

December 9, 2015

Dear Senate President Gardiner, House Speaker Crisafulli, and Florida State Senators and Representatives:

After two full legislative sessions have come and gone without the promised water policy legislation so desperately needed to restore Florida's water resources, identical water bills in the House and Senate have been filed for the 2016 legislative session.

In 2014 and 2015 the legislature failed to pass Senator Charlie Dean's Florida Springs and Aquifer Protection Act. Subsequent legislative proposals, including these identical bills, lack many of the provisions that Senator Dean sought for the restoration of the state's springs and add provisions detrimental to our state's water resources and the public welfare. Various regulated industries, agriculture, and their lobbyists are leading a retreat from a policy of protecting state waters featuring meaningful and reasonable regulation to legislation that relies primarily on the tools that have failed to clean up Florida's water for decades. While these bills include some improvements, many of them are undermined by loopholes.

We, **the 106 undersigned organizations and businesses**, urge you to enact legislation that ensures conservation, long-term protection of our springs, rivers, estuaries and aquifers, and rapid restoration of the state's despoiled waterways.

We have reviewed the proposed changes to current Florida water policy and have identified incremental advances but also numerous provisions that confer special advantage on particular industries and needlessly forestall necessary action to protect and restore Florida's impaired waters. Amendments are needed to address our significant concerns which include:

- The failure to establish water conservation as a priority, despite its being the more cost-effective and sustainable alternative to increasing the state's supply of water.
- The absence of deadlines for the adoption of critical regulatory tools designed to restore water quality in already impaired waters:
  - No deadlines for setting Total Maximum Daily Loads (TMDLs) for nutrients even though nitrogen and phosphorous are the most destructive pollutants throughout the state.
  - No deadlines for the adoption of Basin Management Action Plans (BMAPs) for waterways except those designated as Outstanding Florida Springs. Ambitious deadlines coupled with effective enforcement mechanisms are the only way to ensure the health of Florida's water resources and to protect the interests of the public.
- Delayed targets for achieving Minimum Flows & Minimum Levels (MFMLs) and TMDLs (20 to 32 years) allow the ongoing degradation of Florida's waters to continue, making restoration more difficult and costly for future generations.

- Planning to meet the water supply needs of the future requires knowing how much water is being used today. All groundwater withdrawals of more than 100,000 gallons per day should be monitored.
- The unmodified current standard for setting MFMLs, “the limit at which further withdrawals would be *‘significantly harmful’* to the water resources or ecology of the area,” ensures that our springs, rivers and lakes are harmed before meaningful action is taken to protect them. Previous versions of these bills amended the standard to simply “the limit at which further withdrawals would be *‘harmful’* to the water resources or ecology of the area,” a standard that is more protective of our waters.
- The removal of the South Florida Water Management District’s (SFWMD) Works of the District (WOD) permitting program, a cost effective pollution prevention tool, from being used in the Northern Everglades and Estuaries Protection Program (NEEPP). Absent the WOD, the only regulatory tool that remains are the BMAPs, which by design, are reactive to an established pollution problem.
- The diminished autonomy of Water Management Districts in water use and planning decisions. Any water management district denial of a water-use permit because of an MFML triggers a costly review of the district’s water supply plan by the Department of Environmental Protection (DEP); compelling districts already strapped for resources into approving permits that should not be approved.
- Private interests would receive the benefit of public funds spent with no assurance of cost-effectiveness. For example, the Central Florida Water Initiative plans include surface water withdrawal projects that total nearly \$1.8 billion, to be paid for with tax dollars and implemented and operated by private companies; this represents a massive transfer of public money to private pockets.
- The significant threat posed by calling for reductions in “damaging discharges to tide” without defining or distinguishing between “damaging” discharges, for example those from Lake Okeechobee into the St. Lucie estuary, and those discharges to tide that are critical to maintaining the delicate fresh/salt water balance in other Florida estuaries and fisheries. All discharges of freshwater to tide are not created equal.
- The authorization given to Water Management Districts for the inter-basin transfer of water and to make water-allocation decisions beyond their jurisdictional boundaries, for example, could allow water withdrawn from the St. Johns River to be piped to Southwest Florida Water Management District consumptive users.
- The completely unnecessary changes to urban fertilizer regulation standards that could severely diminish the ability of a local government to adequately address sources of pollution-laden stormwater runoff.

The legislation does not satisfy the needs of our water resources or of Florida’s current and future generations. In addition, the bills neglect many opportunities for proactive policy. We

urge you to choose policies that are in the public interest. Florida's residents and visitors need clean and plentiful water. It is the linchpin of our economy; agriculture, tourism, recreational and commercial fishing, and development all need it. Ensuring a clean supply costs money; doing the job incorrectly costs more.

Make good on your promises and lead the state where it needs to go. Your choices, on how and whether to safeguard the resources upon which the state's future depends, will be your legacy.

Sincerely,

***1000 Friends of Florida***

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***Alachua Audubon***

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***Apalachicola Riverkeeper***

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***Audubon Society of the Everglades***

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***Miami Waterkeeper***

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***National Wildlife Federation***

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