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February 9, 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. EAST LAKE COVE (PHASES 3-5) APPL. NO. 070824-21
ORLEANS HOMEBUILDERS INCORPORATED PERMIT NO. 49-01437-P
SEC 17,18 TWP 25S RGE 31E ACREAGE: 81.00
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (GENERAL PERMIT MODIFICATION)
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

2. GIORDANO'S DISTRIBUTION CENTER APPL. NO. 060425-6
RANDOLPH PARTNERS LLP PERMIT NO. N/A
SEC 25 TWP 26S RGE 28E ACREAGE: 2.86
LAND USE: COMMERCIAL

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: FEBRUARY 9, 2012

3. GIVE KIDS THE WORLD MAINTENANCE AREA PARKING APPL. NO. 070731-35
GIVE KIDS THE WORLD INCORPORATED PERMIT NO. 49-00640-S
SEC 25 TWP 25S RGE 28E ACREAGE: 1.48
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (GENERAL PERMIT MODIFICATION)
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. HORSE WORLD RIDING STABLES AND ISLES OF BELLALAGO APPL. NO. 071030-19
HORSE WORLD RIDING STABLES INCORPORATED PERMIT NO. 49-00094-S
SEC 6,31,32,36 TWP 26S RGE 28,29E ACREAGE: 205.00
LAND USE: RECREATIONAL

PERMIT TYPE: SURFACE WATER MANAGEMENT (GENERAL PERMIT MODIFICATION)
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

DENIALS

POLK COUNTY

1. FOX RUN
POLYAK DEVELOPMENT INCORPORATED
SEC 7 TWP 26S RGE 28E

APPL. NO. 071114-20
PERMIT NO. N/A
ACREAGE: 149.34
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
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

CONSENT ORDERS

1. RESPONDENT: POLO WEST GOLF CLUB
PROJECT: GREENVIEW COVE GOLF CLUB

SEC 9,15,16 TWP 44S RGE 41E

PALM BEACH COUNTY

SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED GRADING AND FILLING

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS
PROJECT: VANDERBILT BEACH PAVILION FACILITIES

COLLIER COUNTY

APPROVE A PARTIAL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER 0.02-ACRES OF PRESERVE AREA ADJACENT TO THE EXISTING PARKING GARAGE LOCATED ON THE SOUTH SIDE OF VANDERBILT BEACH ROAD FOR A PROJECT KNOWN AS THE VANDERBILT BEACH PAVILION FACILITIES LOCATED IN NAPLES, COLLIER COUNTY, FLORIDA. THE ORIGINAL APPLICATION NUMBER IS 041018-13 AND THE PERMIT NUMBER IS 11-02410-P.

THE AMENDMENT OF CONSERVATION EASEMENT REFLECTS THE REMOVAL OF A SMALL PORTION OF WETLAND AREA TOTALING APPROXIMATELY 935 SQUARE FEET (0.02-ACRES) AS THE APPLICANT NEEDS TO BE ABLE TO GET COUNTY VEHICLES WITH HEIGHT RESTRICTIONS INTO THE PARKING GARAGE (THE EXISTING ENTRANCE IS TOO LOW). THE IMPACTS ALSO RESULT FROM AN EXPANSION OF THE EXISTING RESTROOM FACILITY. THE ACREAGE REMOVAL RESULTS IN A DECREASE TO THE PRESERVE AREA FROM 2.23-ACRES TO 2.21-ACRES. THIS MODIFICATION REQUEST IS REFLECTED IN CURRENT ENVIRONMENTAL RESOURCE APPLICATION NO. 101001-2. COMPENSATION FOR THE REMOVAL OF 0.02-ACRES FROM THE CONSERVATION AREA IS BEING PROVIDED FOR ON-SITE AS THE ORIGINAL PERMIT (APPLICATION NO. 041018-13) DID NOT ACCOUNT FOR THE ENTIRE PRESERVE AREA TO BE UTILIZED AS MITIGATION FOR THE CONSTRUCTION OF THE ADJACENT PARKING GARAGE.

THE APPLICANT HAS APPLIED TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR A COASTAL CONSTRUCTION CONTROL LINE PERMIT FOR THE PORTION OF THE PROJECT ACTIVITIES THAT ARE SEAWARD OF THIS LINE. THE DISTRICT IS COORDINATING WITH THE FDEP ON THE CONCURRENT REVIEW OF THESE PERMITS. THE PROPOSED WETLAND IMPACTS ASSOCIATED WITH THIS CONSERVATION EASEMENT RELEASE ARE LANDWARD OF THE COASTAL CONSTRUCTION CONTROL LINE.

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: VILLAGE OF CEDARBEND HOMEOWNERS ASSOCIATION
PROJECT: THE VILLAGE OF CEDARBEND HOA, INC. C/O SILVERCRESTED MANAGEMENT

SEC 1 TWP 2S RGE 45E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING ON NON-ASSIGNED DAYS

2. RESPONDENT: AQUILA BINKS FOREST DEVELOPMENT LLC
PROJECT: BINK'S FOREST GOLF CLUB

SEC 1 TWP 31S RGE 41E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR FAILURE TO REPORT WEEKLY PUMPAGE

3. RESPONDENT: REALTY ASSOC FUND V
PROJECT: ARBORS OFFICE PARK

SEC 1 TWP 30S RGE 46E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING ON NON ASSIGNED DAYS
