

Morris, Kristine P.

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Sent: Thursday, July 14, 2016 1:46 PM
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Subject: STOPR+2 Comments on Definition of Harm
Attachments: STOPR+2 Harm Comments 7_14_16.DOCX

Kristine,

Thanks again for the opportunity to comment. We offer these comments on behalf of STOPR+2 with regard to the Harm/Significant Harm Definitions and g(1)-(3) concepts:

1. **"Harm" and "significant harm" Definitions.** DEP provided two definitions on the first page of your document entitled "Example Draft." which we refer to in this submittal as the "DEP Table," specifically:

"Harm means an adverse impact to ecosystem structure or ecosystem functions as evaluated in the Applicant's Handbook."

and

"Significant harm is more severe than harm and is the fundamental adverse alteration of ecosystem structure, ecosystem functions, or important environmental values recognized in the State Water Resources Implementation Rule (62-640.473, F.A.C.)."

The above definitions drew some concerns during our two most recent Reg Team calls because they included various undefined terms. We recommend DEP bypass the difficult task of coming up with yet another definition of "harm" and focus instead on the definition of "harmful to the water resources" using the concepts proposed in our April 15, 2016 memorandum to Janet Llewellyn. Our memo provides a detailed (with sub-definitions) proposal for defining the term. During our last Reg Team call, we made a good start with the discussion using the DEP Table and the terms we had proposed seemed to be generally acceptable. If you take that approach and build from what Janet started, you won't need to have a separate definition of "harm," which could potentially conflict with the definition of "harmful to the water resources."

We believe a thoroughly detailed definition of "harmful to the water resources" that ties directly to and serves to define terms used in the conditions for issuance would make the task of achieving uniformity between districts easiest.

As to "significant harm," we suggest DEP defer action on that definition until we move into the next comment phase. Significant harm will be easier to define once we define "harmful to the water resources."

2. **"g(1)-(3)" Concepts.** We have provided you our comments both verbally and in writing. While DEP has accepted most of them (at least for discussion purposes), there were a few aspects of our proposal that were not carried forward into the DEP Table. We discussed their relevance during our last Reg Team meeting and you requested written comments as

to the importance/significance of those portions that were not used. We urge you to incorporate them into the next draft. We also respectfully request you accept our suggested text for 3(h) found on page 4 of our memo of April 15, 2016. Lastly, definitions of "saline water" and "fresh water" would be helpful, if not essential.

In order to facilitate review of our comments, we have repackaged STOPR+2's definition of "harmful to the water resources" from April 15 and provide it to you on the attached Word document. The color coding is as follows: Wording in red is text that was included in the DEP Table. Wording in black is text not included in the DEP Table. Wording in Green is from the draft Conditions for Issuance (COI). The text box comments show where DEP made changes to the STOPR+2 text and also show our explanations for why certain excluded text should be included.

Steven, please relay our comments to the Reg Team. We will post on the web page also. Many thanks.

Silvia Morell Alderman

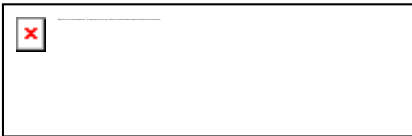
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