

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida 33406**

Order No.: 2008- 203-DAO WU

IN RE:

**ORDER FOR THE PURPOSE OF
WATER SUPPLY RELIEF FOR
THE CITY OF WEST PALM BEACH,
FLORIDA**

RECEIVED
DISTRICT CLERK'S OFFICE
APR 21 2008 1:43 PM
SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

ORDER

The Executive Director of the South Florida Water Management District (hereinafter "District"), after considering recommendations of District staff and being otherwise fully apprised of the matter, issues this Order pursuant to the direction of the Governing Board of the District and Sections 373.083, 373.086, 373.171, and 373.246, Florida Statutes ("F.S."), and Chapter 40E-21, Florida Administrative Code ("F.A.C."), based on the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. The District is a public corporation of the State of Florida, existing pursuant to Chapter 25270, Laws of Florida, 1949, and operating pursuant to Chapter 373, F.S., and Title 40E, F.A.C., as a multi-purpose water management district with its principal office at 3301 Gun Club Road, West Palm Beach, Florida. The District has the power and duty to protect Florida's water resources and to administer and enforce the provisions of Chapter 373, F.S., and the rules promulgated there under, Title 40E, F.A.C. The District has jurisdiction over the matters addressed in this Order.

2. The City of West Palm Beach (hereinafter "City") is authorized by the District to use water to provide drinking water to a service area of approximately 111,000 people, including hospitals, businesses, the Town of Palm Beach, the Town of

South Palm Beach, and unincorporated sections of Palm Beach County.

3. Currently, the south Florida region is experiencing a severe drought condition that is the result of substantially below normal rainfall combined with deficiencies in surface water storage. This condition has necessitated a number of emergency orders and restrictions on water use to protect the public's health, safety, and welfare and the water resources from serious harm.

4. The City was issued Water Use Permit #50-00615-W (Permit), from the District on October 12, 2006. The City has a maximum permitted allocation of 14,346 million gallons per year and 1,339 million gallons per month (MGM) as measured at its Clear Lake Water Treatment Plant.

5. The Permit also authorizes the existence of a Floridan aquifer well for the purpose of establishing an Aquifer Storage and Recovery (ASR) well. The Permit currently limits the use of the ASR well to cycle testing. Within three months of completion of the cycle testing, the City is required to provide the District with cycle testing reports, including recovery rates, and operational protocol, and, if appropriate, a request for modification of the Permit.

6. The City derives its drinking water from 8 surface water pumps from two locations on Clear Lake. Clear Lake is fed by several water sources. Surface water flows into Clear Lake via Lake Mangonia and the M-Canal through operation of Control Structure #4.

7. Water is delivered from the District's regional system to the M-Canal during dry times via two 65,000 gallon per minute pumps (Control Structure #2) located

at the L-8 Tieback Canal. The City has historically operated Control Structure #2 to lift water into the M-Canal.

8. In late April 2007, surface waters within segments of the M-Canal, including the City's water catchment area, Grassy Waters Preserve, had completely dried up and the water level in Clear Lake was at 10.97 feet National Geodetic Vertical Datum (NGVD). As a result of the absence of surface water flows into the City's Clear Lake system, unusually dry conditions, and the City's potable water withdrawals, water levels within Lake Mangonia and Clear Lake were dropping at a rate of 0.07 foot per day. It was estimated that at that rate, water levels could drop below 8.50 feet NGVD in Clear Lake. At 8.50 feet NGVD, the City's pumps begin to lose operational capabilities.

9. During non-drought dry times, Lake Okeechobee provides surface water via gravity flow to the L-8 Canal to recharge the L-8 Tieback Canal and the M-Canal. However, the level of Lake Okeechobee remains significantly below normal with an elevation of 10.43 feet NGVD on April 7, 2008.

10. Under certain circumstances, water from the Water Conservation Areas (WCAs), in this instance WCA 1, may be moved to provide recharge to the City's surface water supply source, Clear Lake. The "floor elevation" is the level at which water outflows from the WCA to the Lower East Coast are regulated by the U.S. Army Corps of Engineers Water Control Manual and require deliveries from Lake Okeechobee in equal volumes to replenish water delivered out of the WCA.

