

WITHLACOOCHEE AREA RESIDENTS, INC.

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INGLIS, FLORIDA 34449-0350

4 April 2012

To: Ms. Veronica Crow
Environmental Manager
Natural Systems & Restoration
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604
Veronica.Craw@watermatters.org

From: Dan Hilliard
Director
W.A.R., Inc.
PO Box 350
Inglis, FL 34449
2buntings@comcast.net

Subject: Gum Slough MFL

Dear Ms. Crow,

WAR, Inc. is deeply appreciative of the Southwest Florida Water Management District's (District) commitment and the courtesy extended to stakeholders in this very important review. The Withlacoochee Riverine System and Lakes are designated by the State as Special Waters and such systems which define this region are of very high economic value. Gum Slough is designated as Outstanding Florida Waters (OFW) and likewise provided special protections by Florida Statute and Administrative Code. Because the health of Gum Slough directly relates to downstream impacts on the Withlacoochee River we have a deep and abiding interest in this process. Numerous preserves, sanctuaries and large tracts of state lands are found in and around this riverine system which influences coastal estuaries and inshore waters, which also are designated as OFW.

Such waters and other State coastal resources contributed in excess of \$580 Billion dollars to Florida's gross product according to the Florida Department of Environmental Protection (Department) 2008 Integrated Water Quality Assessment (305b/303d). A narrower scope of review for economic contribution of inland waters suggests amounts in the range of \$20 Billion which we suspect to be very conservative. Economic activities founded on such resources that define this region are of critical importance to the public Health, Safety and Welfare.

WAR recognizes the legislative mandate that prompts the District's action concerning the subject systems. We are mindful of the District's Areas of Responsibility (AOR), likewise required by statute. Protection of the citizen's water resources is intrinsic to our future prosperity. We are of the considered opinion the District has sufficient direction, latitude and expertise to satisfy these requirements and protect the water resources under review. The following debate focuses not on the need to be compliant with statute, but rather the fashion of that compliance.

The District has consistently defined "significant harm" as that threshold which limits degradation of state waters caused by ground water or surface water withdrawals as 15% loss of habitat. We note that

numerous Peer Review Reports on various MFL technical reviews have referred to this as an arbitrary standard. This definition implies that further degradation of state waters is acceptable, a point upon which we disagree.

We are at a loss to understand such rationale when applied to waters that already suffer damage resulting from reduced flows or water chemistry degradation. We recognize that rainfall is a significant component of the health of natural systems and waters of the state, but at the same time realize that a very large portion of degradation to our waters stem from anthropogenic factors. We find no provision of statute which sets water supply as a higher priority than the District's other Areas of Responsibility. The core issue is societal interests. We firmly believe the State's first and foremost responsibility is to present day Citizens.

On the matter of the Gum Slough technical review there are several points with which we are concerned.

1) As described in the report the system generates wide extremes of flow volume. However, the Peer Review Report describes high peaks in system discharge as rare. The Draft Report (Draft) recommendations suggest that 9% flow reduction will not cause significant harm, this based on average flow of 98 CFS. We note the data record is very small. We suggest that more prudent evaluation would focus on low flow rate scenarios in this system as a base line, such circumstances being much more common. The District revisits MFL rules periodically and has the latitude to amend this rule at a later date.

Large portions of wetlands habitat described in the Draft are apparently very closely confined in specific elevation ranges upgrate from the stream bed. We are concerned that such confined habit range will be adversely impacted by cumulative and/or incremental reductions of flow supported by the Draft recommendations. Wetland habitats are of critical importance to the maintenance of water quality in this system and the state in general. They serve great benefit to diverse natural ecosystems, flora and fauna. Were wetland habitats related to this system more dispersed over shallower gradients this might not concern us, but such is not the case.

2) The Peer Review Report found the water chemistry segment of the Peer Review Draft as the weakest portion of the document and pointed to two components poorly founded. We are concerned such occurrence undermines the credibility of the report substantially. The Peer Review Draft also noted that chemistry data was collected from but a single vent in the array of vents that drive this system. We would be more comfortable with analytical review of broader and more accurate substance.

3) District staff maintains that the MFL rules which may be adopted in this and other proceedings before the Governing Board do not have an effect on water quality. While it is true that this rule does not permit withdrawals, it defines the limits which, by the District's definition, will posit harm on this system. The Draft states that elevated levels of nutrient pollution in this system likely originate from the Marion Oaks development which lays to the northeast of the spring vents. It is a rational conclusion. Given two options, one being a 0% flow reduction or implementation of a recovery strategy, and a second which provides a limited basis for more development in the basin, it is absolutely certain that the first option will curtail further increases of nutrient loads and the latter will increase them.

