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September 8, 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

ORANGE COUNTY

1. GRV 914

HAINES CITY CITRUS GROWERS ASSOCIATION
SEC 17,20 TWP 23S RGE 27E

APPL. NO. 081028-5
PERMIT NO. 48-00031-W
ACREAGE: 280.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE RENEWAL

WATER SOURCE: FLORIDAN AQUIFER
ALLOCATION: UNKNOWN

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

LAST DATE FOR BOARD ACTION: SEPTEMBER 8, 2011

DENIALS

ST LUCIE COUNTY

1. RIO LAGO
RIO LAGO FLORIDA ACQUISITIONS LLC
SEC 36 TWP 34S RGE 39E

APPL. NO. 050830-29
PERMIT NO. N/A
ACREAGE: 1.00
LAND USE: DEWATERING

PERMIT TYPE: WATER USE
WATER SOURCE: UNKNOWN
ALLOCATION: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE
APPLICATION
LAST DATE FOR BOARD ACTION: SEPTEMBER 8, 2011

CONSENT ORDERS

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 PREVIOUS
AMENDED CONSENT ORDER DUE TO NON COMPLIANCE WITH PERMIT CONDITION

2. RESPONDENT: BRIAN AND LINDA STREET
PROJECT: BRIAN AND LIND STREET

SEC 10,15,16 TWP 38S RGE 38E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WORKS

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: LAKE NONA
PROJECT: LAKE NONA SOUTH - SOUTHLAKE PARK RESIDENTIAL PHASE 1C

ORANGE COUNTY

APPROVE A REQUEST OF A PARTIAL RELEASE OF A CONSERVATION EASEMENT ON A PROPERTY KNOWN AS LAKE NONA SOUTHLAKE PARK RESIDENTIAL PHASE 1C IN ORANGE COUNTY. THE SUBJECT PARCEL WILL BE IMPACTED AS A RESULT OF A PROPOSED ROADWAY THAT WILL IMPACT A PORTION OF THE UPLAND BUFFER; THE APPLICANT IS REQUESTING A RELEASE OF 0.28 ACRES OF THE UPLANDS CURRENTLY ENCUMBERED BY A CONSERVATION EASEMENT. THIS IMPACT WILL NOT REQUIRE ADDITIONAL MITIGATION AS THE BUFFER AREA WILL STILL MAINTAIN A 25-FOOT AVERAGE, 15-FOOT MINIMUM SETBACK FROM THE WETLAND LINE.

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: ESTATES OF FORT LAUDERDALE POA
PROJECT: ESTATES OF FORT LAUDERDALE POA

SEC 32 TWP 50S RGE 42E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR FAILURE TO REPORT WATER PUMPAGE
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2. RESPONDENT: MOMBACH, BOYLE AND HARDIN, P.A.
PROJECT: HOLLYBROOK GOLF AND TENNIS CLUB CONDO

SEC 17,20 TWP 51S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR OVER PUMPAGE
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3. RESPONDENT: HOME DEPOT USA
PROJECT: HOME DEPOT COCONUT CREEK

SEC 18 TWP 48S RGE 42E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS
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4. RESPONDENT: 11821 PALM BEACH, LLC
PROJECT: 7-ELEVEN AT VERANDA

SEC 5 TWP 43S RGE 25E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS
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5. RESPONDENT: CENTRAL PARK SOUTH CONDOMINIUMS ASSOCIATION, INC.
PROJECT: CENTRAL PARK SOUTH

SEC 16 TWP 45S RGE 24E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS
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6. RESPONDENT: WATERMARK COMMUNITIES, INC.
PROJECT: PELICAN COLONY GOLF COURSE

SEC 7-9,16-18 TWP 47S RGE 25E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR OVER PUMPAGE
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7. RESPONDENT: NOBLE PROPERTIES IV, LTD
PROJECT: MONTEREY PLAZA

SEC 8 TWP 38S RGE 41E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS
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WATER SHORTAGE CONSENT ORDERS

8. RESPONDENT: MARRIOTT INTERNATIONAL, INC.
PROJECT: DORAL GOLF RESORT AND SPA

SEC 20-22,28 TWP 53S RGE 40E MIAMI-DADE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR OVER PUMPAGE

9. RESPONDENT: PLATT CHIROPRACTIC
PROJECT: PLATT CHIROPRACTIC

SEC 33 TWP 37S RGE 35E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS

10. RESPONDENT: LUCERNE LAKES MASTER HOMEOWNERS ASSOCIATION, INC.
PROJECT: LUCERNE LAKES

SEC 33 TWP 44S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE ORDER
2011-039-DAO-WS FOR WATERING DURING NON ASSIGNED DAYS

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.

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| 1. | PERMITTEE: MECCA FARMS | PERMIT NO. 06-00096-W |
| | PROJECT: MECCA FAMILY FARMS, LTD. | VARIANCE NO. 4808 |

BROWARD COUNTY

HISTORIC DATA PROVIDED FOR PERMITTING DID NOT REFLECT LAND PREPARATION FOR TOMATO SEASON. FOR THIS REASON, ALLOCATIONS HAVE BEEN REVISED (IN MILLION GALLONS) TO AUGUST 2.5, SEPTEMBER 8.25, OCTOBER 18.65, NOVEMBER 18.65 AND DECEMBER 12.69. THERE WILL BE NO INCREASE IN ALLOCATION.

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| 2. | PERMITTEE: CITY OF MARCO ISLAND | PERMIT NO. 11-00080-W |
| | PROJECT: CITY OF MARCO ISLAND | VARIANCE NO. 4820 |

COLLIER COUNTY

WATER USERS WITHIN THE CITY OF MARCO ISLAND'S SERVICE AREA BOUNDARY ARE AUTHORIZED TO IRRIGATE THREE TIMES EACH WEEK BEGINNING OCTOBER 15, 2011, BASED ON THE CITY OF MARCO ISLAND SOLELY UTILIZING WATER STORED IN ITS AQUIFER STORAGE AND RECOVERY (ASR) SYSTEM, AND DESALINATED BRACKISH WATER TO MEET ALL IRRIGATION WATER DEMANDS. THE BRACKISH WATER FROM THE MID-HAWTHORN AQUIFER SYSTEM AND EXCESS SURFACE WATER STORED WITHIN ITS ASR SYSTEM ARE BOTH CONSIDERED ALTERNATIVE WATER SUPPLIES. THE CITY WILL MAXIMIZE RECHARGE/INJECTION OF ITS ASR WELLFIELD CONSISTENT WITH EXISTING PERMIT CONDITIONS. THE CITY WILL PROVIDE THE VARIANCE COORDINATOR WITH A MONTHLY REPORT DOCUMENTING THE VOLUME OF WATER STORED IN THE ASR AND THE WATER WITHDRAWN FROM THE ASR SYSTEM. THE KEY MARCO COMMUNITY REMAINS SUBJECT TO THE LANDSCAPE IRRIGATION RESTRICTIONS CONTAINED IN THE APPLICABLE WATER SHORTAGE ORDER. ALL OTHER IRRIGATION RULES REMAIN UNCHANGED.

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE FIRST AMENDMENT TO THE TWENTY FOURTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BIG CYPRESS RESERVATION INCLUDE A PROPOSED 200-ACRE ROCK MINE EXPANSION OF THE CURRENT MINING OPERATIONS AND A 1,200-ACRE MITIGATION SITE.
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