

# Rainbow River Conservation, Inc.

## Spring Newsletter 2020

### Difficult Times

With rampant spread of the Corona virus RRC has had to curtail its activities. Board meetings have been suspended until further notice and, for the first time in 36 years, the **Annual River Cleanup has been cancelled**. Furthermore, the following newsletter is not a cheery document because we have not fared well recently in our advocacy for protection of the Rainbow River. We hope, nevertheless, that our membership will remain strong and committed to the mission of our organization. Most of all, we hope that we can all remain well in this trying time.

### River Assessment

The monthly Rainbow SpringsWatch monitoring program has been suspended due to the Corona virus until further notice. On March 16th the Florida Springs Institute fish count was carried out by eleven FSI staff and RRC volunteers. The survey began at the headspring with the team deployed across the Rainbow River, counting numbers and species of fish for approximately a mile of the upper river. The results are not tabulated yet, but there were significantly fewer numbers and species of fish than in the last survey. In addition, spirogyra algae appeared heavy in some areas, a continued concern. Lyngbya appears in abundance along the middle and lower river.



Invasive Lyngbya covering bottom of river

### MFL Rule

Florida Statute 373.042 requires SWFWMD to protect water bodies by setting minimum flows and levels using the best science and information available. Over the last three years RRC has made several attempts to convince SWFWMD that their modeling analysis substantially underestimates flow reductions in the Rainbow River due to pumping from the rain recharge basin. We finally petitioned against the rule and sought a hearing in the Division of Administrative Hearings which was held last June. Our expert, Dr. Bob Knight, did an excellent job of presenting a Mass Balance approach to calculating the flow reductions which showed that the actual reductions due to pumping are several times those predicted by the SWFWMD model. The judge finally issued a ruling



Some of the swim team during the fish count project

February 29<sup>th</sup>, simply accepting SWFWMD's analysis without understanding that it violates nature's Mass Conservation principle. There were, in fact, a number of issues raised in our petition and in our court testimony that were simply not addressed in the judge's ruling. There seems to be no reasonable recourse to this bad ruling.

### BMAP

In 2010 FDEP declared the Rainbow River "impaired" due to nitrates which led to excessive algae growth and displacement of natural vegetation and fish habitat. At that time the nitrate level was about 2.0 mg/L. In 2013 FDEP produced a Total Maximum Daily Load study for the Rainbow River which established that the nitrate level should not exceed 0.35 mg/L for a healthy river. In 2015 FDEP produced a Basin Management Application Plan (BMAP) for the Rainbow River identifying sources of the nitrates and suggesting projects to reduce nitrate influx into the aquifer feeding the river. The 2015 BMAP proved to be toothless and unfunded and the nitrate level in the river continued to climb. In 2018 the FDEP revised the BMAP better identifying the sources of nitrates and suggesting more projects to reduce them.

The 2018 BMAP clearly identified farm practices (fertilizer and animal waste) to be responsible for 54% of the nitrates in the Rainbow River and septic tanks responsible for 20% of the pollution. Unfortunately, the 2018 BMAP relies only on a very weak (voluntary) Best Management Practices farm program for implementing nitrate reductions. Meanwhile, the Rainbow River nitrate level has continued to climb to about 2.6 mg/L. Last year RRC joined with several other organizations to challenge the inadequacy of BMAPs developed for 15 major springs systems. Last November a nine-day hearing was held before a DOAH judge in Tallahassee. We are still waiting for the judge's ruling.

### **Springs Legislation**

RRC is one of 50 corporate members of the Florida Springs Council. FSC has done an admirable job of advocating for the protection of springs and rivers throughout the state. The executive director and several other spokespersons have lobbied the legislature for laws and funding to protect these water bodies. Last year Senator Debbie Mayfield proposed SB 1758 (Clean Waterways Act) meant to strengthen the Florida Springs and Aquifer Protection Act and reduce nitrates in our waterways. The bill called for Advanced Best Management Practices for farms but the Big Ag lobby managed to shoot that idea down quickly and the bill eventually died entirely in the Appropriations Committee. This year Sen. Mayfield tried again with SB 712 (Environmental Resource Management). This bill included more water protection rules such as septic to central sewer conversions and restrictions on sewage disposal but it did not place any new restrictions on farm practices. FSC lobbied hard for more restrictions on agricultural pollution and offered several bill amendments. The legislature ignored these amendments and eventually passed the bill. The result is disheartening because our legislators will think they have accomplished great water protection measures and will likely not revisit the issue of springs pollution for several more years.

### **M-CORES**

The FDOT is hard at work promoting construction of three major toll roads in the state. A consortium of conservation organizations, led by the Sierra Club, is fighting the proposed development of these toll roads because of the amount of damage that will be done to the environment. RRC has joined this consortium because of concerns for where the Florida Turnpike extension will be routed. Recent avoidance maps produced by M-CORES seem to indicate that the turnpike extension will not cross the Rainbow River but anything north of that in the Rainbow Springs recharge basin seems to be fair game. This would surely add to the pollution of the Rainbow River as well as raise havoc with the above ground environment. Apparently, the M-CORES proposal is meant to accommodate future growth but has anybody thought about the fact that endless growth is not compatible with finite resources, particularly fresh water.

### **Nine Island Cove**

By any measure Blue Run Park of Dunnellon has been a great success with many thousands of visitors frequenting the park and its recreational amenities. RRC initiated development of this park in 2006 with a proposal to add it to the Florida Forever "A" List and then acquiring state, county and private funding to buy it, develop it, and deed it to the City of Dunnellon. Last Fall RRC proposed to the city a plan to add 48 acres of Nine Island Cove to the Florida Forever "A" List. The plan called for RRC to secure all funding necessary for purchase of the property before it would be deeded to the city. No monetary commitment needed to be made by the city. Only if the free and clear transaction was completed would the city take possession. The city could then manage the property as a passive park or add amenities as desired or as funds were raised to do so. RRC would have continued to participate in acquisition of funding for any amenities. The city council rejected the proposal.

### **Rainbow River Ranch**

Last Fall Jim Gissy presented a plan to the Dunnellon City Council for development of about 90 acres on the west end of his Rainbow River Ranch holdings straddling Hendrix Drive and abutting about ½ mile of the Rainbow River. The plan calls for a lodge, hotel, restaurants, activity center, amphitheater, dozens of camping and glamping sites, about 200 RV spaces, and about 100 automobile parking spaces. In addition, he has already developed plans for docks across wetlands on the north and south ends of this property and a long pedestrian walkway connecting the two docks. He has, in fact, already applied for an environmental resource permit from SWFWMD to erect his docks and boardwalk. It is our opinion that this development will have a huge impact on the Rainbow River.



Cormorant rookery near location of proposed dock