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April 15, 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

COLLIER COUNTY

1. MYSTIQUE

WATERWAYS JOINT VENTURE VII
SEC 3 TWP 50S RGE 26E

APPL. NO. 060815-5
PERMIT NO. 11-02611-W
ACREAGE: 1.00
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: APRIL 15, 2010

DENIALS

LEE COUNTY

1. BROOKHAVEN APPL. NO. 060331-9
CH ESTERO LAND LTD PARTNERSHIP PERMIT NO. 36-05775-W
SEC 28 TWP 46S RGE 25E ACREAGE: 1.00
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: APRIL 15, 2010

2. BROOKHAVEN APPL. NO. 060412-7
CH ESTERO LAND LTD PARTNERSHIP PERMIT NO. 36-05814-W
SEC 28 TWP 46S RGE 25E ACREAGE: 10.97
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: APRIL 15, 2010

3. CALOOSA RANCH APPL. NO. 080604-10
CASI INVESTMENTS INC PERMIT NO. N/A
SEC 7 TWP 43S RGE 25E ACREAGE: 79.89
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: TIDAL CALOOSAHATCHEE VIA DAUGHTREY CREEK VIA ROADSIDE SWALES
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: APRIL 15, 2010

4. IMPROVEMENT TO UNAMED SHELL ROAD (AKA SEA BELL ROAD) APPL. NO. 090727-6
NEESE AND ASSOCIATES PERMIT NO. N/A
SEC 18 TWP 46S RGE 22E ACREAGE: 1.00
LAND USE: OTHER

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NO NOTICE GENERAL PERMIT)
RECEIVING BODY: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: APRIL 15, 2010

DENIALS

MARTIN COUNTY

1. SHOPPES AT GATEWAY APPL. NO. 070612-9
THE RETAIL CENTER AT STUART LLC PERMIT NO. N/A
SEC 40 TWP 38S RGE 41E ACREAGE: 7.98
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)
RECEIVING BODY: SR-76
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: MAY 13, 2010

2. SHOPPES AT GATEWAY INDIAN STREET TURN LANE APPL. NO. 080926-10
BOTEK THURLOW ENGINEERING INC PERMIT NO. 43-01229-P
SEC HANSON GRANT TWP 38S RGE 41E ACREAGE: 2.50
LAND USE: HIGHWAY

PERMIT TYPE: ENVIRONMENTAL RESOURCE (COMPLIANCE LETTER MOD)
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. SHOPPES AT GATEWAY SR-76 TURN LANE APPL. NO. 080926-12
BOTEK THURLOW ENGINEERING INC PERMIT NO. 43-00785-S
SEC HANSON GRANT TWP 38S RGE 41E ACREAGE: 7.92
LAND USE: COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (COMPLIANCE LETTER MOD)
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

DENIALS

MIAMI-DADE COUNTY

1. JOSE ALVAREZ PROPERTY
ALVA PROPERTY MANAGEMENT LLC
SEC 35 TWP 53S RGE 39E

APPL. NO. 080219-15
PERMIT NO. N/A
ACREAGE: 1.77
LAND USE: INDUSTRIAL

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: APRIL 15, 2010

CONSENT AGREEMENTS

1. RESPONDENT: PAGE PLAZA ACQUISITION, LP
PROJECT: PAGE PLAZA SHOPPING CENTER

SEC 2 TWP 45S RGE 24E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

2. RESPONDENT: TIMBERLINE LAKES HOMEOWNERS ASSOCIATION, INC.
PROJECT: TIMBERLINE LAKES HOMEOWNERS ASSOCIATION

SEC 7 TWP 44S RGE 43E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

3. RESPONDENT: FRA-MAR ENTERPRISES, INC.
PROJECT: CABBAGE PATCH TREE FARM

SEC 1 TWP 37S RGE 36E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

4. RESPONDENT: FAIRWAY SHOPS JV
PROJECT: JAIRWAY SHOPS JV

SEC 10 TWP 42S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: RITZ CARLTON DEVELOPMENT COMPANY
PROJECT: POD 'A' ADDITIONAL GOLF VILLAS

PALM BEACH COUNTY

APPROVE A RELEASE OF CONSERVATION EASEMENT OVER 1.07 ACRES CONSISTING OF A BALD EAGLE MANAGEMENT ZONE WITHIN TRACT J OF THE DEVELOPMENT KNOWN AS RITZ-CARLTON GOLF CLUB AND SPA. THE RELEASE OF CONSERVATION EASEMENT IS REQUESTED DUE TO THE LOSS OF THE EAGLE NEST AS A RESULT OF NATURAL FORCES AND ABANDONMENT OF THE AREA FOR NESTING BY EAGLES AS DEFINED BY THE CRITERIA SPECIFIED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION. THE ORIGINAL BALD EAGLE MANAGEMENT PLAN, DEVELOPED IN CONCURRENCE WITH THE U.S. FISH AND WILDLIFE SERVICE IN 2001, ANTICIPATED THE PROPOSED DEVELOPMENT WITHIN TRACT J IN THE EVENT THAT THE EAGLE NEST ABANDONMENT CRITERIA WERE MET. DISTRICT STAFF ARE REVIEWING APPLICATION NO. 091110-20 FOR DEVELOPMENT OF TWO GOLF VILLAS AND ASSOCIATED PAVING, LANDSCAPING AND DRAINAGE SYSTEM WITHIN TRACT J.

2. PERMITTEE: TOHO WATER AUTHORITY (TWA)
PROJECT: TOHO WATER AUTHORITY

OSCEOLA COUNTY

APPROVE A PARTIAL RELEASE OF CONSERVATION EASEMENT PLACED OVER AN AREA OVER WHICH THE TOHO WATER AUTHORITY (TWA) NEEDS TO PLACE A UTILITY EASEMENT FOR WATER FORCEMAIN PIPES. THE EASEMENT AREA FOR RELEASE IS 0.03070 ACRES (1,337 FEET SQUARE). THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) HAS ISSUED A PERMIT (49-28660-02) FOR THE PROPOSED ACTIVITIES AND ANY ASSOCIATED IMPACTS AND OFFSETTING MITIGATION.