11. The primary conveyance of water delivered from Lake Okeechobee to the south during normal operations is accomplished through gravity flow. Since April 2007,

water levels in Lake Okeechobee have precluded gravity flow south of Lake Okeechobee. The District currently operates temporary forward pumps to move water out of Lake Okeechobee. Currently, the District is unable to move sufficient water out of Lake Okeechobee to meet the full demands of the permitted users within the Lake Okeechobee Service Area Region.

12. Due to physical constraints of the structures and the pump sizes, the temporary forward pumps have insufficient capacity to deliver water from Lake Okeechobee to the L-8 Canal to ultimately recharge the M-Canal and the City's Clear Lake system. Thus, recharge to the City's Clear Lake system from Lake Okeechobee is not currently feasible nor will it become feasible until the water levels in Lake Okeechobee return to elevations greater than 10.50 feet NGVD.

13. The District would normally look to supply the City with water from the WCAs if water from Lake Okeechobee was unavailable. On April 7, 2008, the water level in WCA1 is currently at 16.54 feet NGVD. This is above the floor elevation. However, it is uncertain if WCA1 will reach its floor elevation again this dry season and whether WCA1 will have sufficient water to supply water to recharge the Clear Lake system.

14. The ongoing severe drought conditions have necessitated a variety of District actions. The Governing Board issued Water Shortage Order Number 2008-166-DAO-WS generally imposing modified Phase II water shortage restrictions District-wide.

15. Concurrently, with the issuance of Water Shortage Order Number 2008-166-DAO-WS, the Governing Board issued Water Shortage Order Number 2008-167-DAO-WS, partially rescinding Water Shortage Order Number 2007-869-DAO-WS which required withdrawal reductions from surface waters in identified basins within the Lower East Coast Region that were derived from either Central and Southern Florida Flood Control Project Canals and/or Water Conservation Areas and imposed source limitations on Consumptive Use Permit No. 50-0021-W issued to the Seminole Improvement District. The Governing Board also directed District Staff to impose limitations on the City's Permit and grant additional flexibility to the City to address concerns regarding the L-8 Canal and M-Canal.

16. The City has implemented a number of measures to deal with declining levels in the Clear Lake system. The City passed Resolution No. 200-07 implementing Phase III water restrictions for the water utility system service area.

17. The City is allowed to operate a Surficial Aquifer System Wellfield ("Wellfield") under detailed permit conditions. Groundwater derived from the Wellfield is authorized to be discharged into the M-Canal to augment the City's surface water supplies within Lake Mangonia and Clear Lake. The permit conditions applicable to the wellfield operation include the authorization to withdraw groundwater, but only if the City provides treated reclaimed water from its Wetlands Based Reclamation Project (WBRP) to the Wellfield for recharge purposes on a 1 to 1 basis. These conditions are included to protect wetland resources, existing land uses, and other existing legal users.

18. To date, the City has not been able to produce significant volumes of water for recharging the Wellfield from the WBRP. Hence, there is no water available to provide wellfield recharge from the source identified in the consumptive use permit.

19. In light of the absence of conventional sources of water to recharge the City's Clear Lake system, the City has made a series of requests for emergency water supply options. These options entail an integrated set of activities including wellfield operation, utilization of advanced treated wastewater, and use of slightly saline water from the L-8 Reservoir Project as discussed below.

20. The City is requesting authorization from the District to pump from its Wellfield without recharge and at rates beyond that allowed by the City's consumptive use permit. Specifically, the City requested authorization to withdraw, without recharge, an amount up to 16 million gallons per day (MGD) of groundwater from the Surficial Aquifer System (SAS) from the subject Wellfield for subsequent discharge into the M-Canal and conveyance to recharge Lake Mangonia and Clear Lake.

21. The District, as part of its comprehensive regional drought management strategy, received authorization from the FDEP to allow discharges of water from the L-8 Reservoir into the L-8 Canal for the purpose of providing water supply to meet multiple potential needs during the extreme drought conditions. The District is authorized to make such discharges until the water level in Lake Okeechobee has recovered to the levels set forth in Rule 40E-22.332, F.A.C.

