

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***

Ryan Smart, President

***Airboat Rides At Midway***

Derrick Lockhart, Owner

***Alachua Audubon***

Anne Casella, President

***Anglers for Conservation***

Rodney Smith, President

***Apalachicola Riverkeeper***

Craig Diamond, President

***Audubon Society of the Everglades***

Paton White, President

***Billie Jo's Care More, LLC***

Billie Jo Benedict, Owner

***Biosphere Consulting***

Jim Thomas, Owner

***Brevard NOW***

Vicki Impoco, President

***BullSugar.org***

Kenny Hinkle Jr., President

***Byrd Law Group, P.A.***

Christopher T. Byrd, Esq., Principal

***Caloosahatchee River Citizens Association***

Ray Judah, Board Member

***Camelot Technology Integration***

Gayle M. Ryan, Owner

***Center for Biological Diversity***

Jaclyn Lopez, Florida Director

***Center for Earth Jurisprudence***

Pat Siemen, OP, Esq., Director

***Chassahowitzka River Restoration Committee***

Brad W. Rimbey, Spokesman

***Citizens for an Engaged Electorate***

Drollene Brown, Co-founder

***City of Seminole Community Garden***

Mary Ann Kirk, Garden Secretary

***Clean Water Action***

Kathleen E. Aterno, National Managing Director, Florida Director

***Coastal Angler Magazine Franchising, Inc.***

Rodney Smith, Publisher

***Concerned Citizens of Bayshore Community***

Steve Brodtkin, President

***Conradina Chapter of the Florida Native Plant Society***

Suzanne Valencia, President

***Cry of the Water***

Dan Clark, President

***“Ding” Darling Wildlife Society***

Doris D. Hardy, President

***E. Allen Stewart III P.E. Environmental and Engineering Consultant***

E. Allen Stewart II P.E., Owner

***Earth Ethics, Inc.***

Mary Gutierrez, Executive Director

***EarthWeb Foundation, Inc.***

Josephine Balzac, Chief Environmental Officer

***Eco-Action, Inc.***

Jef Shelby, Executive Director

***Emerald Coastkeeper***

Chasidy Fisher Hobbs, President

***Environment Florida***

Jennifer Rubiello, State Director

***Environmental Confederation of Southwest Florida***

Becky Ayeck, President

***Florida Clean Water Network***

Linda Young, Executive Director

***Florida Consumer Action Network***

Susan McGrath, Executive Director

***Florida Defenders of the Environment, Inc.***

Thomas Hawkins, Executive Director

***Florida Native Plant Society***

Anne C. Cox, President

***Florida Water Conservation Trust***

Terry Brant, Legislative Chairman

***Florida Wildlife Federation***

Manley K. Fuller, President

***Friends of the Everglades***

Alan Farago, President

***Friends of St. Sebastian River - Roseland, Florida***

Tim Glover, President

***Friends of Warm Mineral Springs, Inc.***

Juliette Jones, Director

***Friends of the Wekiva River***

John Pottinger, President

***Friends Talking Faith (on WMFE 90.7 FM)***

Rabbi Steve Engel, Imam Muhammad Musri, Rev. Bryan Fulwider, Co-hosts

***Hernando Environmental Land Protectors***

Chuck Morton, Vice President

***Homosassa River Alliance***

Ron Schultz, President

***Howard T. Odum Florida Springs Institute***

Robert L. Knight, Ph.D., Director

***Ichetucknee Alliance***

John Jopling, President

***IDEAS For Us***

Clayton Louis Ferrara, Executive Director/CEO

***Indian River Democratic Executive Committee***

Debra Messer, Environmental Chair

***Indian Riverkeeper***

Marty Baum, Riverkeeper

***Interfaith Council of Central Florida***

James Coffin, Executive Director

***Isaac Walton League of America***

Scott Kovarovics, Executive Director

