

July 18, 2025

Lea Crandall  
Agency Clerk  
Office of the General Counsel  
Department of Environmental Protection

3900 Commonwealth Boulevard, Mail Station 35  
Tallahassee FL 32399-3000  
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**RE: Request for an extension of time to file a petition in accordance with Rule 62-110.106(4), F.A.C., regarding FDEP final orders concerning BMAPs identified as OGC Nos. 25-1029, 25-1033, 25-1034, 25-1035, 25-1036, 25-1038, 25-1040, 25-1045, 25-1047, 25-1048, and 25-1049**

Dear Ms. Crandall:

The below-identified organizations (“Interested Parties”) request an extension of time of 195 days to file a Petition for an Administrative Hearing to contest the final orders establishing the following respective Basin Management Action Plans (BMAPs):

1. Lower St. Johns River Main Stem, OGC No. 25-1029: Extension requested by St. Johns Riverkeeper.
2. Caloosahatchee River and Estuary, OGC No. 25-1033: Extension requested by Calusa Waterkeeper, Florida Oceanographic Society.
3. Lake Okeechobee, OGC No. 25-1034: Extension requested by Calusa Waterkeeper, Florida Oceanographic Society.
4. St. Lucie River and Estuary, OGC No. 25-1035: Extension requested by Florida Oceanographic Society.
5. Everglades West Coast, OGC No. 25-1036: Extension requested by Calusa Waterkeeper.
6. Homosassa and Chassahowitzka Springs Groups, OGC No. 25-1038: Extension requested by Homosassa River Alliance, Save the Manatee Club, Florida Springs Council.
7. Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River, OGC No. 25-1040: Extension requested by Rainbow River Conservation, Save the Manatee Club, Florida Springs Council.
8. Upper Wakulla River and Wakulla Spring, OGC No. 25-1045: Extension requested by Wakulla Springs Alliance, Tallahassee Regional Environmental Group, Save the Manatee Club, Florida Springs Council.
9. Lower and Middle Suwannee River, OGC No. 25-1047: Extension requested by Florida Springs Council, Save the Manatee Club.
10. Santa Fe River, OGC No. 25-1048: Extension requested by Ichetucknee Alliance, Save the Manatee Club, Florida Springs Council.
11. Wekiwa Springs and Rock Springs, OGC No. 25-1049: Extension requested by Friends of

Wekiva River, Save the Manatee Club, Florida Springs Council.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by FDEP agency action may request an extension of time to file a Petition for an Administrative Hearing challenging that action. FDEP may, for good cause shown, grant the request. The above Basin Management Action Plans were adopted by secretarial order on June 27, 2025. The Interested Parties have a substantial interest in the Basin Management Action Plans and there is good cause to grant the Interested Parties an extension of time to file a Petition, as more thoroughly outlined below.

### **Substantial Interests of the Parties**

The Interested Parties include eleven (11) organizations that have long-standing, demonstrated, and substantial interests in protecting and restoring those Florida waterbodies addressed in the identified BMAPs. Many of the Interested Parties are listed as stakeholders in these BMAP documents. They, as well as their members, regularly fish, bird-watch, paddle, hike, camp, lead educational trips, and monitor wildlife in these areas, all activities that rely directly on water quality and ecological health. The Interested Parties have a well-founded concern that the Department's proposed Basin Management Action Plans contain numerous deficiencies and are inconsistent with the requirements of Sections 403.067(7) and 373.807, Florida Statutes. As a result, the Interested Parties are concerned that the Basin Management Action Plans will not achieve the required reductions in nutrient loading leading to the continued impairment and degradation of water quality, estuarine habitat, and recreational use of these critical ecosystems. The specific interests of each party are attached to this Request.

### **Good Cause for the Extension Requests**

Good cause exists to extend the time for the Interested Parties to determine whether there is a need to file a Petition for Administrative Hearing to contest these BMAPs, and if needed, to properly prepare and file a meaningful Petition.

