

**CONSENT AGENDA TABLE OF CONTENTS**  
**REGULATORY ITEMS FOR GOVERNING BOARD ACTION**  
**February 11, 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

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1. JACARANDA LAKES  
JACARANDA LAKES HOMEOWNERS ASSOCIATIONS  
SEC 31 TWP 41S RGE 49E  
APPL. NO. 081204-1  
PERMIT NO. 06-05669-W  
ACREAGE: 94.00  
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: FEBRUARY 11, 2010

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2. RIVERFRONT MARINA REDEVELOPMENT  
CABI NEW RIVER LLC  
SEC 10 TWP 50S RGE 42E  
APPL. NO. 061213-21  
PERMIT NO. 06-05713-P  
ACREAGE: 3.64  
LAND USE: COMMERCIAL  
  
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: FEBRUARY 11, 2010

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3. SUN POWER DIESEL MARINA  
CABI NEW RIVER LLC  
SEC 10 TWP 50S RGE 42E  
APPL. NO. 061213-22  
PERMIT NO. 06-05714-P  
ACREAGE: 1.16  
LAND USE: COMMERCIAL  
  
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: FEBRUARY 11, 2010

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DENIALS

PALM BEACH COUNTY

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1. GREEN MEADOWS FARM APPL. NO. 071212-14  
WILLIAM B SWAIM PERMIT NO. N/A  
SEC 12 TWP 45S RGE 41E ACREAGE: 123.00  
LAND USE: AGRICULTURAL

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: MARCH 11, 2010

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2. STONEHAVEN HOMEOWNERS ASSOCIATION APPL. NO. 080805-5  
STONEHAVEN HOMEOWNERS ASSOCIATION PERMIT NO. 50-08706-W  
SEC 30 TWP 45S RGE 43E ACREAGE: 2.00  
LAND USE: LANDSCAPE

PERMIT TYPE: WATER USE EXISTING/UNPERMITTED  
WATER SOURCE: UNKNOWN  
ALLOCATION: UNKNOWN  
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION  
LAST DATE FOR BOARD ACTION: FEBRUARY 11, 2010

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3. TONSET PROPERTY APPL. NO. 080924-6  
TONSET COMPANY INC PERMIT NO. N/A  
SEC 17 TWP 44S RGE 43E ACREAGE: 18.92  
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: FEBRUARY 11, 2010

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**CONSENT AGREEMENTS**

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1. RESPONDENT: LION'S GATE OF NAPLES, INC.  
PROJECT: LIONS GATE CLUB

SEC 28 TWP 49S RGE 25E COLLIER COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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2. RESPONDENT: RIVER REACH APARTMENTS  
PROJECT: RIVER REACH APARTMENTS

SEC 35 TWP 49S RGE 25E COLLIER COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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3. RESPONDENT: JOBET INVESTMENTS PROPERTIES, LLC.  
PROJECT: JAMES L. CARTER RANCH

SEC 22,23,26,27 TWP 43S RGE 26E LEE COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

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4. RESPONDENT: OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS  
PROJECT: BOGGY CREEK ROAD PHASE II

SEC 5,8 TWP 25S RGE 30E OSCEOLA COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING OFF-SITE DEWATERING AND TURBIDITY

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5. RESPONDENT: WESTGATE VACATION VILLAS, LLC  
PROJECT: WESTGATE VACATION VILLAS

SEC 10 TWP 25S RGE 27E OSCEOLA COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT  
CONDITIONS

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6. RESPONDENT: JONATHAN BRITTON  
PROJECT: JONATHAN BRITTON

OSCEOLA COUNTY  
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATIONS OF WATER WELL  
CONSTRUCTION STANDARDS BY A WATER WELL CONTRACTOR

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**CONSERVATION EASEMENT AMENDMENTS AND RELEASES**

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1. PERMITTEE: TOUCHSTONE AT RAPALLO INC  
PROJECT: ENCLAVE AT RAPALLO BOARDWALK

