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July 14, 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.

DENIALS

COLLIER COUNTY

1. GLENDALE BAPTIST CHURCH APPL. NO. 070820-17
GLENDALE BIBLE BAPTIST CHURCH INC PERMIT NO. 11-03255-P
SEC 4 TWP 47S RGE 29E ACREAGE: 4.79
LAND USE: INSTITUTIONAL

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: JULY 14, 2011

2. MANATEE PARK APPL. NO. 031021-12 *
COLLIER COUNTY PARKS DEPARTMENT PERMIT NO. 11-01149-S
SEC 11 TWP 51S RGE 26E ACREAGE: 76.26
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: JULY 14, 2011

3. SUMMIT LAKES APPL. NO. 041228-13
WATERWAYS JOINT VENTURE 5 PERMIT NO. 11-02081-P
SEC 26 TWP 48S RGE 26E ACREAGE: 138.30
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION/OPERATION MODIFICATION)
RECEIVING BODY: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: AUGUST 11, 2011

DENIALS

PALM BEACH COUNTY

1. NORTHLAKE BOULEVARD PROPERTIES

KWAI SANG AND SUEN CHAN LEE

SEC 16 TWP 42S RGE 41E

APPL. NO. 040524-2

PERMIT NO. 50-06501-W

ACREAGE: 1.00

LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED

WATER SOURCE: UNKNOWN

ALLOCATION: UNKNOWN

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

LAST DATE FOR BOARD ACTION: JULY 14, 2011

CONSENT ORDERS

1. RESPONDENT: SPRING LAKE CLUB, INC.
PROJECT: SPRING LAKE GOLF RESORT

HIGHLANDS COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

2. RESPONDENT: PAUL H. FREEMAN (TRUSTEE)
PROJECT: PAUL H. FREEMAN

SEC 26 TWP 38S RGE 40E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WORKS FOR CONVERTING A
SURFACE WATER MANAGEMENT SYSTEM FROM AGRICULTURAL TO RESIDENTIAL

3. RESPONDENT: TELEHAR CORPORATION AND OKEECHOBEE COUNTY
PROJECT: SW DRAINAGE IMPROVEMENTS

SEC 28 TWP 37S RGE 35E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS FOR FAILURE TO INSTALL EROSION CONTROL BMP'S AND NON-COMPLIANCE WITH
DEWATERING PERMIT CONDITIONS

4. RESPONDENT: BOCA WEST MASTER ASSOCIATION
PROJECT: BOCA WEST MASTER ASSOCIATION

SEC 9,10,15,16 TWP 47S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WITHDRAWALS FROM LAKE
WORTH DRAINAGE DISTRICT CANAL E-2E AND OVERPUMPAGE FOR IRRIGATION

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: ESTUARY AT GREY OAKS LTD, GREY OAKS COUNTRY CLUB AND HALSTATT PARTNERSHIP
PROJECT: ESTUARY AT GREY OAKS

COLLIER COUNTY

APPROVAL OF A PARTIAL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER 0.24-ACRES (10,374.47 SQUARE FEET) OF UPLAND BUFFER WITHIN A WETLAND PRESERVATION AREA KNOWN AS CONSERVATION AREA NO. 1, AND OVER 0.05-ACRES (2,376.80 SQUARE FEET) OF UPLAND BUFFER AND 0.06-ACRES (2,728.56 SQUARE FEET) OF WETLAND AREA WITHIN A WETLAND PRESERVATION AREA KNOWN AS CONSERVATION AREA NO. 2 FOR PERMIT NUMBER 11-00806-S (APPLICATION NO. 000221-31). THE PROTECTED CONSERVATION AREAS WERE IMPACTED BY THE APPLICANT DURING GOLF COURSE MAINTENANCE TO CREATE BETTER SIGHT LINES. TO COMPENSATE FOR THE RELEASE OF THE 0.35-ACRES OF CONSERVATION EASEMENT, THE APPLICANT HAS PROPOSED THE PRESERVATION OF ADDITIONAL UPLAND BUFFER AND FRESHWATER WETLAND AREAS WITHIN CONSERVATION AREAS 1 AND 2. THE ADDITIONAL UPLAND BUFFER ALONG CONSERVATION AREA NO. 1 WILL TOTAL 0.19-ACRES (8,415.29 SQUARE FEET); WITHIN CONSERVATION AREA NO. 2, THE ADDITIONAL UPLAND BUFFER WILL TOTAL 0.10-ACRES (4,375.18 SQUARE FEET) AND THE ADDITIONAL FRESHWATER WETLANDS WILL TOTAL 0.09-ACRES (3,751.76 SQUARE FEET). THE ADDITIONAL UPLAND BUFFER AND WETLAND AREAS PROPOSED EXCEED THAT WHICH IS BEING RELEASED. THE NEW CONSERVATION AREA WILL BE RECORDED IN A CONSERVATION EASEMENT ASSOCIATED WITH PENDING APPLICATION NUMBER 091223-8.