First, the adopted BMAPs, appendices, and remediation plans are voluminous, highly technical, and raise multiple complex and technical issues, necessitating expert review. The Interested Parties require more time to identify qualified experts and to allow these consultants to thoroughly examine the materials and to coordinate among the many organizations whose substantial interests are affected by the agency's Final Orders. Without this extension, the Interested Parties risk being unable to meaningfully analyze the Basin Management Action Plans, determine whether any or all of them fail to comply with statutory requirements, and prepare a fully informed petition. This detailed review and coordination work is ongoing and constitutes "good cause" under Rule 62-110.106(4), F.A.C.

Second, this request is filed on behalf of eleven (11) Interested Parties challenging eleven (11) different BMAPs. While some of the concerns of the Interested Parties may be similar for all the BMAPs, the Interested Parties represent various basins and interests, each holding distinct and varied concerns about the individual Basin Management Action Plans. These concerns encompass water quality, recreational use, equitable allocation of pollution load reductions,

ecosystem restoration, best management practice implementation, and downstream community impacts. Properly evaluating each party's interest, determining whether the party needs to file a Petition for Administrative Hearing, and ensuring the Interested Parties' concerns are accurately reflected, requires careful review and coordination. The variety and technical complexity of interests align with the "good cause" grounds set forth in Rule 62-110.106(4), F.A.C., for granting extensions when multiple affected parties contribute to the significant procedural and substantive complexity of the matter. An extension is appropriate to allow counsel sufficient time to assess, coordinate, and properly represent the variety of interests at stake.

Third, Section 403.067(7)(a)4.c., Florida Statutes, requires each Basin Management Action Plan to include:

*For the applicable 5-year implementation milestone, a list of projects that will achieve the pollutant load reductions needed to meet the total maximum daily load or the load allocations established pursuant to subsection (6). Each project must include a planning-level cost estimate and an estimated date of completion.*

Additionally, Section 403.067(7)(a)6., Florida Statutes, requires:

*Any entity with a specific pollutant load reduction requirement established in a basin management action plan shall identify the projects or strategies that such entity will undertake to meet current 5-year pollution reduction milestones, beginning with the first 5-year milestone for new basin management action plans, and submit such projects to the department for inclusion in the appropriate basin management action plan. Each project identified must include an estimated amount of nutrient reduction that is reasonably expected to be achieved based on the best scientific information available.*

Further, Section 403.067(7)(a)4.d., Florida Statutes, requires each Basin Management Action Plan to include, "a list of projects developed pursuant to paragraph (e)." "Paragraph (e)" refers to 403.067(7)(e), Florida Statutes, which requires the development of a "cooperative agricultural regional water quality improvement element where: agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; or the department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load." Section 403.067(7)(e)2. requires that each cooperative agricultural regional water quality improvement element include:

*... a list of such projects submitted to the department by the Department of Agriculture and Consumer Services which, in combination with the best management practices, additional measures, and other management strategies, will achieve the needed pollutant load reductions established for agricultural nonpoint sources. Such cooperative regional agricultural nutrient reduction projects may include, but are not limited to, land acquisition in fee or conservation easements on the lands of willing sellers and site-specific water*

*quality improvement or dispersed water management projects. The list of regional projects included in the cooperative agricultural regional water quality improvement element must include a planning-level cost estimate of each project along with the estimated amount of nutrient reduction that such project will achieve.*

The adopted Basin Management Action Plans at issue here, however, do not contain the required projects or strategies, along with the required project information, to meet the current 5-year pollution reduction milestones. Instead, each Basin Management Action Plan postpones the deadline for responsible entities to submit a list of credible projects with estimated reductions until January 14, 2026. Additionally, the Caloosahatchee, Everglades West Coast, Lake Okeechobee, Homosassa and Chassahowitzka Springs Groups, Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River, St. Lucie River and Estuary, Upper Wakulla River and Wakulla Spring, Santa Fe River, and Wekiwa Springs and Rock Springs Basin Management Action Plans require the development of a cooperative agricultural regional water quality improvement element which must include a list of projects that will achieve the needed pollution load reductions established for agricultural nonpoint sources. The Basin Management Action Plans listed above do not contain the required list of projects to implement the cooperative agricultural regional water quality improvement element.

