

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
May 13, 2010

	PAGE
I DENIALS	
BROWARD COUNTY	1
MIAMI-DADE COUNTY	2
MONROE COUNTY	3
ORANGE COUNTY	4
PALM BEACH COUNTY	5
II CONSENT AGREEMENTS	6
III CONSERVATION EASEMENT AMENDMENTS AND RELEASES	7

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 AGREEMENT: 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

MIAMI-DADE COUNTY

1. HHJ DEVELOPMENT LLC APPL. NO. 040127-8 *

HHJ DEVELOPMENT LLC PERMIT NO. N/A

SEC 30,31 TWP 57S RGE 39E ACREAGE: 3.27

LAND USE: COMMERCIAL

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: MAY 13, 2010

2. TEJEDA NURSERY APPL. NO. 051115-1

MARITZA MARTIN PERMIT NO. N/A

SEC 26 TWP 57S RGE 39E ACREAGE: 9.31

LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL AND 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: MAY 13, 2010

3. VANESSA SUBDIVISION APPL. NO. 060622-8

INTERAMERICAN REAL ESTATE FUND LTD PERMIT NO. N/A

SEC 16 TWP 54S RGE 39E ACREAGE: 6.11

LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)

RECEIVING BODY: ON-SITE RETENTION

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

LAST DATE FOR BOARD ACTION: MAY 13, 2010

DENIALS

MONROE COUNTY

1. LA BRISA
LA BRISA ASSOCIATION INC
SEC 4 TWP 68S RGE 25E

APPL. NO. 060822-24
PERMIT NO. N/A
ACREAGE: .02
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: JUNE 10, 2010

DENIALS

ORANGE COUNTY

1. OSPREY SOUND
OSPREY SOUND LTD
SEC 15 TWP 23S RGE 29E

APPL. NO. 051006-18
PERMIT NO. N/A
ACREAGE: 15.40
LAND USE: WETLAND
DETERMINATION

PERMIT TYPE: FORMAL WETLAND DETERMINATION
RECEIVING BODY: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE
APPLICATION
LAST DATE FOR BOARD ACTION: MAY 13, 2010

CONSENT AGREEMENTS

1. RESPONDENT: HOMESTEAD DEVELOPMENTS, LLC
PROJECT: HAMILTON PLACE

SEC 19 TWP 57S RGE 39E MIAMI-DADE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

2. RESPONDENT: FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT: US-1 SOUTH BRIDGE

SEC 16,17 TWP 59S RGE 39E MIAMI-DADE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

3. RESPONDENT: DR. CLAUDIO ALVAREZ AND EAGLE ISLAND FARMS
PROJECT: CLAUDIO ALVAREZ

SEC 29 TWP 34S RGE 34E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE AND WATER
SHORTAGE VIOLATIONS

4. RESPONDENT: CHELSEA COMMONS LTD
PROJECT: CHELSEA COMMONS LTD PARTNERSHIP

SEC 27 TWP 44S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: CITY OF ST CLOUD
PROJECT: SOUTHERN PINES

OSCEOLA COUNTY

APPROVE A PARTIAL RELEASE OF CONSERVATION EASEMENT PLACED OVER TWO AREAS OVER WHICH THE CITY OF ST. CLOUD IS PROPOSING TO EXTEND NEW NOLTE ROAD (CONCURRENT APPLICATION 060711-10). THE EASEMENT AREAS FOR RELEASE TOTALS 0.205 ACRES (W3B 0.152 ACRE AND W3C 0.053 ACRE). MITIGATION FOR THE DIRECT WETLAND IMPACTS AS WELL AS FOR THE LOSS OF PREVIOUSLY PERMITTED MITIGATION VALUE WILL BE PROVIDED THROUGH THE PURCHASE OF CREDITS FROM THE REEDY CREEK MITIGATION BANK.