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2. PERMITTEE: KEENE'S POINTE COMMUNITY ASSOCIATION
PROJECT: SIMPSON PROPERTY

ORANGE COUNTY

APPROVE A REQUEST OF A PARTIAL RELEASE OF A CONSERVATION EASEMENT ON BEHALF OF THE RESIDENT OF LOT 587 IN THE KEENE'S POINTE COMMUNITY ASSOCIATION IN ORANGE COUNTY. THE SUBJECT PARCEL IS A SHALLOW LOT AND IN ORDER TO FACILITATE THE DEVELOPMENT OF THE PROPERTY, THE APPLICANT IS REQUESTING A RELEASE OF 229 SQUARE FEET OF UPLAND BUFFER CURRENTLY ENCUMBERED BY A CONSERVATION EASEMENT. IN ORDER TO OFFSET THIS LOSS OF UPLAND BUFFER, THE PROPERTY OWNER WILL RECORD A CONSERVATION EASEMENT OVER AN ADDITIONAL 230 SQUARE FEET OF UPLAND BUFFER WITHIN THE SAME PROJECT AREA.

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3. PERMITTEE: GCB ASSOCIATES LLC
PROJECT: PARCEL O AT WORLD GATEWAY

ORANGE COUNTY

APPROVE A REQUEST OF A PARTIAL RELEASE OF A CONSERVATION EASEMENT ON A PROPERTY KNOWN AS WORLD GATEWAY PARCEL O IN ORANGE COUNTY. THE SUBJECT PARCEL IS A SHALLOW LOT AND IN ORDER TO FACILITATE THE DEVELOPMENT OF THE PROPERTY, THE APPLICANT IS REQUESTING A RELEASE OF 1.465 ACRES OF UPLANDS CURRENTLY ENCUMBERED BY A CONSERVATION EASEMENT. IN ORDER TO OFFSET THIS LOSS OF CONSERVATION AREA, THE PROPERTY OWNER WILL RECORD A CONSERVATION EASEMENT OVER AN ADDITIONAL 1.468 ACRES OF UPLANDS WITHIN THE SAME PROJECT AREA

ENFORCEMENT ACTIONS

1. PERMITTEE: FALLING WATERS MASTER ASSOCIATION, INC.
PROJECT: FALLING WATERS

SEC 8 TWP 50S RGE 26E

COLLIER COUNTY

CONCUR WITH SFWMD STAFF'S RECOMMENDATION FOR ENFORCEMENT ACTION AGAINST
RESPONDENT FOR VIOLATIONS AGAINST WATER SHORTAGE RESTRICTIONS.

WATER SHORTAGE VARIANCE APPROVALS

FINAL ORDERS CONCURRING WITH THE GRANTING OF TEMPORARY VARIANCES FROM WATER SHORTAGE ORDER RESTRICTIONS IMPOSED.

As provided in Rule 40E-21.275, F.A.C., an applicant for a variance must provide reasonable assurances that the variance requested will not be harmful to the water resources of the District and demonstrate that specified circumstances exist.

1. PERMITTEE: SATURNIA LAKES PERMIT NO. 11-00385-W
PROJECT: SATURNIA LAKES HOMEOWNERS ASSOCIATION VARIANCE NO. 4789

COLLIER COUNTY

DUE TO SYSTEM CONSTRAINTS, APPLICANT IS AUTHORIZED TO IRRIGATE SPECIFIED AREAS ON THE DAYS AND HOURS ASSIGNED TO ODD ADDRESSES. OTHER AREAS/STREETS WITHIN THE SATURNIA LAKES HOMEOWNERS ASSOCIATION WILL FOLLOW THE SCHEDULE FOR SYSTEMS THAT IRRIGATE MULTIPLE ADDRESSES. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK. THIS VARIANCE ONLY APPLIES TO CURRENT RESTRICTIONS AND THE APPLICANT MUST TAKE ALL STEPS NECESSARY TO COMPLY WITH RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTIONS AND PRIOR TO ANY FUTURE WATER SHORTAGE DECLARATION.