The Interested Parties are unable to determine whether the Basin Management Action Plans comply with Florida Statutes 403.067(7)(a)4.c., 403.067(7)(a)4.d., 403.067(7)(a)6., and 403.067(7)(e), until responsible entities and the Florida Department of Agriculture and Consumer Services have submitted the required projects, and the Interested Parties have had adequate time to review the submitted projects. For the aforementioned reasons, the Interested Parties listed below respectfully request that the Department issue an order extending the deadline for filing a Petition for an Administrative Hearing to contest the final orders establishing the following Basin Management Action Plans (BMAPs), numbered FDEP OGC Nos. 25-1029, 25-1033, 25-1034, 25-1035, 25-1036, 25-1038, 25-1040, 25-1045, 25-1047, 25-1048, and 25-1049 through and including January 28, 2026.

In the event the Department does not grant this request for extension in whole or part, the Interested Parties request a minimum of twenty (20) days from the date any such order is served to file the appropriate Petition for Administrative Hearing challenging these BMAPs.

Thank you for your time and consideration of this matter.

Sincerely,

/s/ Douglas MacLaughlin  
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### **Interested Parties**

- 1. Calusa Waterkeeper (Substantial interests concerning BMAPs for Caloosahatchee River and Estuary, OGC No. 25-1033; Lake Okeechobee, OGC No. 25-1034; Everglades West Coast, OGC No. 25-1036)**

Calusa Waterkeeper, Inc. (CWK) is a Florida non-profit organization whose mission is to protect and restore the Caloosahatchee River from Lake Okeechobee to the coastal waters of Lee County. CWK began in 1995 as Caloosahatchee River Citizens Association, Inc. and became a full Member of the Waterkeeper Alliance in 2016. Calusa Waterkeeper has thousands of supporters throughout Southwest Florida and beyond who have recreational, business and spiritual interests in the Caloosahatchee River and Estuary, Lake Okeechobee, Nicodemus Slough, Charlotte Harbor, Estero Bay, the near-shore waters of Lee County, and their watersheds. The development of successful Basin Management Action Plans for the Caloosahatchee River and Estuary, Lake Okeechobee and the Everglades West Coast basins are of great importance to the organization and its supporters, all who are dedicated to ensuring the enjoyment and responsible use of these waters by all people. Declining water quality in these areas fuel harmful algal blooms and other impairments that threaten our ecosystems, wildlife, human health, quality of life and the economic prosperity of our communities. It is evident from both loading estimates and real-world monitoring, that the net nutrient loading in these basins has been increasing since the adoption of the BMAPs and TMDLs. For these reasons we must explore remedies to improve the efficacy of the proposed BMAP updates.

- 2. Florida Oceanographic Society (Substantial interests concerning BMAPs for Caloosahatchee River and Estuary, OGC No. 25-1033; Lake Okeechobee, OGC No. 25-1034; St. Lucie River and Estuary, OGC No. 25-1035)**

Florida Oceanographic Society (FOS) is a 501(c)(3) non-profit founded in 1964 with the mission to inspire environmental stewardship of Florida's coastal ecosystems through education, research and advocacy. Located in Stuart, Florida, we are at ground-zero for the harmful effects of poor water quality from Lake Okeechobee discharges that have historically wreaked havoc on our estuary, causing toxic algal blooms and affecting our economy and way of life. FOS' members and supporters reside and recreate in areas that directly rely on water quality and ecological health and fall under the Lake Okeechobee BMAP (OGC Case No. 25-1034), the St. Lucie River and Estuary BMAP (OGC Case No. 25-1035) and the Caloosahatchee River and Estuary BMAP (OGC Case No. 25-1033).

