

**CONSENT AGENDA TABLE OF CONTENTS**  
**REGULATORY ITEMS FOR GOVERNING BOARD ACTION**  
**April 14, 2011**

	<b>PAGE</b>
<b>I DENIALS</b>	
BROWARD COUNTY	1
COLLIER COUNTY	2
LEE COUNTY	3
MARTIN COUNTY	4
ORANGE COUNTY	5
OSCEOLA COUNTY	6
PALM BEACH COUNTY	7
<b>II CONSENT ORDERS</b>	9
<b>III CONSERVATION EASEMENT AMENDMENTS AND RELEASES</b>	10
<b>IV WATER SHORTAGE VARIANCES</b>	11
<b>V SEMINOLE TRIBE WORK PLANS</b>	13

## 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**

**BROWARD COUNTY**

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1. MINNAUGH PLAT  
PINES PROFESSIONAL AND MEDICAL CENTER LLC  
SEC 13 TWP 51S RGE 39E

APPL. NO. 050207-6  
PERMIT NO. N/A  
ACREAGE: 4.08  
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)  
RECEIVING BODY: SOUTH BROWARD DRAINAGE DISTRICT BASIN 5 MASTER SYSTEM  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE  
APPLICATION  
LAST DATE FOR BOARD ACTION: MAY 12, 2011

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**DENIALS**

**OSCEOLA COUNTY**

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1. GRAND OAKS  
RSRHCV LLC  
SEC 1 TWP 26S RGE 28E

APPL. NO. 071115-20  
PERMIT NO. N/A  
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: APRIL 14, 2011

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DENIALS

PALM BEACH COUNTY

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1. BALLASTONE  
JOG AND BELVEDERE DEVELOPMENT LLC  
SEC 27 TWP 43S RGE 42E  
APPL. NO. 061031-13  
PERMIT NO. 50-07777-W  
ACREAGE: 25.95  
LAND USE: LANDSCAPE  
PERMIT TYPE: WATER USE PROPOSED  
WATER SOURCE: ON-SITE LAKES  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: APRIL 14, 2011
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2. GREEN MEADOWS FARM  
WILLIAM B SWAIM  
SEC 12 TWP 45S RGE 41E  
APPL. NO. 071212-12  
PERMIT NO. N/A  
ACREAGE: 27.00  
LAND USE: LANDSCAPE  
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: APRIL 14, 2011
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3. INNOVATION CENTRE AT FLORIDA ATLANTIC R AND D PARK  
FLORIDA ATLANTIC UNIVERSITY R AND D AUTHORITY  
SEC 7 TWP 47S RGE 43E  
APPL. NO. 080703-8  
PERMIT NO. 50-03359-S  
ACREAGE: 12.10  
LAND USE: INSTITUTIONAL  
PERMIT TYPE: SURFACE WATER MANAGEMENT (COMPLIANCE LETTER MOD)  
RECEIVING BODY: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: APRIL 14, 2011
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4. OCEAN BREEZE WEST  
BOYNTON ASSOCIATES LTD  
SEC 21 TWP 45S RGE 43E  
APPL. NO. 060720-10  
PERMIT NO. 50-09678-P  
ACREAGE: 3.44  
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: APRIL 14, 2011
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CONSENT ORDERS

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1. RESPONDENT: TIMOTHY AYERS  
PROJECT: AYERS PROPERTY

SEC 19 TWP 42S RGE 25E CHARLOTTE COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WETLAND IMPACTS AND  
EXCAVATION

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2. RESPONDENT: THE MANNHEIMER FOUNDATION  
PROJECT: HAMAN RANCH

SEC 16,21 TWP 43S RGE 31E HENDRY COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED ROAD CONSTRUCTION AND  
WETLAND IMPACTS

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3. RESPONDENT: MSR GL RESORT LP  
PROJECT: MSR GL RESORT

SEC 8,17 TWP 24S RGE 29E ORANGE COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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4. RESPONDENT: RBF, LLC  
PROJECT: RITZ CARLTON GOLF CLUB AND SPA

