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REGULATORY ITEMS FOR GOVERNING BOARD ACTION
October 15, 2009

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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 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. MARCO LAKE SUBDIVISION
AMERICAN FUNDING AND SERVICE CORPORATION
SEC 9 TWP 52S RGE 26E

APPL. NO. 070405-5
PERMIT NO. N/A
ACREAGE: 5.66
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)
RECEIVING BODY: GULF OF MEXICO
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE
APPLICATION
LAST DATE FOR BOARD ACTION: OCTOBER 15, 2009

DENIALS

LEE COUNTY

1. BONITA BEACH ROAD EXTENSION
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
SEC 4 TWP 48S RGE 26E
APPL. NO. 050217-21
PERMIT NO. 36-03743-P
ACREAGE: 1.00
LAND USE: HIGHWAY
PERMIT TYPE: SURFACE WATER MANAGEMENT (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: OCTOBER 15, 2009

2. EAGLES LANDING PRESERVE
SHOW ME LLC
SEC 20 TWP 44S RGE 22E
APPL. NO. 060125-1
PERMIT NO. N/A
ACREAGE: 28.85
LAND USE: RESIDENTIAL
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: OCTOBER 15, 2009

3. SANIBEL GARDENS
SANIBEL GARDENS LLC
SEC 32 TWP 45S RGE 24E
APPL. NO. 061205-2
PERMIT NO. 36-05035-P
ACREAGE: 19.40
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: OCTOBER 15, 2009

4. SERENITY ESTATES SUBDIVISION
DANA BATISTA
SEC 20 TWP 46S RGE 25E
APPL. NO. 031212-10
PERMIT NO. N/A
ACREAGE: 10.19
LAND USE: RESIDENTIAL
PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: MULLOCK CREEK
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: OCTOBER 15, 2009

CONSENT AGREEMENTS

1. RESPONDENT: DIVOSTA HOMES, LP.
PROJECT: VILLAGE WALK AT LAKE NONA

SEC 13,24 TWP 24S RGE 30E ORANGE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING FAILURE TO REPORT MONTHLY
WITHDRAWALS

2. RESPONDENT: JEFFERY HENDREN
PROJECT: HENDREN PROPERTY

SEC 21 TWP 34S RGE 40E ST. LUCIE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED ALTERATION OF WETLANDS

3. RESPONDENT: 205 N PARROT AVENUE
PROJECT: 205 N PARROT AVENUE BUILDING

SEC 15 TWP 37S RGE 35E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION TO WATER SHORTAGE
RESTRICTIONS

4. RESPONDENT: EVERGLADES FARMS, INC.
PROJECT: JACKSON CITRUS - GROVE NUMBER 9

SEC 9 TWP 48S RGE 30E COLLIER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

5. RESPONDENT: CARIDA SKI LAKES AND CARIDA PROPERTIES, INC., ISLES OF LAKE HANCOCK
HOMEOWNERS
PROJECT: ISLES OF LAKE HANCOCK

SEC 27 TWP 23S RGE 27E ORANGE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS

WATER SHORTAGE VARIANCES

1. PERMITTEE: VERONA WALK HOMEOWNERS ASSOCIATION, INC. PERMIT NO.: 11-02132-W
PROJECT: VERONA WALK

COLLIER COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2. PERMITTEE: ISLANDWALK HOMEOWNER'S ASSOCIATION PERMIT NO.: 11-01527-W
PROJECT: ISLANDWALK

COLLIER COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3. PERMITTEE: SANDOVAL PERMIT NO.: N/A
PROJECT: SANDOVAL

LEE COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

4. PERMITTEE: TOWN OF MANALAPAN PERMIT NO.: 50-00506-W
PROJECT: TOWN OF MANALAPAN

PALM BEACH COUNTY

FINAL ORDER CONCURRING WITH THE GRANTING OF A TEMPORARY VARIANCE FROM WATER SHORTAGE RESTRICTIONS IMPOSED WITHIN THE BOUNDARIES OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