2. PERMITTEE: PAMELA MULLINS PERMIT NO. N/A
PROJECT: PAMELA MULLINS VARIANCE NO. 4793

COLLIER COUNTY

DUE TO SYSTEM CONSTRAINTS APPLICANT IS AUTHORIZED TO IRRIGATE FROM 6:00 PM TO 8:00 PM ON WEDNESDAYS AND SATURDAYS

3. PERMITTEE: THE SANCTUARY GOLF CLUB PERMIT NO. 36-01967-W
PROJECT: THE SANCTUARY GOLF CLUB INC VARIANCE NO. 4800

LEE COUNTY

APPLICANT WILL CONTINUE TO USE RECLAIMED WATER AS THEIR PRIMARY IRRIGATION SOURCE. IF THERE IS INSUFFICIENT REUSE WATER, THE APPLICANT WILL USE ALLOCATION FROM THE LOWER HAWTHORN AQUIFER FOR IRRIGATION WHILE REMAINING WITHIN THEIR PERMITTED ALLOCATION. APPLICANT WILL CONTINUE TO REPORT USAGE.

4. PERMITTEE: VERAHDAH GOLF CLUB PERMIT NO. 36-04340-W
PROJECT: VERANDAH GOLF CLUB VARIANCE NO. 4802

LEE COUNTY

APPLICANT IS AUTHORIZED TO USE ALLOCATION FROM THE LOWER HAWTHORN AQUIFER (WELL 18) FOR IRRIGATION AS NEEDED WHILE REMAINING WITHIN ITS PERMITTED ALLOCATION. IN THIS REGION, THE LOWER AQUIFER IS CONSIDERED AN ALTERNATIVE SOURCE OF WATER. THE APPLICANT WILL CONDUCT CHLORIDE MONITORING IN LAKE Z24 AND REPORT THIS DATA AS WELL AS USAGE ON A WEEKLY BASIS. IF CHLORIDE LEVELS EXCEED 250 MG/L, IRRIGATION MUST CEASE.

WATER SHORTAGE VARIANCE APPROVALS

5. PERMITTEE: FLORIDA INTERNATIONAL UNIVERSITY PERMIT NO. 13-00021-W
PROJECT: FLORIDA INTERNATIONAL UNIVERSITY VARIANCE NO. 4795

MIAMI-DADE COUNTY

DUE TO SYSTEM CONSTRAINTS, APPLICANT IS AUTHORIZED TO IRRIGATE SECTION 1 AS SPECIFIED ON THE DAYS ASSIGNED TO ODD ADDRESSES AND SECTION 2 ON THE DAYS ASSIGNED TO EVEN ADDRESSES. APPLICANT WILL COMPLY WITH THE HOURS OF IRRIGATION CONTAINED IN THE WATER SHORTAGE ORDER. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK. THIS VARIANCE ONLY APPLIES TO THE CURRENT RESTRICTIONS AND THE APPLICANT MUST TAKE ALL NECESSARY STEPS TO COMPLY WITH RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTION AND PRIOR TO ANY FUTURE WATER SHORTAGE DECLARATIONS.

6. PERMITTEE: PALM BEACH PAR 3 GOLF COURSE PERMIT NO. 50-08818-W
PROJECT: TOWN OF PALM BEACH VARIANCE NO. 4791

PALM BEACH COUNTY

APPLICANT USES 100% FLORIDAN WATER, CONSIDERED AN ALTERNATE SOURCE OF WATER, AND HAS PLANTED PASPALUM VARIETY GRASS, WHICH IS SALT TOLERANT AND PROVIDES MORE REDUCTION RUNOFF AS COMPARED TO THE TRADITIONAL TURF-GRASS. APPLICANT WILL CONTINUE TO REPORT USAGE.

7. PERMITTEE: FAIRWAY POINTE PERMIT NO. N/A
PROJECT: FAIRWAY POINTE HOMEOWNERS ASSOCIATION VARIANCE NO. 4790

PALM BEACH COUNTY

APPLICANT HAS INSTALLED AN EVAPOTRANSPIRATION-BASED IRRIGATION SYSTEM UTILIZING COMPUTERIZED CONTROLS, AND A WEATHER STATION TO IRRIGATE THE COMMON AREAS. APPLICANT WILL COMPLY WITH THE IRRIGATION HOURS INCLUDED IN THE RESTRICTIONS (NO IRRIGATION FROM 10:00 AM TO 4:00 PM) AND IS OTHERWISE AUTHORIZED TO IRRIGATION ACCORDING TO THE SYSTEMS DEMANDS. SIGNS WILL BE POSTED TO NOTIFY THE PUBLIC OF THE SYSTEM AND VARIANCE. ADDITIONALLY, WITHIN 30 DAYS OF THE VARIANCE ISSUANCE, THE APPLICANT WILL PROVIDE MONTHLY IRRIGATION USE OF ONE YEAR PRIOR TO THE SYSTEM INSTALLATION AND SUBMIT QUARTERLY IRRIGATION WATER USE DATA FOR EACH OF THE AREAS.

