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March 15, 2012

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REGULATION AGENDA ITEMS

PERMIT DENIAL: Those listed on the consent agenda are routine in nature and non-controversial. Such denials are typically due to failure of applicant to complete the application. Unique or controversial projects or those requiring a policy decision are normally listed as discussion items. Permit types include:

Environmental Resource (ERP): Permits that consider such factors as the storage of storm water to prevent flooding of a project (upstream or downstream projects); the treatment of stormwater prior to discharge from the site to remove pollutants; and the protection of wetlands on the project site.

Surface Water Management: Permits for drainage systems, which address flood protection, water quality, and environmental protection of wetlands.

Water Use: Permits for the use of ground and/or surface water from wells, canals, or lakes.

Lake Okeechobee Works of the District: Permits that set concentration limits for total phosphorus in surface discharge from individual parcels in the Lake Okeechobee Basin.

EAA Works of the District: Permits to reduce the total phosphorus load from the EAA by 25 percent in water discharged to Works of the District.

Wetland Resource: Permits for dredge and fill activities within Waters of the State and their associated wetlands.

ADMINISTRATIVE HEARING: A case in litigation conducted pursuant to the Administrative Procedures Act (Chapter 120, Florida Statutes) involving the determination of a suit upon its merits. Administrative hearings provide for a timely and cost effective dispute resolution forum for interested persons objecting to agency action.

FINAL ORDER: The Administrative Procedures Act requires the District to timely render a final order for an administrative hearing after the hearing officer submits a recommended order. The final order must be in writing and include findings of fact and conclusions of law.

CONSENT ORDER: A voluntary contractual agreement between the District and a party in dispute which legally binds the parties to the terms and conditions contained in the agreement. Normally used as a vehicle to outline the terms and conditions regarding settlement of an enforcement action.

CONSERVATION EASEMENT: A perpetual fee ownership in real property that retains such land or water area in its predominantly natural, scenic, open, or wooded condition. Conservation easements generally limit the use of the conservation area to passive, recreational activities such as hiking and bicycling. The District will consider as mitigation for the adverse impacts to wetlands or other surface waters functions caused by a proposed project, the preservation, by conservation easement, of wetland ecosystems.

TECHNICAL DENIAL: This action normally takes place when a proposed project design does not meet water management criteria or the applicant does not supply information necessary to complete the technical review of an application.

EMERGENCY ORDER and AUTHORIZATION: An immediate final order issued without notice by the Executive Director, with the concurrence and advice of the Governing Board, pursuant to (Section 373.119(2), Florida Statutes, when a situation arises that requires timely action to protect the public health, safety or welfare and other resources enumerated by rule and statute.

MEMORANDUM OF AGREEMENT/UNDERSTANDING: A contractual arrangement between the District and a named party or parties. This instrument typically is used to define or explain parameters of a long-term relationship and may establish certain procedures or joint operating decisions.

PETITION: An objection in writing to the District, requesting either a formal or an informal administrative hearing, regarding an agency action or a proposed agency action. Usually a petition filed pursuant to Chapter 120, Florida Statutes, challenges agency action, a permit, or a rule. Virtually all agency action is subject to petition by substantially affected persons.

SEMINOLE TRIBE WORK PLAN: The District and the Seminole Indians signed a Water Use Compact in 1987. Under the compact, annual work plans are submitted to the District for review and approval. This plan keeps the District informed about the tribe plans for use of their land and the natural resources. Although this is not a permit, the staff has water resource related input to this plan.

SITE CERTIFICATIONS: Certain types of projects (power plants, transmission lines, etc.) are permitted by the Governor and Cabinet under special one-stop permitting processes that supercede normal District permits. The Water Management Districts, DEP, DCA, FGFWFC, and other public agencies are mandatory participants. DEP usually coordinates these processes for the Governor and Cabinet.

VARIANCES FROM, OR WAIVERS OF, PERMIT CRITERIA: The Florida Administrative Procedures Act provides that persons subject to an agency rule may petition the agency for a variance from, or waiver of, a permitting rule. The Governing Board may grant a petition for variance or waiver when the petitioner demonstrates that 1) the purpose of the underlying statute will be or has been achieved by other means and, 2) when application of the rule would create a substantial hardship or would violate principles of fairness.

