

A Community Movement

October 1, 2019



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Environmental newspaper staff writers gravitate toward OSFR board member Merrillee Malwitz-Jipson when they need information and here is an example.

We must note that if this amendment were to pass, then this would be a legal avenue. No corporation would have the right to damage or diminish the well-being of the Santa Fe River. Discussion in the article below shows uncertainty as to the future success of this concept, but where there is no

uncertainty is that our current laws are absolutely not working. As time goes on the river, springs, and aquifer decline. Our politicians refuse to stop because of human greed. We still have hope.

[Read the rest of the article at this link in the Gainesville Sun.](#)

Comments by OSFR historian Jim Tatum.

-A river is like a life: once taken, it cannot be brought back-

Santa Fe River 'rights' advocates collect petition signatures

By [Cindy Swirko](#)

Posted Sep 28, 2019 at 6:48 PM

Proponents say a county charter amendment will give them legal standing to challenge projects. Opponents say it is not needed and could lead to overreach.

Alachua County advocates for an initiative that would give the Santa Fe River, its springs and the aquifer legal rights of protection have collected about 16 percent of the signatures they need by late February to get the measure on next year's general election ballot.

The "bill of rights" would give county residents the legal standing to challenge projects that could degrade the river, such as phosphate mining or large-scale development, on behalf of the river.

“Citizens would be a voice for the river. What we’re finding when we discuss it with the public is that it is a community movement because it is language that none of us really have yet,” said Merrillee Malwitz-Jipson, a board member of Our Santa Fe River. “Any land use impact that has the potential to impact the Santa River as a whole could potentially be challenged by a citizen under this.”



Merrillee
Malwitz-
Jipson

Malwitz-Jipson said the bill could also give residents standing to challenge any new permits from the Suwannee River Water Management District allowing bottled water companies to tap springs along the river – a big issue with Nestlé Water wanting the renewal of a permit to pump water from Ginnie Springs....

Charles Shinn, director of government and community affairs for the Florida Farm Bureau, believes a Santa Fe bill of rights would be challenged if it passes – though not necessarily by a farmer...

If the backers get the 18,094 signatures needed by Feb. 22, Alachua County voters will decide in the November election if the county charter should be amended to include the bill of rights.

The [petition](#) states the river “possesses rights including, but not limited to, the right to naturally exist, flourish,

regenerate and evolve.”

It also states that residents have “the right to a healthy, flourishing, Santa Fe River; the right to pure, clean, unpolluted water.”

The amendment would give residents standing to file suit against a government agency for the approval of projects that could damage the river system.

If voters approve the amendment, the County Commission will create policies, codes and ordinances that specify what constitutes a violation.

Commissioner Robert Hutchinson said that would be done through changes to the county’s comprehensive land use plan.

But Hutchinson is uncertain about how successful challenges to a proposed development or industry will be in court.



Hutch
Hutchinson

“I think it is going to be successful in getting the county government to do certain things,” Hutchinson. “I’m less sure of how this will fare in courts – if it comes to litigation, whether the courts will say it doesn’t really give more standing for people or enable somebody to go after local or state government in part because of principals of sovereign immunity and others.”

Sovereign immunity limits the ability of people to sue a government and limits damages that can be gotten.

Hutchinson said he supports the amendment even though it could enable a suit against the county for failing to take action to protect the river. He used as an example the county allowing the use of septic tanks in new homes along the river – a prohibition would be good for the river but creates issues of private property rights....

The Suwannee River Water Management District also believes programs that are in place are effective. Those include the setting of minimum flows and levels for the river and its springs and a protection and recovery plan for the river.

Amendment advocates say the measure is aimed at business practices and government, not individual homeowners.

They argue that protections now in place are not working and are not enough, citing the continued degradation of the river, reduced flow in the springs and other issues as proof.

“Amending the county charter – to recognize the right of the river to naturally exist and the right of the people and communities to a healthy river – is driven by the recognition that Florida’s current political paradigm is both harming the river and robbing the future,” environmental photographer John Moran said in an email.

*Photo by Brad McClenny, Sun.