

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re: UPPER OCKLAWAHA RIVER BASIN  
MANAGEMENT ACTION PLAN.

OGC Case No.07-1380

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**FINAL ORDER ESTABLISHING THE UPPER OCKLAWAHA RIVER  
BASIN MANAGEMENT ACTION PLAN**

Pursuant to Section 403.067(7), Florida Statutes, this Final Order adopts the attached Basin Management Action Plan (BMAP) for the Class III surface waters within the Upper Ocklawaha River Basin. The adopted BMAP, including the background and detailed management actions, is attached hereto and incorporated herein as Exhibit 1.

The Upper Ocklawaha River BMAP has been developed as part of the Department's Total Maximum Daily Load (TMDL) Program, as authorized under the Florida Watershed Restoration Act (Chapter 403.067, Florida Statutes). All surface waters (including wetlands) in the Upper Ocklawaha River Basin are designated as Class III waters in accordance with Rule 62-302, Florida Administrative Code (F.A.C.). Class III waters must have suitable water quality for recreational use and for the propagation and maintenance of a healthy, well-balanced population of fish and wildlife.

The Upper Ocklawaha River Basin is located mostly within Lake County. The basin also includes the northwest portion of Orange County, southern Marion County, and the northern part of Polk County. The basin includes the following water bodies:

- Lake Apopka, Gourd Neck Spring, and the Apopka-Beauclair Canal;
- The Palatlahaha River north of State Road 50;
- Lakes Harris, Dora, Beauclair, Eustis, Little Harris, and Carlton, referred to as the Harris Chain of Lakes; Dead River; Dora Canal; Helena Run; and Trout Lake;
- Lake Griffin and Lake Yale, along with the Yale-Griffin Canal, some tributaries to Lake Griffin, Emeralda Marsh, and Haynes Creek.

In 2003, the Department adopted Rule 62-304.500, F.A.C., which in part, establishes TMDLs for each of the above-referenced impaired waterbodies and associated connecting canals and streams. Total Phosphorus (TP) is the primary pollutant contributing to the impairment of all of these waterbodies.<sup>1</sup> Table AP.1 in the attached Exhibit 1 identifies the applicable TMDLs for each waterbody.

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<sup>1</sup> TP is the combined measurement of phosphorus as orthophosphate (PO<sub>4</sub>), other inorganic phosphorus compounds, and organic phosphorus compounds found in water and expressed as amounts of phosphorus. TP is used in aquatic science as a measure of the biological productivity of a waterbody. It is one of the primary nutrients regulating algal and macrophyte growth in natural waters, particularly in fresh water.

In June 2004, the Department convened the Upper Ocklawaha River Basin Working Group (BWG) to develop a BMAP to achieve the TMDLs for surface waters within the basin. The Department invited stakeholders to participate in the Upper Ocklawaha River BMAP development process and encouraged public participation to the greatest practicable extent. The Department held three noticed public meetings in the basin to discuss and receive comments during the planning process. Basin stakeholders developed the BMAP over a three-year period. Table AP.2 in the adopted BMAP summarizes the Upper Ocklawaha River BWG organizational structure, process, membership, and citizen involvement efforts.

The Upper Ocklawaha River BMAP represents the collaborative effort of local stakeholders within the basin to identify current and planned management actions to achieve the TMDLs for Total Phosphorus ("TP"). The adopted BMAP documents the management actions that have been, or will be, undertaken by local, regional, state, or private entities to reduce the amount of TP released into the basin. The management actions (completed, ongoing, and planned) identified in the BMAP are targeted at addressing both the pollutant loads from historical and current sources and an estimate of future loads associated with

population growth and associated land use changes in the basin.

**THEREFORE, IT IS ORDERED** that the attached Exhibit 1 is hereby adopted as the Upper Ocklawaha River Basin Management Action Plan.

**NOTICE OF RIGHTS**

Requests For Administrative Hearings

This final order will become final unless a petition for an administrative proceeding is filed pursuant to the provisions of sections 120.569 and 120.57, Florida Statutes. Any person whose substantial interests are affected by the Department's action may file such a petition. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of publication of the public notice or within 21 days of receipt of this order, whichever occurs first. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding (initiated by a party) and participate as a

party to it. Any subsequent intervention will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition must contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

The Department may, for good cause shown, grant a request for an extension of time for filing a petition. A request for extension of time must be filed with the Department's Office of General Counsel prior to the applicable deadline. Such requests for extensions of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and whether any other parties agree to the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

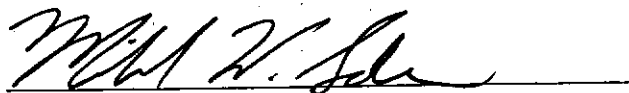
This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above.

Judicial Review

A party who is adversely affected by this order has the right to seek judicial review under Section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of the General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED this 27<sup>th</sup> day of August, 2007,  
in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



MIKE W. SOLE  
Secretary

Marjorie Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52,  
FLORIDA STATUTES, WITH THE DESIGNATED  
DEPARTMENT CLERK, RECEIPT OF WHICH IS  
HEREBY ACKNOWLEDGED.

*Lisa Swearingin* 9-17-07  
Deputy CLERK DATE