DENIALS

OSCEOLA COUNTY

1. 1500 S KENANSVILLE FISH FARM APPL. NO. 081210-7
NASSCOND INC PERMIT NO. 49-00374-W
SEC 24 TWP 30S RGE 33E ACREAGE: 100.00
LAND USE: AQUACULTURE

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL

WATER SOURCE: UPPER FLORIDAN AQUIFER

ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: APRIL 12, 2012

2. LORRAINE ESTATES PHASE VI APPL. NO. 070108-8
CHESTER TOMBLIN PERMIT NO. N/A
SEC 14 TWP 26S RGE 30E ACREAGE: 4.94
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)

RECEIVING BODY: LAKE TOHOPEKALIGA VIA WPB CANAL

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 15, 2012

3. SIGNATURE CROSSINGS APPL. NO. 090610-13
SAINT CLOUD PRESERVE LLC PERMIT NO. N/A
SEC 24,25 TWP 25S RGE 29E ACREAGE: 18.31
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)

RECEIVING BODY: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 15, 2012

4. SIGNATURE CROSSINGS APPL. NO. 090610-10
ST CLOUD PRESERVE LLC PERMIT NO. 49-02017-W
SEC 24,25 TWP 25S RGE 29E ACREAGE: 17.94
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: WATER TABLE AQUIFER

ALLOCATION: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION

LAST DATE FOR BOARD ACTION: MARCH 15, 2012

CONSENT ORDERS

1. RESPONDENT: STANDARD PACIFIC OF SOUTH FLORIDA
PROJECT: MEADOW PINES

SEC 15,22 TWP 51S RGE 40E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO OBTAIN A CERTIFICATION
OF CONSTRUCTION COMPLETION

2. RESPONDENT: CITY OF KEY WEST
PROJECT: 10TH STREET AND FOGARTY AVENUE

SEC 33 TWP 67S RGE 25E MONROE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED MANGROVE ALTERATION

3. RESPONDENT: ST. LUCIE COUNTY SCHOOL BOARD
PROJECT: ST. LUCIE COUNTY SCHOOL BOARD

SEC 31 TWP 36S RGE 41E ST. LUCIE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS AND WATER QUALITY VIOLATIONS.

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: I-75 AND HWY 78 LLC
PROJECT: TARGET 22

LEE COUNTY

PARTIAL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER 19.37 ACRES OF A PREVIOUSLY PERMITTED DEVELOPMENT (36-06275 / 050802-21). THE ORIGINAL CONSERVATION EASEMENT WAS ERRONEOUSLY RECORDED OVER THE TOTAL PROJECT ACREAGE OF 22.39 ACRES.

APPLICATION 050802-21 LISTED ON-SITE WETLAND MITIGATION AS 3.0 ACRES OF ENHANCEMENT THE CONSERVATION EASEMENT WAS INCORRECTLY RECORDED OVER THE ENTIRE APPLICANT-OWNED AREA OF 22.39 ACRES.

THE APPLICANT SUBMITTED AN UPDATED BOUNDARY SURVEY WHICH SHOWED THE CORRECT UPLAND BUFFER ACREAGE AS 0.02 ACRES. THE ACREAGE ADJUSTMENT RESULTED IN A DECREASE TO THE PRESERVE AREA FROM 3.4 ACRES TO 3.02 ACRES. COMPENSATION FOR THE REMOVAL OF 0.38 ACRES FROM THE CONSERVATION AREA IS NOT REQUIRED AS THE ORIGINAL PERMIT (APPLICATION NUMBER 050802-21) DID NOT INCLUDE THE UPLAND BUFFER AREA IN THE PROPOSED MITIGATION AND SUFFICIENT MITIGATION WAS PROVIDED TO OFFSET ANY SECONDARY WETLAND IMPACTS.

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2. PERMITTEE: GREATER ORLANDO AVIATION AUTHORITY
PROJECT: MUD LAKE

ORANGE COUNTY

APPROVE AN AMENDMENT TO MUD LAKE CONSERVATION AREA EASEMENT ON BEHALF OF THE GREATER ORLANDO AVIATION AUTHORITY TO MODIFY DATE REFERENCES WITHIN THE DOCUMENTS. NO CHANGES TO THE CONSERVATION EASEMENT BOUNDARIES OR TO THE CONSERVATION EASEMENT LANGUAGE ARE PROPOSED. THE EASEMENT WAS PREVIOUSLY AMENDED PURSUANT TO A PERMIT MODIFICATION AND AS APPROVED BY THE GOVERNING BOARD ON APRIL 17, 2009.

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE TWENTY FIFTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BRIGHTON RESERVATION INCLUDE A PROPOSED CONSTRUCTION OF THE BRIGHTON PUBLIC SAFETY ADMINISTRATION BUILDING (THREE PUBLIC SERVICE BUILDINGS AND ASSOCIATED PARKING LOTS, DRIVEWAYS, SIDEWALKS AND LANDSCAPING ON APPROXIMATELY 11.13 ACRES WITHIN THE RESERVATION) AND A SANITARY SEWER FORCE MAIN ALONG YOUNGBLOOD ROAD CORRIDOR.
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