The District does not have sufficient data sources to clearly determine non-point source pollution contribution origins to the system at present and it is not clear such data will be available at a later date. Lacking such information does not mean we can ignore the issue however, and non-point source water pollution is very much a component of state and federal statute. We contend that subsequent permits

in this basin which increase water withdrawals will increase nutrient loads and thus precipitate greater magnitudes of water quality violations. Such withdrawals will reduce spring outflow and impact wetlands adversely.

Lastly, the Gum Slough MFL rule development is but a single component of the greater Withlacoochee River system review. We understand this is a very large and complex undertaking. The implications related to the Rule(s) which will be developed are significant. A single pointed question asked many times by our members and neighbors here on the Lower Withlacoochee River is this: Why are the upper segments of the river being evaluated first? Lay logic is such that it seems appropriate to determine how much abuse the Lower River and associated estuaries can stand before making determinations about what individual upstream components of this system can support. We have as yet not received a cogent reply on that point.

A simple illustration of the point of this question is founded on the riverine system morphology. The Rainbow River is a major source of water supply to the Lower River during low flow scenarios. It is also the primary contributor of nutrient loads to Lake Rousseau and the Lower River. Withdrawal of surface water or ground water in the watershed basin upstream of Rainbow River will surely act to elevate nutrient concentrations in the Lower Withlacoochee River. Such potential is part and parcel of plans under development by the Withlacoochee Regional Water Supply Authority.

This river is a connected system in a basin of approximately 2,200 square miles. It is not, nor does it function as a collection of independent components. We view the MFL Rules development for this system as a component of broader actions contemplated by the District which may have profoundly adverse impact on the Lower Withlacoochee River. We are requesting all diligence appropriate from the District to insure that each aspects of the technical review for this riverine system are evaluated to promote the best interests of the citizens.

Thank you for your consideration of these concerns and recommendations.

Respectfully submitted for W.A.R., Inc.,

A handwritten signature in cursive script that reads "Dan Hilliard".

Dan Hilliard
Director
352/447-5434

From: [2buntings](#)
To: [Doug Leeper](#)
Cc: [Ron Basso](#); [Gary E. Williams](#); [Jason Hood](#); [Veronica Crow](#); [Withlacoochee Area Residents, Inc.](#); [Bob Knight](#); [brad](#); [Sally Price](#); [Cathy Harrelson](#)
Subject: MFL Doc
Date: Thursday, April 05, 2012 11:22:38 AM
Attachments: [Gum Slough position brief.pdf](#)

Hi Doug,

Appreciate the District hosting the workshop last night on the Gum Springs MFL and was quite pleased by the turnout. For the record, I'm neither a scientist or Presbyterian.

I know some of the discussion was frustrating at times, but without the debate no good would come from the process. I found myself particularly amused by the sparse application of what is commonly referred to as colorful language (not personalized). I considered it a succinct expression of frustration felt by many in Florida regarding water resources.

I have given up trying to keep up with office/department assignments of personnel in SWFWMD since the hot winds emanating from Tallahassee have wrought so much havoc among employees in the District. If you know who your boss is today I'm trusting the attached document will find it's proper place in historical archives. Generally speaking, and this perspective results from the aftermath of last night's presentation by staff, we will stand by the contents though I think a couple of expressed points were addressed.

We would like to suggest the premise of revisiting the recommended rule for Gum Springs as explained last evening be shortened to 5 years. As expressed in our letter we think it sound policy to zero the allowable withdrawals from the spring shed due to scant data, and take a second look down the road. We do think the District has the latitude and obligation to protect against zero flow scenarios in regional springs. I don't believe anyone is expecting an overwhelming growth in water supply demand until the present economic debacle is favorably resolved in any case.

In the last few paragraphs of the attached letter we opine that perhaps the cart is in front of the horse insofar as the Withlacoochee system is concerned. If I understood Ron Basso's discussion last night he indicated that rather than regulating the various segments of the System independently they would be done so collectively with the most vulnerable segment acting as prevailing measure of significant harm. Please let me know if I understood that correctly. If so I would be pleased to amend the State OFW sign for the Lower River on the US19 bridge to include phrasing something like "Sphincter of the Withlacoochee". That may not be the most appropriate phrasing, but it is sufficiently descriptive. I could work on that verbiage with local Chambers of Commerce.

As noted last night and to a degree reflected in the Peer Review Draft, elements of the BOR are significant to us. The River segment below the Inglis Spillway was graphically damaged by the construction of the CFBC and we have many residents and members old enough to remember pre-CFBC days. Top of our list of issues is the lack of scouring and accumulation of sediments etc which present as a continuously developing degradation. We cannot conceive any benefit accruing from further flow reductions which will result from upstream withdrawals. It is a

situation that can be partially mitigated, and should be at the earliest opportunity.

Thanks for your time!

Regards,

Dan

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Dan Hilliard

Director

W.A.R. Inc. (501.C3)

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WWW.WARINONLINE.COM

The water won't clear up until you get the pigs out of the creek.