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June 10, 2010

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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 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

BROWARD COUNTY

1. IMAGES AT PEMBROKE POINTE HOA
C KREMEN
SEC 18 TWP 51S RGE 41E

APPL. NO. 090521-9
PERMIT NO. N/A
ACREAGE: 10.00
LAND USE: LANDSCAPE

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: JUNE 10, 2010

2. QUALITY ESTATE HOMES
QUALITY ESTATE HOMES LLC
SEC 33 TWP 50S RGE 41E

APPL. NO. 080908-1
PERMIT NO. N/A
ACREAGE: .50
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: JUNE 10, 2010

DENIALS

LEE COUNTY

1. CYPRESS LAKES
RDL ASSOCIATES LLC
SEC 33,34 TWP 44S RGE 25E

APPL. NO. 050630-57
PERMIT NO. N/A
ACREAGE: 128.50
LAND USE: AGRICULTURAL

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: JUNE 10, 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

ST LUCIE COUNTY

1. CHARLIE'S MITSUBISHI APPL. NO. 060117-24
MLF PROPERTIES LLC PERMIT NO. N/A
SEC 27 TWP 35S RGE 40E ACREAGE: 6.61
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: JULY 15, 2010

2. QUAIL MEADOWS APPL. NO. 060524-4
EH BUILDING GROUP II PERMIT NO. N/A
SEC 4 TWP 35S RGE 39E 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: JUNE 10, 2010

3. QUAIL MEADOWS APPL. NO. 060524-5
MICHAEL F ARANDA PERMIT NO. 56-02457-W
SEC 4 TWP 35S RGE 39E ACREAGE: 30.00
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: SURFICIAL AQUIFER AND ON-SITE LAKES
ALLOCATION: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: JUNE 10, 2010

CONSENT AGREEMENTS

1. RESPONDENT: FINCA VIGIA, LLC.
PROJECT: IMMOKALEE GROVE

SEC 12,13 TWP 47S RGE 31E HENDRY COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WORKS

2. RESPONDENT: H2ONC, LLC.
PROJECT: BURNT STORE ACRES IMPROVEMENTS

SEC 8 TWP 43S RGE 23E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

3. RESPONDENT: RICHARD PRITCHETT, III
PROJECT: NORTH RIVER ESTATES

SEC 14 TWP 43S RGE 26E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

4. RESPONDENT: ACACIA CREDIT FUND 10-A, LLC.
PROJECT: RESERVE OF SILVERSTONE/BONITA BEACH ROAD ESTATES

SEC 2 TWP 48S RGE 26E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

5. RESPONDENT: LAKE NONA LAND COMPANY
PROJECT: LAKE NONA SOUTH - SOUTHLAKE MASS GRADING

SEC 30 TWP 24S RGE 31E ORANGE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING TURBIDITY IN VIOLATION WITH STATE
WATER QUALITY STANDARDS

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: LAKE NONA LAND COMPANY LLC
PROJECT: LAKE NONA SOUTH PERMIT MODIFICATION

ORANGE COUNTY

APPROVE A PARTIAL RELEASE OF CONSERVATION EASEMENT THAT WAS INADVERTENTLY PLACED OVER A BORROW POND THAT WILL RECEIVE DISCHARGE FROM AN ADJACENT PROJECT. IN ADDITION, A SMALL UPLAND AREA WILL BE REMOVED FROM CONSERVATION EASEMENT IN ORDER TO PROVIDE MAINTENANCE ACCESS TO THE POND. THE TOTAL ACREAGE TO BE RELEASED IS 31.387 ACRES. THE LAKE NONA MITIGATION LEDGER WILL BE UPDATED AS PART OF THE PERMIT MODIFICATION.

2. PERMITTEE: BONITA BAY PROPERTIES, INC.
PROJECT: BONITA BAY EAST GOLF COURSE

COLLIER COUNTY

ACCEPT A CORRECTIVE DEED OF CONSERVATION EASEMENT PERTAINING TO A PRESERVE AREA WITHIN THE GOLF COURSE FACILITY KNOWN AS THE BONITA BAY EAST GOLF COURSE LOCATED IN NAPLES, COLLIER COUNTY, FLORIDA. THE ORIGINAL APPLICATION NUMBER IS 940615-13 AND THE PERMIT NUMBER IS 11-01336-S.

THE CORRECTIVE DEED OF CONSERVATION EASEMENT REFLECTS THE AUTHORIZATION FOR PASSIVE RECREATIONAL USES AND THE REMOVAL OF THE CART PATHS AS DESCRIBED IN THE PERMIT. THE ORIGINAL PERMIT DID NOT ANTICIPATE THE INCLUSION OF THE CART PATHS IN THE CONSERVATION EASEMENT. HOWEVER, THE CART PATHS WERE INADVERTENTLY ENCUMBERED IN THE EXISTING EASEMENT. COMPENSATION FOR THE REMOVAL OF CART PATHS FROM THE CONSERVATION EASEMENT IS THEREFORE NOT REQUIRED AS THE IMPACT OF THE CART PATHS WAS ACCOUNTED FOR IN THE ORIGINAL APPLICATION 940615-13.

3. PERMITTEE: FLORIDA DEPARTMENT OF TRANSPORTATION
PROJECT: GRASSY KEY

MONROE COUNTY

APPROVE A RELEASE OF CONSERVATION EASEMENT THAT WAS INADVERTENTLY PLACED BY FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OVER A PERMITTED MITIGATION PARCEL ULTIMATELY DETERMINED TO NOT BE OWNED BY FDOT. THE TOTAL ACREAGE TO BE RELEASED IS 2.30 ACRES. PERMIT APPLICATION NUMBER 44-00400-P IS BEING PROCESSED CONCURRENTLY WITH THIS EASEMENT RELEASE TO AUTHORIZE AN ALTERNATIVE MITIGATION PLAN LOCATED AT LOIS RYAN ROAD, MONROE COUNTY (3.08 ACRES).