- 3. Florida Springs Council (Substantial interests concerning BMAPs for Homosassa and Chassahowitzka Springs Groups, OGC No. 25-1038; Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River, OGC No. 25-1040; Upper Wakulla River and Wakulla Spring, OGC No. 25-1045; Lower and Middle Suwannee River, OGC No. 25-1047; Santa Fe River, OGC No. 25-1048; Wekiwa Springs and Rock Springs, OGC No. 25-1049)**

Florida Springs Council, Inc., (FSC) is a Florida-registered and 501(c)(3) not-for-profit organization whose mission is to protect and restore Florida's springs and spring-fed rivers. It provides education for both the public and decision-makers, including working on legislation and regulatory matters affecting springs. FSC is concerned about the ecological and recreational impacts of excessive nitrogen in Outstanding Florida Springs. Members of FSC rely on it to safeguard their interests in protecting Florida's springs, including their use and enjoyment of Florida Springs. FSC has been involved in every step of the BMAP development process, including attending numerous workshops, submitting written comments, and meeting with FDEP staff.

**4. Friends of Wekiva River (Substantial interests concerning BMAP for Wekiwa Springs and Rock Springs, OGC No: 25-1049)**

The Friends of the Wekiva River Inc. was chartered in 1982 to protect, restore and preserve the natural functions and beauty of the Wekiva River system. We are particularly concerned about nutrients in Wekiwa and Rock Springs, which comprise a significant portion of the flow of the Wekiva River. Wekiwa and Rock Springs have been designated by the legislature as Outstanding Florida Springs; the Wekiva River is a federally protected Wild & Scenic River; it is also located in an Aquatic Preserve and much of it is designated as an Outstanding Florida Water. We do not believe that the current approach to implementation will result in improvements in water quality necessary to meet established goals for the Total Maximum Daily Load by the statutory deadline of 2038. Friends of Wekiva River is a named stakeholder in the 2025 Wekiwa Springs and Rock Springs BMAP.

**5. Homosassa River Alliance (Substantial interests concerning BMAP for Homosassa and Chassahowitzka Springs Groups, OGC No. 25-1038)**

The Homosassa River Alliance is a community-driven, not-for-profit 501(c)(3) organization whose goal is to help restore, protect, and perpetuate the native ecological integrity of the Homosassa River System. Any factor causing environmental degradation and any means to aid in restoration is appropriate for the attention of the Homosassa River Alliance. We aim to be the "Voice of the River," to educate the public on different impacts on the river's health and to ensure its restoration, health and protection for the benefit of future generations. The Homosassa River Alliance is concerned about the ecological and recreational impacts of excessive nitrogen in the Homosassa and Chassahowitzka Springs and Rivers. The Homosassa River Alliance is a named stakeholder in the 2025 Homosassa and Chassahowitzka Springs Groups BMAP.

**6. Ichetucknee Alliance (Substantial interests concerning BMAP for Santa Fe River, OGC No: 25-1048)**

Ichetucknee Alliance is a 501c3 non-profit working to restore and protect the Ichetucknee River and its many springs. Founded in 2013, our organization has led numerous successful campaigns that have produced real change. Through community education, events, and online petitions organized by our dedicated members, Ichetucknee Alliance works to educate leaders and decision-makers, moving them to rethink what is possible. The Alliance is concerned about the ecological and recreational impacts of excessive nitrogen in the Ichetucknee Springs and Rivers.

**7. Rainbow River Conservation (Substantial interests concerning BMAP for Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River, OGC No. 25-1040)**

Rainbow River Conservation, Inc. was founded in 1962 as a non-profit all volunteer organization. RRC has long protected and has been an advocate for the Rainbow River and Springs. RRC sponsors the annual river trash cleanup and the wood duck nest box program. RRC was instrumental in forging the purchase of land and development of the well-known Blue Run Park. RRC has worked with the City of Dunnellon, Marion County, Water Management District and State DEP on measures to enhance the Rainbow River ecosystem. RRC works for positive changes in State environmental policy to better protect water flows and water quality. Ultimately, Rainbow River Conservation strives to protect, improve and to be an active advocate for the Rainbow River and Springs to ensure its health not only in the present but in the future. Rainbow River Conservation is a named stakeholder in the 2025 Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River BMAP.

