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July 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

LEE COUNTY

1. CASEY - HEYDE
H AND C LLC
SEC 30 TWP 43S RGE 24E

APPL. NO. 090925-4
PERMIT NO. 36-00328-S -13
ACREAGE: 1.55
LAND USE: INDUSTRIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (GENERAL PERMIT MODIFICATION)
RECEIVING BODY: TIDAL CALOOSAHATCHEE RIVER VIA THE CAPE CORAL CANAL SYSTEM VIA THE SWM SYSTEM
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: JULY 15, 2010

2. ROBINSON DOCK
SCOTT ROBINSON
SEC 7 TWP 45S RGE 24E

APPL. NO. 090928-18
PERMIT NO. N/A
ACREAGE: .71
LAND USE: RECREATIONAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW EXEMPTION)
RECEIVING BODY: TIDAL CALOOSAHATCHEE VIA THE CAPE CANAL SYSTEM
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: JULY 15, 2010

CONSENT AGREEMENTS

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1. RESPONDENT: ANCHOR BAY CLUB CONDOMINIUM ASSOCIATION, INC.
PROJECT: ANCHOR BAY CLUB

SEC 23,26 TWP 51S RGE 42E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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2. RESPONDENT: LIVINGSTON ROAD DEVELOPMENT, LLC
PROJECT: SANDALWOOD

SEC 13 TWP 48S RGE 25E COLLIER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO FOLLOW BEST MANAGEMENT PRACTICE

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3. RESPONDENT: COUNCIL OF AGING MARTIN COUNTY, INC.
PROJECT: COUNCIL ON AGING OF MARTIN COUNTY

SEC HANSON GRANT TWP 38S RGE 41E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT CONDITIONS

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4. RESPONDENT: BBT BANK
PROJECT: MARTIN ARBORS (FKA DRESSAGE)

SEC 30-32 TWP 38S RGE 40E MARTIN COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT CONDITIONS

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5. RESPONDENT: THE LATT MAXCY CORPORATION
PROJECT: LATT MAXCY RANCH

SEC 18 TWP 31S RGE 32E OSCEOLA COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WORKS IN WETLANDS

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6. RESPONDENT: BETHESDA HEALTHCARE SYSTEM, INC.
PROJECT: BETHESDA WEST HOSPITAL

SEC 19 TWP 45S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT CONDITIONS

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7. RESPONDENT: K AND N PROPERTIES, LLC
PROJECT: ISOLUX WAREHOUSE

SEC 10 TWP 48S RGE 25E COLLIER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON COMPLIANCE WITH PERMIT CONDITIONS

CONSENT AGREEMENTS

8. RESPONDENT: BOYNTON BEACH APARTMENTS
PROJECT: BOYNTON BEACH APARTMENTS

SEC 8 TWP 45S RGE 43E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

CONSERVATION EASEMENT AMENDMENTS AND RELEASES

1. PERMITTEE: ALICO INC
PROJECT: MIROMAR LAKES

LEE COUNTY

APPROVE A PARTIAL RELEASE OF THE RECORDED CONSERVATION EASEMENT OVER 2.89 ACRES OF 52.62 ACRES OF PRESERVE AREA WITHIN THE RESIDENTIAL DEVELOPMENT KNOWN AS MIROMAR LAKES, LOCATED IN ESTERO, LEE COUNTY, FLORIDA. THE ORIGINAL APPLICATION NUMBER IS 951122-7 AND THE PERMIT NUMBER IS 36-03568-P.

THE PARTIAL RELEASE OF CONSERVATION EASEMENT REFLECTS THE REMOVAL OF 2.89 ACRES FOR THE KORESHAN/ESTERO PARKWAY RIGHT-OF-WAY AREA AND A DECREASE TO THE PRESERVE AREA FROM 52.62 ACRES TO 49.72 ACRES. THIS RELEASE ALLOWS FOR THE SOUTHERN 75 FEET OF MITIGATION AREA 1 TO BE DEDICATED TO LEE COUNTY FOR THE KORESHAN/ESTERO PARKWAY RIGHT-OF-WAY AS ORIGINALLY PERMITTED. THE 2.89 ACRE AREA WAS INADVERTENTLY INCLUDED IN THE RECORDED CONSERVATION EASEMENT. MITIGATION FOR THIS IMPACT HAS BEEN PROVIDED THROUGH PERMIT NO. 36-05710-P, APPLICATION NO. 040608-25 FOR THE KORESHAN BOULEVARD EXTENSION AKA ESTERO PARKWAY PROJECT.

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE SIXTH AMENDMENT TO THE TWENTY SECOND ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA FOR PUBLIC WORKS PROJECTS AT THE HOLLYWOOD RESERVATION INCLUDING PARKING LOT CONSTRUCTION AND ASSOCIATED TRANSPORTATION AND PEDISTRIAN ACCESSES.
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