8. PERMITTEE: NUMBER ONE CONDOMINIUM ASSOCIATION - PERMIT NO. 50-00848-W
PALM GREENS AT VILLAS DEL RAY VARIANCE NO. 4796
PROJECT: NUMBER ONE CONDOMINIUM ASSOCIATION

PALM BEACH COUNTY

DUE TO WORK SCHEDULE, APPLICANT IS AUTHORIZED TO IRRIGATE MONDAYS AND THURSDAYS ON HOURS ALLOWED IN THE WATER SHORTAGE ORDER. NO AREA SHALL BE IRRIGATED MORE THAN TWICE A WEEK.

WATER SHORTAGE VARIANCE APPROVALS

9.	PERMITTEE: CITY OF WEST PALM BEACH	PERMIT NO. 50-07890-W
	PROJECT: CITY OF WEST PALM BEACH	VARIANCE NO. 4806

PALM BEACH COUNTY

APPLICANT IS AUTHORIZED TO CONDUCT WATER SUPPLY WITHDRAWALS FROM THE L-8 CANAL AT ANY TIME OF THE DAY AS DIRECTED BY THE SFWMD CONTROL ROOM. THE CONTROL ROOM WILL SPECIFY WHEN PUMPAGE IS ALLOWED AND MAY SPECIFY ON AND OFF CRITERIA. TOTAL MONTHLY PUMPAGE SHALL NOT EXCEED THE VOLUMES IDENTIFIED IN THE AMENDED EXHIBIT C OF WATER SHORTAGE ORDER NO. 2011-047-DAO-WS.

10.	PERMITTEE: LOXAHATCHEE GROVES WATER CONTROL DISTRICT	PERMIT NO. 50-05285-W
	PROJECT: LOXAHATCHEE GROVES WATER CONTROL DISTRICT	VARIANCE NO. 4774

PALM BEACH COUNTY

WHEN INSUFFICIENT RAINFALL OCCURS THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT IS AUTHORIZED TO WITHDRAW UP TO 155 MG OF WATER FROM THE C-51 TO MAINTAIN CANAL STAGES FOR FIRE PROTECTION. THIS VARIANCE SHALL EXPIRE SEPTEMBER 15, 2011, OR WHEN THE DISTRICT ISSUES A MORE STRINGENT WATER SHORTAGE ORDER, WHICHEVER OCCURS FIRST AND IS SUBJECT TO SPECIFIED CONDITIONS.

11.	PERMITTEE: DEPARTMENT OF MANAGEMENT SERVICES	PERMIT NO. N/A
	PROJECT: BENTON BUILDING	VARIANCE NO. 4792

ST. LUCIE COUNTY

DUE TO SYSTEM CONSTRAINTS, APPLICANT IS AUTHORIZED TO IRRIGATE ON MONDAYS AND THURSDAYS DURING THE HOURS ALLOWED IN THE WATER SHORTAGE ORDER. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK. THIS VARIANCE WILL ONLY APPLY TO CURRENT RESTRICTIONS AND THE APPLICANT MUST TAKE ALL NECESSARY STEPS TO COMPLY WITH THE RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTIONS AND PRIOR TO THE NEXT WATER SHORTAGE DECLARATION. APPLICANT WILL POST SIGNS AT THE SITE TO INFORM THE PUBLIC OF FEATURES OF AND REASONS FOR THIS VARIANCE.

WATER SHORTAGE VARIANCE DENIALS

1. PERMITTEE: SOTIRIOS AND MIRASOL VLAHOS PERMIT NO. N/A
PROJECT: SOTIRIOS AND MIRASOL VLAHOS VARIANCE NO. 4799

BROWARD COUNTY

FINAL ORDER CONCURRING WITH THE DENIAL OF AN APPLICATION FOR TEMPORARY VARIANCE
FROM WATER SHORTAGE RESTRICTIONS IMPOSED.