**8. Save the Manatee Club (Substantial interests concerning BMAPs for Homosassa and Chassahowitzka Springs Groups, OGC No. 25-1038; Silver Springs and Upper Silver River and Rainbow Spring Group and Rainbow River, OGC No. 25-1040; Upper Wakulla River and Wakulla Spring, OGC No. 25-1045; Lower and Middle Suwannee River, OGC No. 25-1047; Santa Fe River, OGC No. 25-1048; Wekiwa Springs and Rock Springs, OGC No. 25-1049)**

Founded in 1981 by former Governor and U.S. Senator Bob Graham and the late musician and conservationist Jimmy Buffett, Save the Manatee Club is a 501(c)(3) nonprofit organization dedicated to the protection of manatees and their aquatic habitat for future generations. We carry out this mission through science-based advocacy, research, public outreach, education, and, when necessary, litigation. We are particularly concerned about the Basin Management Action Plans (BMAPs) as they pertain to the Wekiva, Wakulla, Homosassa, Santa Fe, and Silver Springs systems. These springs are critical not only as warm-water refuges for manatees during the winter, but also as essential travel corridors and sources of natural forage. Degraded water quality impacts the availability and density of submerged aquatic vegetation that directly threatens manatee survival.

**9. St. Johns Riverkeeper (Substantial interest concerning BMAP for Lower St. Johns River Main Stem, OGC No. 25-1029)**

St. Johns Riverkeeper, Inc. (SJRK) is a Jacksonville-based 501 (c)(3) non-profit organization with members throughout Northeast and Central Florida, including 16 counties within the St. Johns River Watershed. SJRK's mission is to defend the St. Johns River and advocate for its protection. To further its mission, SJRK educates river-friendly practices, investigates threats, advocates for science-based decisions, activates citizen advocacy, negotiates protective policies and when necessary litigates. Toxic blue-green algae outbreaks continue to threaten the health of the St. Johns, its wildlife and Floridians who work and play on the St. Johns River. Algae outbreaks prevent sunlight from reaching underwater grasses undermining fish/wildlife habitat,

clog fish gills, and deplete oxygen from the water, harming aquatic life and potentially causing fish kills. Toxins produced by some algae outbreaks can cause rashes, stomach cramps, nausea, diarrhea, and respiratory irritation. High exposure to some algal toxins can potentially even harm the liver and nervous system turning our river into a threat instead of a recreational amenity. SJRK is a named stakeholder in the 2025 Lower St. Johns River Main Stem BMAP.

**10. Tallahassee Regional Environmental Group (Substantial interest concerning BMAP for Upper Wakulla River and Wakulla Spring, OGC No: 25-1045)**

The Tallahassee Region Environmental Group, Inc. (TREG) is an IRS approved 501-c-3 non-profit organization formed in August, 2024, previously known as the Tallahassee Sewage and Wakulla Basin Advocacy Group for almost ten (10) years. TREG's mission is to preserve, protect, and restore water quality from South Georgia to the Florida coast, specifically, in Leon, Wakulla, Gadsden, and Jefferson counties. This is accomplished through our Four Goals of: Research, Advocacy, Education, and Transparency by working with local and state government agencies. Our outreach includes thousands of like-minded environmentalists, scientists, retired FDEP and other governmental agencies and citizens within the four-counties, plus, legislators and their staff, along with local and state environmental and other staff through at least a bi-monthly newsletter and social media. A substantial number of these individuals would be impacted by the BMAP proposal throughout our outreach area.

**11. Wakulla Springs Alliance (Substantial interest concerning BMAP for Upper Wakulla River and Wakulla Spring, OGC No: 25-1045)**

The Wakulla Springs Alliance is a 501(c)(3) not for profit organization composed of concerned citizens, scientists, educators, and other professionals who are passionate about conserving, restoring, and protecting the ecological health of the Wakulla Springs and River, including their flow, water quality, biology, and cultural and recreational attributes. The Alliance works to promote and support managing the Wakulla Spring basin to enhance and maintain the Wakulla Spring and River ecosystem so that it is resilient to the impacts of natural and human-caused disturbances. The Alliance has concerns that the Upper Wakulla River and Wakulla Spring BMAP does not do enough to reduce nitrogen pollution at the Spring, particularly fully accounting for nitrogen loading from new growth and development in the Basin. The Wakulla Springs Alliance is a named stakeholder in the 2025 Upper Wakulla River and Wakulla Spring Basin Management Action Plan.