22. The L-8 Reservoir is a project constructed for the purpose of storing and conveying water for the restoration and preservation of natural systems associated with

the North Palm Beach County Comprehensive Water Management Plan and Loxahatchee River Restoration Plan and is a component of the C-51 and Southern L-8 Reservoir which is a part of the Part 1 Comprehensive Everglades Restoration Project.

23. The operation of the L-8 Reservoir Project is a component of the minimum flow and level recovery plan for the Northwest Fork of the Loxahatchee River pursuant to Rule 40E-8.421, F.A.C. Pursuant to Rule 40E-8.421(1)(e), F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District criteria 3.2.1.E. 5.(a.) or 6.(a.), the District must certify the total amount of water made available by the L-8 Reservoir Project for natural systems and other uses. The L-8 Reservoir Project's construction is not complete. Thus, the District has not certified water available from this Project for any consumptive use, including use by the City.

24. There is approximately 2.362 billion gallons of formational water potentially available for supply purposes in the L-8 Reservoir. This formational water contains slightly elevated concentrations of chlorides and specific conductance which currently exceed Class I surface water quality requirements. For this reason, the District requested and received an emergency authorization from FDEP to allow discharges of water stored within the L-8 Reservoir into the M-Canal.

25. Evaporation and seepage losses in the M-Canal and Clear Lake system are relatively high due to the conveyance distance. Water should be released from the L-8 Reservoir to the L-8 Canal and M-Canal only when water levels are such that the District can be assured that water from the L-8 Reservoir will reach the City's Clear Lake system.

26. As stated above, the L-8 Reservoir is currently only partially constructed and operational. The District is in the process of establishing infrastructure and operational agreements to allow the delivery of water from the L-8 Reservoir to the Loxahatchee River. However, key components of the operational plan are not yet complete.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

27. Section 373.083(2), F.S., vests the Governing Board of the District, to “[i]ssue orders to implement or enforce any provisions of th[e] chapter or regulations.”

28. Section 373.086(1), F.S., authorizes the Governing Board to change the course of a waterway and to establish, maintain, and regulate water levels in all canals, lakes, rivers, and other waterbodies owned or maintained by the District.

29. Section 373.171(1), F.S., allows the Governing Board to issue any orders for the modification of any existing uses, diversion facilities, or storage facilities to obtain the most beneficial use of the water resources and to protect the public health, safety, and welfare and the interest of the water users affected.

30. Section 373.246(3), F.S., authorizes the Governing Board to impose restriction on classes of water use as may be necessary to protect the water resources from serious harm and to restore them to their previous condition.

31. Rule 40E-8.421(1)(e), F.A.C., and the Basis of Review for Water Use Permit Applications within the South Florida Water Management District criteria 3.2.1.E. 5.(a.) or 6.(a.), require the District to certify the total amount of water made available by the L-8 Reservoir Project for natural systems and other uses upon completion of the

project. The L-8 Reservoir Project's construction is not yet complete, and the District has not certified water available from this Project for any consumptive use, including use by the City.

32. Considering the above findings of fact, it is necessary to enter this Order temporarily modifying the City's approved operational plan and allowing surface water deliveries from the regional system to meet the City's water supply needs.

ORDER

Based upon the above Findings of Fact, Ultimate Facts and Conclusions of Law, the Executive Director as authorized by the Governing Board hereby enters this Order:

33. The City shall continue to enforce City Resolution 200-07 for both the City and residential utility customers unless modified as required by this Order.

34. The City shall immediately reduce the initial pressure at the point of use (meter) to levels no greater than 55 pounds per square inch (psi).

35. The City is authorized to utilize its Floridan aquifer well located at the Clear Lake treatment facility for production purposes upon receipt of appropriate authorization from FDEP. The City is authorized to withdraw a maximum of 5 MGD from the Floridan aquifer well. Upon termination or expiration of this order, the City shall immediately discontinue use of the Floridan aquifer well for production purposes or submit a request for modification of the Permit to the District.

