kicking the can down the road until 2046. This is particularly alarming given the worsening water crises driven by over-extraction and climate change.

Another glaring issue is the loophole allowing permittees to increase their Base Condition Water Use (BCWU) under the claim of "non-representative operations," which could artificially inflate water allowances and further strain resources. The vague timelines for "new uses" permittees, particularly the Group A classification, allow excessive delays in addressing water overuse, with potential deadlines pushed to 2051.

The proposed Temporary Allocations further complicate matters by introducing inconsistencies and confusing application processes, making it unclear when and how offsets will be enforced. Overall, the DEP’s strategy lacks the urgency and specificity needed to address Florida's critical water shortages, instead favoring regulatory delays that could further endanger vital freshwater resources.

The Sierra Club Suwannee-St Johns Group advocates for strong, clear, and enforceable water regulations that prioritize the protection of Florida's springs and aquifers over industry convenience. The current DEP draft, with its vague language, lengthy delays, and exploitable loopholes, fails to provide meaningful safeguards for Florida's critical water resources. To ensure sustainability, regulations must be transparent, grounded in science, and enforce immediate action, not extend deadlines for decades. The Sierra Club urges the DEP to adopt a strategy that holds all water users accountable, closes loopholes, and truly protects Florida’s freshwater ecosystems from over-extraction and irreversible harm.

Respectfully,

Sarah Younger

Sierra Club Suwannee-St Johns Group

Executive Committee