





Marion County  
Board of County Commissioners

Growth Services ♦ Planning and Zoning

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

January 5, 2017

Mr. Richard Owen  
WRWSA, Executive Director  
Lecanto Government Building  
3600 W. Sovereign Path  
Lecanto, FL 34461

Mr. Owen:

As you are aware, Devo Engineering has declined to move forward with contract services to review and evaluate the potential implications of updates to the Northern District Model (NDM-5). The contractor determined that the scope of the project was beyond what they anticipated when estimating the cost, and they are unable to complete the work for the agreed-upon price. Unfortunately, we did not receive any deliverables from the project.

However, based on initial presentations by the SJRWMD and SWFWMD, we believe (and understand that you agree), that it is not necessary to move forward with the analysis at this time. Draft results for Silver Springs indicate that there is an additional 17 cfs of freeboard based on 2010 withdrawals. For the Rainbow, they determined a 7% reduction in flow is acceptable, with 1.2% - 1.7% of current impact (2010), leaving 5.3-5.8% of additional impact to meet future growth. Neither a recovery or prevention strategy is necessary for the Rainbow but a prevention strategy may be required for Silver. The model and Minimum Flows and Levels for Silver and Rainbow Springs will be peer reviewed and we will have access to those findings.

Therefore, we will not be moving forward with the contract at this time. Again, no deliverables were provided and no moneys were spent.

Please let us know if you have any questions,

Samuel Martsolf  
Marion County Growth Services Director

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cc: Tracy Straub, Marion County Engineer  
Angel Roussel, Marion County Utilities Director

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## **Water permit request pulled from SJRWMD agenda**

By Fred Hiers

Posted Jan 9, 2017 at 3:52 PM / Updated Jan 9, 2017 at 8:12 PM

The St. Johns River Water Management District on Monday pulled Sleepy Creek Land's request to pump an additional 1.22 million gallons per day of groundwater in Marion County from the agenda for today's board meeting, citing legal challenges to the application.

Four environmental activists filed a petition asking that the issue be turned over to a Florida Division of Administrative Hearing judge for review. The activists are St. Johns RiverKeeper, Florida Defenders of the Environment, Silver Springs Alliance and Marion County resident Alice Gardiner.

The petition asking for an administrative judge review automatically takes the request off the board's agenda, said water district spokeswoman Danielle Spears. The judge will make a recommendation and then hand the application back to the water district board.

"This was the only way to contest the permit ...; application. What's the public to do ...; nothing until the Silver Springs stops flowing?" asked Robert Knight, president of the Howard T. Odom Florida Springs Institute and a board member of the Silver Springs Alliance.

The legal challenge comes on the heels of a late December water district staff announcement that it is recommending that the district's governing board approve the massive Marion County cattle operation additional water pumping rights. If approved, Sleepy Creek would be allotted a total of 2.68 million gallons per day from 2017-2023.

The recommendation attracted the ire of the environmental groups, doubly so because just two years prior, the water district staff had recommended the board deny Sleepy Creek a slightly more modest pumping request of 1.12 million gallons per day (mgd) for part of its 30,000-acre cattle operation.

Staffers said in late December their reversal was based on better computer modeling and more recent data, and that the additional withdrawal would have minimal impact on the Silver Springs and the Silver River.

But Knight on Monday said that the new modeling ignores staff's own previous conclusion "by sweeping it under the rug" and was an effort to ramrod the board's approval through before the public could mobilize.

"Where do they think the water is coming from?" Knight asked.

Environmentalists say the staff change of heart is a result of pressure from the wealthy applicant and political urging from higher ups.

At issue are two adjacent sod farms south of County Road 316 and east of County Road 315 in Fort McCoy.

In 2014, Sleepy Creek requested permission from the water district to pump an additional 1.12 mgd for its northern tract. District staffers recommended denial, noting that the withdrawal "would contribute to cumulative harm to the ecology of Silver Springs and the Silver River."

On Oct. 3, Sleepy Creek asked staff to reconsider its request in light of the new and improved computer model program. Sleepy Creek also asked the district to consider an additional 0.14 mgd for the northern tract.

That's when the district staffers changed their minds and recommended approval.

The petitioners filing for an administrative law judge review say in their filing that:

- \* The water district sent a copy of staff's technical report and recommendations to Sleepy Creek Lands on Dec. 13, but didn't post a copy on the district's website until Dec. 28, four working days before any petition against the recommendation was due. When petitioners sought an extension, the district granted them only 2 1/2 days. The petitioners contend that the timeline restrictions was unfair and the public should have been given more time to review the report.
- \* The water district used groundwater computer modeling that contains proprietary codes that the general public doesn't have access to; as a result, the public can't adequately review staff's modeling work.
- \* The administrative judge must decide whether the proprietary computer software used in the modeling "served only to thwart public accountability." And at a cost of about \$5,000 for the software, the judge must decide whether it effectively kept the public from reviewing staff's modeling work and conclusions.
- \* The modeling, referred to as the Northern District 5 model, simulates several thousand square miles of groundwater movement and an error is too likely and its ramifications too great.

The petitioners conclude in the filings that "Sleepy Creek has failed to provide reasonable assurance that the proposed consumptive use of water, on a cumulative basis, is a reasonable and beneficial use given that this large scale scientific model cannot be used for this permitting decision."

Knight said that reviewing the water district staff's modeling work won't be easy or inexpensive.

The plan is to raise money to hire experts to review the modeling calculations. The hope is that some qualified scientists will volunteer or charge a reduced rate. Knight said he will volunteer his time on the project.

The environmental groups filing the petition have scheduled a 10 a.m. rally today at the water district's Palatka headquarters. They say they will continue the rally anyway and use the regularly scheduled meeting as an opportunity to voice their opinion on this issue and as the board reviews larger water issues.

- Reach Fred Hiers at [fred.hiers@starbanner.com](mailto:fred.hiers@starbanner.com) and 352-397-5914.