

CONSENT AGENDA TABLE OF CONTENTS
REGULATORY ITEMS FOR GOVERNING BOARD ACTION
January 12, 2012

	PAGE
I DENIALS	
PALM BEACH COUNTY	1
II CONSENT ORDERS	2
III CONSERVATION EASEMENT AMENDMENTS AND RELEASES	3
IV WATER SHORTAGE CONSENT ORDERS	4
V SEMINOLE TRIBE WORK PLANS	5

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: FORTUNATE FARMS, LLC
PROJECT: MUDFEST AIR-BOAT RACING

SEC 3 TWP 37S RGE 36E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

2. RESPONDENT: LAKE NONA LAND COMPANY, LLC.
PROJECT: LAKE NONA SOUTH PARCELS 16 AND 17

SEC 22,26 TWP 24S RGE 30E ORANGE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO IMPLEMENT BMP FOR
TURBIDITY CONTROL AND VIOLATION OF STATE WATER QUALITY STANDARDS

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS
PROJECT: HIGHLANDS COUNTY MARL PIT

HIGHLANDS COUNTY

APPROVE A FULL RELEASE OF A RECORDED CONSERVATION EASEMENT OVER 6.5 ACRES OF CREATED WETLAND AREA PLUS TRANSITIONAL BUFFER AND REPLACE IT WITH A NEW RECORDED CONSERVATION EASEMENT OVER 6.8 ACRES OF CREATED WETLAND AREA AND TRANSITIONAL BUFFER ON A PROPERTY KNOWN AS HIGHLANDS COUNTY MARL PIT IN HIGHLANDS COUNTY. THE PROPERTY HAS BEEN PERMITTED AS A MARL MINE SINCE 1996.

THE MITIGATION PLAN WAS ORIGINALLY APPROVED UNDER APPLICATION NUMBER 950605-4 FOR PERMIT NUMBER IS 28-00399-P AS COMPENSATION FOR IMPACTS TO 4.3 ACRES OF WETLANDS RESULTING FROM MINING MARL BY HIGHLANDS COUNTY. THE ORIGINAL CONSERVATION EASEMENT (1996) WAS NOT RECORDED IN THE PUBLIC RECORDS. A MODIFICATION WAS APPROVED WITH APPLICATION NUMBER 030811-1 TO REVISE THE MITIGATION PLAN TO ADD 5.4 ACRES OF CREATED WETLANDS ADJACENT TO THE EASTERN-MOST FUNCTIONING MITIGATION COMPONENT. THE REVISED CONSERVATION EASEMENT WAS RECORDED IN THE PUBLIC RECORDS IN 2003.

THIS MODIFICATION REQUEST IS TO RETURN TO THE ORIGINAL MITIGATION PLAN USING THE PREVIOUSLY CREATED WETLANDS AS COMPENSATION FOR THE PROPOSED 4.3 ACRES OF IMPACTS AND IS REFLECTED IN CURRENT APPLICATION NUMBER 110222-13. THE CREATED WETLANDS CURRENTLY MEET THE 1996 SUCCESS CRITERIA AND RETURNING TO THE ORIGINAL MITIGATION PLAN IS APPROPRIATE AND SUFFICIENT COMPENSATION FOR THE PREVIOUSLY PERMITTED IMPACTS TO WETLANDS.

-
2. PERMITTEE: PINWOOD POINTE, LLC
PROJECT: PINWOOD POINTE APARTMENTS

ST. LUCIE COUNTY

APPROVE A REQUEST FOR THE PARTIAL RELEASE OF A CONSERVATION EASEMENT ON A PROPERTY KNOWN AS THE PINWOOD POINTE APARTMENTS IN ST. LUCIE COUNTY. THE APPLICANT IS PROPOSING TO CONSTRUCT A SIGNALIZED DRIVEWAY ENTRANCE TO ALLOW FOR EASY ACCESS TO THE EAST PORT PLAZA SHOPPING CENTER WHICH HAS BEEN DISRUPTED BY IMPROVEMENTS TO WALTON ROAD. THE APPLICANT IS REQUESTING THE RELEASE OF 0.25 ACRES ENCUMBERED BY THE CONSERVATION EASEMENT TO BE USED FOR THE PROPOSED DRIVEWAY. IN ORDER TO OFFSET THE LOSS OF WETLANDS BOUND UNDER THE CONSERVATION EASEMENT, THE APPLICANT PROPOSES TO MITIGATE ON-SITE THROUGH WETLAND CREATION AND ENHANCEMENT, AND TO PURCHASE FORESTED WETLAND CREDITS AT THE BLUEFIELD RANCH MITIGATION BANK.

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: GULF MYERS SC COMPANY, LTD.

PROJECT: GULF POINTE SQUARE

SEC 31 TWP 45S RGE 26E

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: FIRST PROFESSIONAL BUILDING ASSOCIATION

PROJECT: FIRST PROFESSIONAL BUILDING

SEC 9 TWP 42S RGE 43E

PALM BEACH COUNTY

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

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE FIFTH AMENDMENT TO THE TWENTY FOURTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BIG CYPRESS RESERVATION INCLUDES A PROPOSED INSTALLATION OF A WATER FLOW METER AND DOCK IN THE L-28I WEST FEEDER.
-