36. The City is authorized to install and operate temporary surface water withdrawal facilities capable of removing up to 6 MGD from the M-Canal for the duration of this Order. The City is authorized to withdraw up to 6 MGD from the M-Canal for the

purpose of recharging the Wellfield. Such authorization does not constitute a consumptive use permit pursuant to Part II, Chapter 373, F.S. The City may request withdrawals in excess of this amount under short-term conditions when water is available. Such requests shall be made in writing to and must be authorized in writing by the Executive Director or designee prior to exceeding the 6 MGD.

37. The City is authorized to withdraw up to 16 MGD from the Wellfield contingent upon the delivery of an equal volume of recharge water from either the City's advanced wastewater treatment facility or the M-Canal as determined on a day-to-day basis. Operation of the Wellfield without the equal or greater volume of recharge on a day to day basis is strictly prohibited. Recharge from the City's AWT facility may require additional authorization from FDEP. The City may request withdrawals in excess of 16 MGD under short-term conditions when water is available, if matching volumes of recharge water are provided to the Wellfield on the same days. Such requests shall be made in writing to and must be authorized in writing by the Executive Director or designee prior to exceeding 16 MGD.

38. If water levels in Clear Lake drop below 12.0 feet NGVD, the City may request withdrawals from the Wellfield without an equal or greater volume of recharge under short-term conditions. In its request, the City shall specify the numbers of days it is seeking to withdraw water without equal recharge, further pressure reductions at the initial point of use (meter), and additional water restrictions, including but not limited to those restrictions listed in Rule 40E-21.541 and 40E-21.551. Such requests shall be made in writing to and must be authorized in writing by the Executive Director or

designee prior to exceeding recharge requirements stated in the Permit. In making its determination to authorize Wellfield withdrawals without an equal or greater volume of recharge, the District shall evaluate supply, demand, and resource impacts such as L-8 Reservoir chloride level monitoring data, water levels in the WCAs, Lake Okeechobee, the Central and Southern Florida Flood Control project canals, and Clear Lake, rainfall projections, time of the year, canal water levels, utility pumpage records, utility monitoring data, impacts on nearby existing legal users, and whether the City has pursued other waters supply options, such as use of the Floridan aquifer and utilization of the City's interconnects.

39. Ancillary works associated with the installation of pumps, pipes or related infrastructure as necessary for the facilities authorized in this Order, which would otherwise require an environmental resource permit, are temporarily authorized by this Order so long as such activities satisfy District permitting criteria. Descriptions of all such works shall be provided to the District in writing to the Environmental Resource Regulation Department, Robert M. Brown, prior to installation or work being conducted. At the termination of this Order, such works must be either removed and the site restored to the condition that existed prior to the installation or work being conducted, or appropriate permit authorizations must be obtained to leave the works in place.

40. The City is authorized to operate Control Structure #2 at times and under the conditions specified in written authorization issued by identified District staff. District staff authorizations will be for delivery of water from the regional system, which may include the L-8 Reservoir, to recharge Clear Lake or the Wellfield, not for the purpose

of recharging or providing water supply to the Grassy Waters Preserve.

41. Specific Authorization to Operate Withdrawal Facility:

a. The District will examine a number of water resource related factors when determining whether to authorize withdrawals from the L-8 Canal. These factors include, but are not limited to, consideration related to supply, demand, and resource impacts such as L-8 Reservoir chloride level monitoring data, water levels in the WCAs, Lake Okeechobee, the Central and Southern Florida Flood Control project canals, and Clear Lake, rainfall projections, time of the year, canal water levels, utility pumpage records, and utility monitoring data.

b. In addition to the District's authorization to withdraw water from the L-8 Canal, the District will impose operational requirements including, but not limited to, allocation amount, definition of where the water allocation is to be delivered, dates and times of operation, hours of withdrawal facility operation, and reporting requirements.

c. Authorization to withdraw from the L-8 Canal will be specifically authorized by the following District staff: Tom Olliff, George Horne, Chip Merriam, Dean Powell, or Larry Carter. In the event the identified District staff authorizes temporary authorization of withdrawal from the L-8 Canal, notification of such authorization will be made in writing using a "Temporary Operation Authorization" form, an example of which is attached hereto as Exhibit A, and will be provided to the City.

