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February 10, 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

MARTIN COUNTY

1. GREEN TURTLE ISLE APPL. NO. 070726-20
BLUE MARLIN DREAMS LLC PERMIT NO. N/A
SEC 52 TWP 38S RGE 41E ACREAGE: .86
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: FEBRUARY 10, 2011

2. PORT MAYACA YACHT CLUB MARINA APPL. NO. 061222-10
PORT MAYACA PLANTATION LLC PERMIT NO. 43-00252-S
SEC 13 TWP 40S RGE 37E ACREAGE: 22.30
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONSTRUCTION OPERATION MODIFICATION)
RECEIVING BODY: C-44
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: FEBRUARY 10, 2011

3. STUART COMMERCIAL PROPERTIES APPL. NO. 080401-5
DEBS DEVELOPERS LLC PERMIT NO. N/A
SEC 9 TWP 38S RGE 41E ACREAGE: 4.07
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 10, 2011

DENIALS

MIAMI-DADE COUNTY

1. CARDINAL COMMERCE CENTER AT PAN AMERICAN BUSINESS APPL. NO. 060315-11
CARDINAL COMMERCIAL DEVELOPMENT LLC PERMIT NO. 13-01930-P
SEC 30 TWP 52S RGE 40E ACREAGE: 8.61
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: FEBRUARY 10, 2011

2. MILLER COVE III APPL. NO. 070913-5
HOMESTAR OF WEST DADE LLC PERMIT NO. 13-02057-P
SEC 20 TWP 54S RGE 39E ACREAGE: 2.50
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: FEBRUARY 10, 2011

3. OKEECHOBEE PARK NORTH APPL. NO. 041007-4
MAGIC INVESTMENT LLC PERMIT NO. N/A
SEC 19 TWP 52S RGE 40E ACREAGE: 10.00
LAND USE: MITIGATION

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
RECEIVING BODY: ON-SITE RETENTION
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: FEBRUARY 10, 2011

4. TAMIAMI PLAZA APPL. NO. 100210-1
FERRO LAND DEVELOPMENT LLC PERMIT NO. 13-01950-P
SEC 4 TWP 54S RGE 39E ACREAGE: 8.97
LAND USE: COMMERCIAL

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: MARCH 10, 2011

DENIALS

PALM BEACH COUNTY

1. BACARA (POINTE AT MEADOWBROOK) APPL. NO. 051215-11
CEEBRAID-SIGNAL PERMIT NO. 50-01478-S
SEC 6 TWP 47S RGE 42E ACREAGE: 18.60
LAND USE: RESIDENTIAL

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: FEBRUARY 10, 2011

2. NEW URBAN HIGH RIDGE APPL. NO. 091230-18
NEW URBAN HIGH RIDGE LLC PERMIT NO. 50-07577-P
SEC 8 TWP 45S RGE 43E ACREAGE: 21.13
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE PERMIT (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: FEBRUARY 10, 2011

DENIALS

ST LUCIE COUNTY

1. HUNTER'S RUN APPL. NO. 060519-14
RIVERVIEW DEVELOPERS LC PERMIT NO. N/A
SEC 32 TWP 36S RGE 38E ACREAGE: 406.81
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
RECEIVING BODY: GERMANY CANAL
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: FEBRUARY 10, 2011

2. HUNTER'S RUN APPL. NO. 060907-18
RIVERVIEW DEVELOPERS LLC PERMIT NO. N/A
SEC 32 TWP 36S RGE 38E ACREAGE: 3.63
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: FEBRUARY 10, 2011

3. HUNTER'S RUN DEWATERING APPL. NO. 060907-19
RIVERVIEW DEVELOPERS LLC PERMIT NO. N/A
SEC 32 TWP 36S RGE 38E ACREAGE: 406.81
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: FEBRUARY 10, 2011

4. LUCIE ROCK APPL. NO. 070910-7
LUCIE ROCK LLC PERMIT NO. N/A
SEC 2 TWP 35S RGE 39E ACREAGE: 94.26
LAND USE: INDUSTRIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
RECEIVING BODY: NORTH ST LUCIE RIVER WATER CONTROL DISTRICT CANAL 33 AND 44
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: FEBRUARY 10, 2011

CONSENT ORDERS

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

SEC 23 TWP 51S RGE 39E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS
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2. RESPONDENT: THE SHOPPES AT CLEARY LLC
PROJECT: SHOPPES AT CLEARY

SEC 5 TWP 50S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE
-
3. RESPONDENT: AT&T (LESSEE) C/O FT - FLORIDA PROPERTY, LLC
PROJECT: AT&T

SEC 33 TWP 49S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE
-
4. RESPONDENT: IMPERIAL GOLF ESTATES HOMEOWNER'S ASSOCIATION, INC.
PROJECT: IMPERIAL GOLF ESTATES LIVINGSTON ROAD ACCESS

SEC 24 TWP 48S RGE 25E COLLIER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO FOLLOW BEST MANAGEMENT
PRACTICES
-
5. RESPONDENT: HM PROPERTY INVESTMENTS, LLC.
PROJECT: MARTINGALE ESTATES

SEC 24 TWP 38S RGE 39E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT
CONDITIONS FOR FAILURE TO SUBMIT A CONSTRUCTION COMPLETION CERTIFICATION AND
MONITORING REPORTS, COMPLETE MITIGATION REQUIREMENTS, AS WELL AS MAINTAIN THE
WETLAND AND UPLAND PRESERVE
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6. RESPONDENT: PINE RIDGE NORTH CONDO ASSOCIATION, INC.
PROJECT: PINE RIDGE NORTH III CONDO ASSOCIATION

SEC 15 TWP 44S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE
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7. RESPONDENT: FAR NIENTE STABLE V, LLC
PROJECT: TRACT D AND EQUESTRIAN CLUB ROAD REALIGNMENT

SEC 20 TWP 44S RGE 41E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNAUTHORIZED WORKS
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CONSENT ORDERS

8. RESPONDENT: SOUTHEASTERN FREIGHT LINES, INC.
PROJECT: SOUTHEASTERN FREIGHT LINES

SEC 32 TWP 42S RGE 43E

PALM BEACH COUNTY

SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED DEWATERING

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE FIFTH AMENDMENT TO THE TWENTY THIRD ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. THE PROPOSED WORKS INCLUDE THE FOLLOWING: BRIGHTON RESERVATION 1) CONTROL STRUCTURE 1962 (DEWATERING WATER USE PLAN) - SURFACE WATER DRAINAGE IMPROVEMENTS TO THE STRUCTURE ARE REQUIRED IN ORDER TO MANAGE IRRIGATION AND FLOOD CONTROL WATERS AS THE PREVIOUSLY APPROVED CULVERT REPLACEMENT TAKES PLACE. A PUMP WILL BE SET UP FOR DEWATERING USING WELL POINTS.
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