***Florida Division of the Izaak Walton League of America***

Michael F. Chenoweth, President

***Kuhl Photo Art***

Gary Kuhl, Owner

***Lake Area Water Alliance - Keystone Heights***

Jackie Host, President

***Last Stand***

Mark Songer, President

***League of Women Voters of Florida***

Pamela Goodman, President

***League of Women Voters Seminole (LWVS)***

LaVonne W. Grayson, President

***Lobby For Animals***

Thomas Ponce, Founder

***Marine Resources Council***

Leesa Souto, Ph.D., Executive Director

***Martin County Conservation Alliance***

Donna Melzer, Chair

Maggy Hurchalla

***Martin County Florida Native Plant Society***

Ellen Broderick, President

***Matanzas Riverkeeper***

Neil A. Armington, Riverkeeper

***Miami Waterkeeper***

Rachel Silverstein, Ph.D., Executive Director & Waterkeeper

***National Wildlife Federation***

David Muth, Director, Gulf Restoration Program

***Our Santa Fe River Inc.***

Pamela Smith, President

***Paddle Florida***

Bill Richards, Executive Director

***Palm Beach County Reef Rescue***

Ed Tichenor, Executive Director

***Paradise Swimwear of Jupiter, FL***

Lee Webber, Owner

***Partnership for a Sustainable Future***

Maureen Rupe, President

***Pelican Island Audubon Society***

Richard Baker Ph.D., President

***PRC Digital Media***

Ray Hays, President

***Preserve Brevard***

Vince Lamb, Chairman

***Preserve Our Environment***

Mary Hampton, Co-Founder/Member

***Progress Florida***

Mark Ferrulo, Executive Director

***Putnam County Environmental Council***

Timothy Keyser, President

***Rainbow River Conservation, Inc.***

Burt Eno, RRC President

***Rebah Farm***

Carol Ahearn, Owner

***Reef Relief***

Tricia Coyne, Vice President of the Board of Directors

***Rights of Water (ROW)***

Jane Durocher, President

***Rum 138 – Ft. White, FL***

Doug Jipson and Merrilee Malwitz-Jipson, Owners

***Santa Fe Audubon***

Joyce King, President

***Santa Fe Lake Dwellers Association, Inc.***

Jill McGuire, President

***Save the Manatee Club***

Katie Tripp, Ph.D., Director of Science and Conservation

***Seminole United Methodist Church Community Garden***

Robert Huttick, Garden Coordinator

***Sierra Club***

Frank Jackalone, Senior Organizing Manager

***Frank J. Solinko, R.L.A.***

Frank J. Solinko, Florida Registered Landscape Architect / Consultant

***South Florida Audubon Society***

Doug Young, President

***Southwest Florida Watershed Council***

John Cassani, Chairman

***Space Coast AFL-CIO***

Karen Houston, Field Staff



***Space Coast Progressive Alliance***

Philip E. Stasik, President

***Speak Up Wekiva***

Chuck O'Neal, Director

***Spotted Tail Fishing Charters***

John Kumiski, Captain

***Springs Eternal Project***

John Moran and Lesley Gamble, Co-directors

***St. Johns Riverkeeper***

Lisa Rinaman, Riverkeeper

***START – Solutions To Avoid Red Tide***

Sandy Gilbert, Chairman

***Stonecrab Alliance***

Karen Dwyer, Ph.D. and John P. Dwyer, Ph.D., Co-founders

***Storm King Adventure Tours, LLC***

Kristin Seiz, Owner

***Suncoast Waterkeeper***

Justin Bloom, Executive Director

***Sustainable Tallahassee***

Tom Cordi, President

***SWFL Diving Association***

George Dupree, President

***The Guardians of Martin County, Inc.***

Greg Braun, Science Advisor

***Treasure Coast Progressive Alliance***

Sharon Lux, President

***Tropical Audubon Society***

Laura Reynolds, Executive Director

***W.A.R., Inc.***

Dan Hilliard, President

***West Volusia Audubon Society***  
Stephen Kintner, Conservation Chair

***WWALS Watershed Coalition, Inc.***  
John Quarterman, President