



# Save the Manatee® Club

*The Voice for Manatees Since 1981*

Chairman John Miklos  
St. Johns River Water Management District  
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January 5, 2017

Re: Sleepy Creek Lands Consumptive Use Permit Application No. 91926-4.

Chairman Miklos,

Save the Manatee Club writes to express our opposition to increased water allowances for Sleepy Creek Lands, and to request that the Governing Board reject the above referenced consumptive use permit application. This project does not constitute reasonable beneficial use consistent with the public interest and therefore may not be permitted.

Save the Manatee Club is an award-winning national 501(c)(3) scientific and advocacy nonprofit, established in 1981 by singer and activist Jimmy Buffett and former Senator Bob Graham. The organization is based in central Florida, and represents 11,000 members and supporters throughout the state and an additional 33,000 nationwide in efforts to protect endangered manatees and their aquatic habitat from threats posed by human activity and development. It is with this mission in mind that we offer the following comments regarding the proposed consumptive use permit.

Sleepy Creek Lands, formerly known as Adena Springs Ranch, originally requested to withdraw over 13.2 million gallons per day (mgd) of groundwater from the Upper Floridan Aquifer for cattle ranching and processing operations in the Silver Springs springshed. Facing intense public opposition, the applicant changed the name of its operation and reduced its request to 5.3 mgd and then 2.389 mgd in 2014 with plans to request an additional 2.69 mgd. At the time of the request, the St. Johns River Water Management District (SJRWMD) staff found that the requested withdrawals would reduce flows in Silver Springs to a degree that would be harmful to the ecology of Silver Springs and the Silver River. Accordingly, the District reduced the permitted withdrawal to its current limit of 1.46 mgd.

However, in late 2016, the applicant applied for a permit to withdraw an additional 1.12 mgd for pasture irrigation and processing and livestock use. On December 14, 2016, the St. Johns River Water Management District (SJRWMD) issued a notice of decision to grant the application. A total of 2.54 mgd of groundwater withdrawals from the Upper Floridan aquifer will therefore be permitted for pasture irrigation, crop irrigation, and livestock use for Sleepy Creek Lands through 2023 if the Governing Board does not deny the application.

The proposed permit does not meet the requirements for reasonable beneficial use consistent with the public interest as required by Ch. 373.223(1), Florida Statutes, because further withdrawals would cause irreparable harm to Silver Springs and the Silver River, which already suffer estimated flow reductions of 40% relative to historical levels.

The District stated that this reversal of its 2014 determination is based on better modeling and data. The SJRWMD permitting portal did not contain links to a final staff report technical supporting document, so it is not clear what data or modeling changes the Northern District Model version 5 (NDMv5) includes that results in such a profound difference in interpretation. The District owes it to the public to clarify its decision-making process and to outline any underlying assumptions in the model that contributed to the reversal.

A recent story in the Gainesville Sun<sup>1</sup> included a comment from Water Supply Planning technical program manager Doug Hearn stating that the revised model now includes data from the Rainbow River springshed, and Rich Burklew, regulatory division bureau chief, implying that the Rainbow River data are the reason for the revised staff position on the Sleepy Creek withdrawal. What is not clear from these staff comments or the technical support documents is how these data justify additional withdrawals from the Silver Springs springshed.

Moreover, a December 2016 technical memorandum commissioned by the District<sup>2</sup> and included in the decision-making docket states that, "the assumption of reasonable assurance that the effect of flow reductions will not increase this risk [that hydroenvironmental characteristics will be negatively impacted] cannot be supported." In other words, the evidence does not support the claim that the ecology of Silver Springs would not be harmed by additional withdrawals. This finding seems to undermine the District's assertion that new modeling authorizes the withdrawal of additional water for Sleepy Creek.

In addition to concerns that the permitting increase will deplete the aquifer and further reduce flows in Silver Springs, the permit is also not in the public interest and does not constitute a reasonable beneficial use because it conflicts with the goals outlined in the Silver Springs Basin Management Action Plan (BMAP) by enabling the expansion of the facility's cattle ranching operations. Cattle ranching is the largest contributor to BMAP area nutrient pollution in a springshed already impaired for nitrogen. The piecemeal and inconsistent approach to water quality and quantity management as separate issues exacerbates Florida's increasingly dire water problems. The District's consumptive use permitting decisions should be coordinated and consistent with springshed management policy.

The public is heavily invested in and concerned about the impacts of these withdrawals on the Silver Springs ecosystem. Save the Manatee Club will continue to monitor this project on behalf of our members, and we are concerned that the District and the applicant are slowly ratcheting up withdrawal allowances on an incremental basis until the applicant is satisfied. Regardless of whether the withdrawals are permitted as one large consumptive use permit or through several smaller allowances, the effect on the aquifer and the Springs will be the same: ecological collapse. The project itself is unsustainable. If cattle cannot be maintained on land that does not require irrigation, then the area is not a suitable location for a cattle ranching operation. This application is not in the public interest, and public opposition will be unyielding.

Thank you for the opportunity to offer input on this controversial permit. If you have questions or comments regarding this letter, please do not hesitate to contact me at [aholbrook@savethemanatee.org](mailto:aholbrook@savethemanatee.org).

Regards,

Anne Harvey Holbrook  
Staff Attorney  
Save the Manatee Club

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<sup>1</sup> Fred Hiers, "St. Johns staff urges approval of Sleepy Creek water request" *Gainesville Sun* (December 30, 2016).

<sup>2</sup> St. Johns River Water Management District, "Evaluation of the Effects of a Series of Hypothetical Flow Reductions in the Silver River on Hydroenvironmental Characteristics" (December 2016).