

*****EARTHJUSTICE NEWS RELEASE*****

Famous Florida Spring-Fed Rivers Protected

Administrative Court Decision Will Protect Ichetucknee, Santa Fe Rivers

September 11, 2014

FOR IMMEDIATE RELEASE

CONTACT: David Guest or Alisa Coe, Earthjustice Attorneys: (850) 681-0031
Lucinda Faulkner Merritt, Ichetucknee Alliance: (386) 454-0415
Cathy Street, Ichetucknee Alliance: (561) 214-2108

TALLAHASSEE – The Santa Fe and Ichetucknee Rivers – which draw tourists from around the world to kayak, tube, and fish in North-Central Florida’s spring-fed waters, will get more protection from overpumping and pollution due to an administrative court ruling today.

“It is hard to believe that our leaders wanted to allow the water that flows from the famous Ichetucknee Spring and the other bubbling springs in the region to be pumped away,” said Earthjustice attorney David Guest. “This is one of the most valuable stores of fresh water on the planet, period. This important ruling is the first step toward restoring it.”

In an administrative challenge filed on behalf of the citizen group Ichetucknee Alliance, Earthjustice challenged the Florida Department of Environmental Protection’s new rules governing “minimum flows” in the Lower Santa Fe and Ichetucknee Rivers and their many springs, just north of Gainesville.

“This is a win for the people. We believe that the public has a basic right to clean and abundant water, which this region has naturally enjoyed for hundreds of years because there are so many freshwater springs,” said Earthjustice attorney Alisa Coe. “This ruling protects that right. The alternative is a free-for-all grab by interests lining up to get permits to pump the remaining water from our springs and rivers.”

The challenge contended that the point of Florida’s “minimum flows” requirements is to make sure that the needs of a natural system are met (things like recreation, fish and wildlife) before the government gives anyone a permit to pump more water. When these minimum flows are reached, a restoration plan is supposed to go into effect to restore healthy flows. The state’s rules, which only maintained the status quo, didn’t take into account the massive amount of pumping that’s gone on in the region.

“Let’s say we have a jug of water that’s two-thirds empty already,” Guest said. “The state’s rules started by divvying up the water that’s left in the bottom third of the jug, without recognizing that the whole jug needs to be filled back to the top before we would start giving

out more permits to use the water. That doesn't make sense, and that's why we filed this challenge. ”

Even though the state acknowledges that the Lower Santa Fe and Ichetucknee Rivers are already below the minimum flows that the natural system needs, the DEP's rules “grandfathered” current permit holders for up to 20 years, and even allowed them to increase the amount of water they can draw. The rules also allowed the state to give out new permits to draw even more water out of a system which the state has already defined as overtaxed. And, incredibly, the DEP wrote these rules that divide up the area's “water pie” without even knowing how much water the existing permitted users are actually pumping. In the past, the state didn't require metering of water use.

The state's rules also would have allowed water-permit holders to dramatically lower the aquifer and diminish the flow to a trickle by assigning a proportional share of the blame on upstream water users in Georgia.

Florida taxpayers have spent close to \$40 million to buy land to protect the Ichetucknee River and springs, yet the river has lost roughly one-fifth to one-quarter of its historical average flow.

The DEP's rule required that if any part of the rule was invalidated, the whole rule be invalidated. Consequently, the administrative court's finding that the minimum flows and levels are vague knocks down the egregious permitting procedures that the Ichetucknee Alliance challenged. The Ichetucknee Alliance intends to continue its work in developing meaningful, science-based rules that will actually protect these world-renown rivers and springs.

Please see the attached statement from the Ichetucknee Alliance.

###