

Jim Gross: Water Wars? Delaying Real Action Is Reckless Policy

April 16, 2017



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The continuing demise of Silver Springs and the reasons why are well documented. The St. Johns River Water Management District perhaps illustrates best the egregious bad management of our state's water resources. Ethical charges of corruption have been leveled at the governing board chair John Miklos, lawsuits have been filed and lost by environmentalists, competent

scientists have reportedly been fired for doing a good job, millions of taxpayers' money have been spent to study problems to which the district already knows the solution, Administrative Law Judge E. Gary Early declares one individual's over-pumping of the springshed, reducing the spring's flow in order to make money, is in the public interest. Meanwhile the flow continues to drop and the district continues its failed approach.

OSFR advisor Jim Gross has written the following opinion piece today April 16, 2017 in the [Ocala Star Banner.](#)

Comments by OSFR historian Jim Tatum.

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Sunday

Posted at 2:01 AM



Jim Gross

Florida's Water Resources Act of 1972 was revolutionary. It transformed the state's hodgepodge of archaic water law into a systematic framework for sustainable water management.

The act created Florida's water management districts and directed them to establish minimum flows and levels. Minimum flows and levels, or MFLs, are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of an area.

Progress toward establishing MFLs has been painfully slow. Ironically, Florida would be better off now if progress ground to a complete stop. Pursuant to recent legislation, Florida is now establishing "emergency" MFLs. If you thought the earlier MFLs weren't living up to their name, you certainly won't like the new emergency MFLs.

The old MFL for Silver Springs led the St. Johns River Water Management District to tell Frank Stronach he couldn't have a permit for his cattle operation. That was just three years ago. The new MFL allows Stronach's increased withdrawals and more. The district's explanation for this about-face is part mumbo jumbo and part shell game.

Let's start with the mumbo jumbo. The district tells us that Silver Springs is impaired by excessive nutrient pollution. Government agencies have known this for years, but have done little or nothing to stop it. The district reports that the pollution has clogged the spring run with excessive aquatic vegetation. It also acknowledges that insufficient grazers may be contributing to the excessive aquatic vegetation problem, which it says is backing up water and causing higher water levels in the spring run.

But here's the catch. What if we are able to fix the nutrient pollution problem? What if we are able to breach Rodman Dam, restore a free-flowing Ocklawaha River, and restore the number and diversity of animal species in the Silver River? Might we not expect the excessive aquatic vegetation to diminish and

eventually return to natural levels?

The district's proposed emergency MFL for Silver Springs requires the continuation of an ecologically undesirable status quo. In order to keep water levels in the spring run high enough to meet the MFLs, we must continue the excessive nutrient pollution of the spring. We must run contrary to all previous studies by state and federal agencies that recommended restoring a free-flowing Ocklawaha River. The MFLs require perpetuating a situation that is significantly harmful to water resources and the ecology of the area.

Now let's turn to the shell game. Groundwater pumping in Marion County alone was 85 million gallons per day (mgd) in 2005, according a 2007 report co-funded by the St. Johns River Water Management District. However, contrary to what the district would have you believe, the springs in Marion County are impacted not just by pumping in Marion County. They are impacted by wells tapping the Floridan aquifer over a much broader area.

The U.S. Geological Survey reported that groundwater pumping in Marion County and just the counties that share a border with Marion County was 343 mgd in 2010. Is it reasonable to believe that discharge to Silver Springs had been reduced by only 17 mgd in 2010, according to the district's groundwater flow model?

The shell game can likely be found within arcane elements of the district's groundwater flow model. But the district is not letting us see all the details, because a portion of their model code is proprietary. So much for transparency in government.

The district technical staff report for Stronach's permit admits that the proposed emergency MFL for Silver Springs cannot be achieved with withdrawals the district has already permitted. With or without Stronach's permit, the MFLs bust in 2024, just seven years from now. The public water supply utilities with

permits before Stronach are not going to be happy when they lose portions of their permitted quantities of groundwater.

Current interpretation of Florida water law appears to be such that water management districts must issue permits for water, even if they have already permitted more withdrawals than MFLs allow. The districts are knowingly permitting increased withdrawals to new users even though the increased withdrawals will interfere with existing users such as utilities that have permits and capital investments in facilities for increased withdrawals they need in the near future.

The districts justify this nonsense by declaring they will create “a prevention strategy,” or if needed, “a recovery strategy.” Look around the state for examples of how well these strategies are doing. It’s not a pretty picture.

We are setting ourselves up for intense competition for water supplies. We are headed for water wars, perhaps on an unprecedented scale. The Water Resources Act was designed to avoid this very thing. We need to return to the original intent of the 1972 legislation.

– Jim Gross is executive director of the Gainesville-based Florida Defenders of the Environment.

*Alan Youngblood/ staff photographer