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December 15, 2011

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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.

CONSENT ORDERS

1. RESPONDENT: CENTURY HOMEBUILDERS, LLC
PROJECT: CENTRY PRESTIGE OFF-SITE MITIGATION

SEC 23 TWP 51S RGE 39E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PREVIOUS
AMENDED CONSENT ORDER DUE TO NON COMPLIANCE WITH PERMIT CONDITIONS

2. RESPONDENT: LATT MAXCY CORPORATION AND MACK FARMS, INC.
PROJECT: LATT MAXCY CORPORATION AND MACK FARMS, INC.

SEC 12,13 TWP 31S RGE 31E OSCEOLA COUNTY
AMENDMENT OF A CONSENT ORDER TO EXTEND DEADLINES FOR OBTAINING AN ENVIRONMENTAL
RESOURCE PERMIT AND COMPLETING RESTORATION REQUIRED BY THE CONSENT ORDER

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: THE PRESERVE AT BAY HILL ESTATES HOA, INC.
PROJECT: BAYHILL ESTATES

PALM BEACH COUNTY

APPROVE THE TERMINATION AND RELEASE OF A RESTRICTIVE COVENANT WITHIN A PERMITTED PROJECT KNOWN AS BAYHILL ESTATES (PERMIT NO. 50-01111-S-02). THE RESTRICTIVE COVENANT WAS RECORDED IN THE PUBLIC RECORDS PURSUANT TO A FINAL JUDGMENT ENTERED IN PALM BEACH COUNTY CIRCUIT COURT CASE NO. CL92-7324 AN. THE RESTRICTIVE COVENANT REQUIRED THE REAL PROPERTIES DESCRIBED THEREIN TO REMAIN UNDEVELOPED UNTIL A CONSERVATION EASEMENT IN PERPETUITY IS RECORDED AND A CONSTRUCTION PERMIT AUTHORIZING A REDUCTION IN SIZE FOR THE PROPOSED RESERVOIR IS APPROVED BY SFWMD. THE REQUIRED CONSERVATION EASEMENT WAS RECORDED, AND THE PERMIT MODIFICATION HAS SINCE BEEN ISSUED BY SFWMD. SINCE ALL REQUIREMENTS OF THE RESTRICTIVE COVENANT HAVE BEEN COMPLETED, THE RESTRICTIVE COVENANT IS NO LONGER NEEDED AND CAN BE TERMINATED.

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: DIOCESE OF VENICE IN FLORIDA, INC.

PROJECT: RESURRECTION OF OUR LORD CATHOLIC CHURCH

SEC 22 TWP 45S RGE 24E

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: DELRAY REALTY ASSOCIATES, LLC

PROJECT: DELRAY TOWN CENTER

SEC 24 TWP 46S RGE 42E

PALM BEACH COUNTY

SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING ON NON ASSIGNED DAYS

3. RESPONDENT: MAROONE CHEVROLET, LLC

PROJECT: MAROONE CHEVROLET

SEC 23 TWP 44S RGE 42E

PALM BEACH COUNTY

SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING ON NON ASSIGNED DAYS