42. The temporary delivery of water from the L-8 Reservoir to the L-8 Canal should not be construed as a certification of use by the City pursuant to Rule 40E-8.421(1)(e), F.A.C., or the Basis of Review for Water Use Permit Applications within the

South Florida Water Management District criteria 3.2.1.E. 5.(a.) or 6.(a.). Moreover, this Order shall not be construed to grant a consumptive use permit or water right pursuant to Part II, Chapter 373, F.S.

43. The City shall otherwise comply with the conditions of its consumptive use permit, #50-00615-W, except as outlined in this Order.

44. In the event of rainfall, the City is directed to take all reasonable steps to hold as much water as possible within its surface water management systems, while still providing flood protection.

45. The City shall monitor daily conditions and uses of sources associated with this Order and report that information weekly to the District. Data must be collected from Tuesday through Monday of each week. Reports shall be submitted via facsimile by noon each Tuesday to the Water Supply Department, Steve Hanson at (561) 682-6265. Daily monitoring shall consist of the following: (a) pumpage from Control Structure #2; (b) pumpage from the Clear Lake surface water pumps into the treatment plant; (c) flow over Control Structure #4; (d) chlorides measured at the Clear Lake treatment plant intakes; (e) pumpage from the surface water pump(s) that provides surface water from the M-Canal to recharge the Wellfield; (f) reclaimed water provided to the Wellfield independent of any surface water from the M-Canal; (g) cumulative Wellfield withdrawals; and, (h) pumpage from the Floridan aquifer well.

46. This Order shall terminate upon written notice from the District's Executive Director or September 30, 2008, whichever is sooner. Extension of the duration of this Order may be requested in writing to the District's Executive Director. In determining

whether or not to extend the duration of this Order, the Executive Director shall consider the status of associated Orders, compliance history with this Order, projected availability of water, and water resource conditions including Lake Okeechobee's current and projected stage, and long-range rainfall forecasts.

47. The Executive Director or designee may modify the terms of this Order at any time, as appropriate for the protection of the public health, safety, and welfare and the water resources of South Florida.

48. This Order is temporary in nature and shall not relieve the City of any obligation to obtain necessary federal, state, local, or special district approvals.

49. The City shall insure that harmful impacts to the water resources, off-site land uses, or existing legal uses of water do not occur as a result of this Order. In the event such harmful impacts result from actions authorized by this Order, the City shall implement all necessary actions, as directed by the District, to cease such harmful impacts and, if necessary, to mitigate such impacts. Failure to comply with this requirement shall be considered a violation of this Order.

50. This Order does not convey any property rights or any rights or privileges other than those specified in the Order.

51. Failure to comply with the terms of this Order shall constitute a violation of a District Order under Chapter 373, F.S., and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

52. The City shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation,

maintenance or use of any facility authorized by this Order.

53. If the District petitions or sues for enforcement of the terms of this Order, the District reserves the right to initiate appropriate legal action, to impose civil penalties and collect attorney's fees and costs.

54. This Order shall take effect on April 25, 2008, pursuant to Rule 40E-21.291(7), F.A.C.

55. A Notice of Rights is attached as Exhibit B.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 21st day of April 2008.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT
BY ITS EXECUTIVE DIRECTOR

By: 
TOM OLLIFF
ASSISTANT EXECUTIVE DIRECTOR



ATTEST

LEGAL FORM APPROVED

By: 
JENNIFER BOKANKOWITZ, ESQ.

By: 
Assistant Secretary
Dated April 21, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Yassir Abouish, Director of Utilities, City of West Palm Beach, via U.S. Mail at 1000 45th Street, Suite 15, West Palm Beach, Florida 33409 and via electronic mail at yabouish@wpb.org on this 21st day of April 2008.



Jennifer Bokankowitz, Esq.

Temporary Authorization of Withdrawal Facility Operation

Permittee's Name: City of West Palm Beach

Withdrawal Facility and Delivery Location: Control 2

Day(s) of operation: _____

Hours of operation: The City shall contact the South Florida Water Management District's Operation Control Room (561-682-6116) each morning at 9:00 a.m. during the above-referenced time frame to determine the numbers of hours Control 2 is allowed to pump.

Additional Operational Requirements:

Signed: _____

Print Name: _____

_____, 2008

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District's Governing Board takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.