



Rainbow River Conservation, Inc. challenges Harmful Minimum Flow Rule for Rainbow River

FOR IMMEDIATE RELEASE

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On May 14th, Rainbow River Conservation, Inc. filed a petition to invalidate the proposed Minimum Flow rule for the Rainbow River System. The rule was published by the Southwest Florida Water Management District on March 26, 2019. The Rainbow River Minimum Flow challenge is the 6th petition filed in 2019 by an FSC Member Organization and supported by the FSC Legal Fund to protect Outstanding Florida Springs.

The petitioners allege that by not accurately recognizing the current over-consumption of groundwater from the Rainbow Springs recharge basin, and therefore not properly regulating future withdrawals, the rule will harm this world class spring and diminish its enjoyment and use.

“Minimum flow rules are intended to protect our springs, but this proposed rule would do just the opposite,” says Rainbow River Conservation President Burt Eno. “Cherry-picked data, flawed models, and political pressure have led the District to adopt a rule that actually provides the basis for issuing more water use permits and permit extensions. There’s nothing protective about it.”

With the help of the Florida Springs Council, Rainbow River Conservation has assembled an excellent group of attorneys and experts to fight on behalf of Rainbow Springs. Many flaws in the proposed rule, including the failure to consider the effect of flows on algae proliferation, were exposed during a public hearing with key Southwest Florida Water Management District staff on May 9th.

Lead attorney Jane West noted, “To get the water right requires getting the science right first. The MFL rule approved by SWFWMD relies on a flawed model and fails to account for the effect of flow reductions on the spread of filamentous algae. This challenge was necessary to compel the use of accurate science for the benefit of our environment.”

The proposed Rainbow River Minimum Flow rule specifies that the minimum flow can be 5% less than the average “natural flow” from the period 1965 to 2015. However, not only does the rule not specify

how the 5% reduction is to be applied, but the District's hydrologic model severely underestimates the actual groundwater withdrawals.

"The District had every opportunity to adopt a valid MFL rule based on the best available science and refused to do so. Local springs advocates were left with no choice but to challenge the rule and the Florida Springs Council is proud to help lead this effort. The outcome of this case could benefit many other springs across Florida," says Florida Springs Council Legal Advocacy Chair Whitey Markle.

[Link to Press Release](#)

The Florida Springs Council is the leading voice calling for the restoration of Florida's world-class springs and the protection of the Floridan aquifer. Find out more about FSC at floridaspringscouncil.org.