SEC 19 TWP 41S RGE 43E PALM BEACH COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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CONSERVATION EASEMENT AMENDMENTS AND RELEASES

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1. PERMITTEE: KEENE'S POINTE COMMUNITY ASSOCIATION  
PROJECT: KEENE'S POINTE

ORANGE COUNTY

APPROVE A CORRECTION OF A PREVIOUSLY RECORDED CONSERVATION EASEMENT FOR A PROJECT KNOWN AS KEENE'S POINTE COMMUNITY ASSOCIATION LOCATED IN ORANGE COUNTY. THE EASEMENT, AS RECORDED, IS INCONSISTENT WITH THE REQUIREMENTS IN PERMIT NO. 48-00950-P IN THAT IT INCLUDES SOVEREIGN SUBMERGED LANDS AS WELL AS AREAS NOT DESIGNATED TO BE CONSERVATION AREAS IN THE PERMITTED MITIGATION PLAN. THE REQUEST IS TO RELEASE THE AREAS INCORRECTLY INCLUDED IN THE RECORDED EASEMENT. NO PERMIT MODIFICATION IS ASSOCIATED WITH THIS ACTION, SINCE THIS IS A CORRECTION OF THE EASEMENT TO REFLECT THE EXISTING PERMIT.

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**WATER SHORTAGE VARIANCES**

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1. PERMITTEE: THE OLD COLLIER GOLF CLUB, INC. PERMIT NO.: 11-01758-W  
PROJECT: OLD COLLIER GOLF CLUB

COLLIER COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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2. PERMITTEE: JUPITER ISLAND CLUB, INC. PERMIT NO.: 43-00273-W  
PROJECT: JUPITER ISLAND

MARTIN COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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3. PERMITTEE: LOST TREE CLUB, INC PERMIT NO.: 50-00421-W  
PROJECT: LOST TREE CLUB

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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4. PERMITTEE: THE BREAKERS PALM BEACH, INC. PERMIT NO.: 50-04366-W  
PROJECT: THE BREAKERS PALM BEACH

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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5. PERMITTEE: SEMINOLE GOLF CLUB PERMIT NO.: 50-00349-W  
PROJECT: SEMINOLE GOLF CLUB

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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**WATER SHORTAGE VARIANCES**

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6. PERMITTEE: THE EVERGLADES CLUB, INC. PERMIT NO.: 50-03413-W  
PROJECT: THE EVERGLADES CLUB

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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7. PERMITTEE: PALM BEACH COUNTRY CLUB PERMIT NO.: 50-03835-W  
PROJECT: PALM BEACH COUNTRY CLUB

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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8. PERMITTEE: FLORIDA DEPARTMENT OF PUBLIC WORKS PERMIT NO.: 50-05487-W  
PROJECT: SR 80 MEDIAN ENHANCEMENT

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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9. PERMITTEE: CHRIST FELLOWSHIP CHURCH PERMIT NO.: 50-04723-W  
PROJECT: CHRIST FELLOWSHIP CHURCH

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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10. PERMITTEE: FLORIDA DEPARTMENT OF PUBLIC WORKS PERMIT NO.: 50-05613-W  
PROJECT: SR 80 (SOUTHERN BOULEVARD)

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED BY ORDER NO. 2011-039-DAO-WS, AFFECTING GOLF COURSE AND LANDSCAPE IRRIGATION USERS WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

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## SEMINOLE TRIBE WORK PLANS

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1. CONCUR WITH THE SEVENTH AMENDMENT TO THE TWENTY THIRD ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. FOR RE-AUTHORIZATION OF THE GENERAL WORK PLAN FOR THE BIG CYPRESS RESERVATION. THE ORIGINAL AUTHORIZATION WAS APPROVED AS A SUBSET OF THE SEMINOLE TRIBE'S EIGHTEENTH ANNUAL WORK PLAN IN 2006. THE REQUEST FOR RE-AUTHORIZATION IS FOR ANOTHER FIVE YEARS WITH NO REVISIONS TO THE PROVISIONS.
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