

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Chip Merriam, Deputy Executive Director, Water Resources

**DATE:** April 16, 2008

**SUBJECT:** **Approve Environmental Resource Permit Application 050919-18 for a 40 acre previously constructed commercial operation known as K and M Nursery (Palm Beach County)**

### **RECOMMENDATION**

Approve Environmental Resource Permit Application 050919-18 for a 40 acre previously constructed commercial operation known as K and M Nursery in Palm Beach County.

### **BACKGROUND**

On August 19, 2005, District Enforcement staff issued a Cease and Desist Notice for unauthorized works occurring on the subject property. On September 19, 2005, the District received a permit application requesting authorization for the construction of a surface water management system to serve a 40 acre commercial operation known as K and M Nursery. The site is located in the southeast corner of Eagle Nest Drive and 116<sup>th</sup> Terrace in western Palm Beach County. The proposed project will include both commercial nursery operations as well as a 9.80 onsite wetland mitigation area to offset 1.17 acres of project-related wetland impacts.

On March 15, 2007, the Governing Board approved a Consent Agreement that required the applicant to obtain all required permits. The applicant failed to obtain the permits under the timelines required by this agreement, resulting in additional enforcement which is now being resolved through a new Consent Agreement to be presented to the Governing Board, with staff recommendation for approval, concurrent with the subject permit application.

This project is located adjacent to the boundary of the Palm Beach County Strazzulla Wetlands CERP project. Environmental Resource Regulation staff has coordinated review of this project with the Strazzulla Wetlands CERP Project Manager, who has determined that this application is not incompatible with future restoration goals for this CERP project as currently envisioned.

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