LEE COUNTY

APPROVE THE PARTIAL RELEASE OF A CONSERVATION EASEMENT OVER TRACT C-18 WITHIN A PROJECT KNOWN AS THE ENCLAVE AT RAPALLO IN LEE COUNTY. THE CONSERVATION EASEMENT WAS REQUIRED PURSUANT TO PERMIT NUMBER 36-00288-S/APPLICATION NUMBER 020116-8. THE REASON FOR THE RELEASE IS TO ALLOW CONSTRUCTION OF A PEDESTRIAN BOARDWALK OVER TRACT C-18. THE PERMITTEE PROPOSES TO RECORD A NEW PASSIVE RECREATIONAL EASEMENT OVER TRACT C-18 AND OVER A 0.12 ACRE MARSH CREATION AREA FOR MITIGATION TO OFFSET SHADING IMPACTS BY THE BOARDWALK. THIS MODIFICATION IS INCLUDED IN APPLICATION 080131-49 WHICH HAS RECEIVED STAFF'S RECOMMENDATION OF APPROVAL.

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2. PERMITTEE: LAKE NONA LAND COMPANY LLC  
PROJECT: LAKE NONA SOUTH SOUTHLAKE PARK SMA-2 & W-104 MODIFICATION

ORANGE COUNTY

APPROVE THE RELEASE OF 8.24 ACRES OF A CONSERVATION EASEMENT IN ORDER TO FACILITATE THE PROPOSED PROJECT. THE PROJECT INCLUDES WORKS PROPOSED WITHIN UPLANDS AND WETLANDS THAT ARE CURRENTLY PART OF THE LAKE NONA PCN (PRIMARY CONSERVATION NETWORK) AND UNDER CONSERVATION EASEMENT. A PORTION OF THIS AREA, 4.58 ACRES, WAS PREVIOUSLY USED AS MITIGATION FOR OTHER LAKE NONA PROJECTS. THE MITIGATION VALUE ASSESSED TO THIS AREA WILL BE REPLACED BY OTHER ACREAGE THAT IS CURRENTLY PART OF THE PCN, BUT THAT HAS NOT YET BEEN USED AS MITIGATION. THE LAKE NONA MITIGATION LEDGER WILL BE UPDATED ACCORDINGLY.

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3. PERMITTEE: HARRIS HOOKER HUBER LLC  
PROJECT: WATERSTONE (CLUBHOUSE TO LOTS CONVERSION)

ORANGE COUNTY

APPROVE A PARTIAL RELEASE OF CONSERVATION EASEMENT OVER AN AREA OF 0.058 ACRES (2,538 SQ. FT.) TO BE REPLACED WITH THE RECORDING OF A CONSERVATION EASEMENT OVER 0.062 ACRES (2,681 SQ. FT.) ASSOCIATED WITH THE WATERSTONE COMMUNITY IN ORANGE COUNTY. THE PURPOSE OF THIS RELEASE IS TO ALLOW THE DEVELOPMENT OF THREE RESIDENTIAL LOTS WITHIN AN AREA FORMERLY DESIGNATED AS A PROJECT CLUBHOUSE. THE CHANGES REQUESTED RESULT IN A SLIGHTLY GREATER AREA UNDER AN EASEMENT. THE DISTRICT IS PROCESSING APPLICATION 091030-32 TO MODIFY THE PERMIT TO REFLECT THIS CHANGE.

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**WATER SHORAGE VARIANCE DENIALS**

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1. PERMITTEE: SERAFIN SOUSA, JR.  
PROJECT: SERAFIN SOUSA, JR.

PERMIT NO. UTILITY  
CUSTOMER

MIAMI-DADE COUNTY

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

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**WATER SHORTAGE VARIANCES**

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1. PERMITTEE: FT. MYERS RESCUE MISSION  
PROJECT: FT. MYERS RESCUE MISSION

PERMIT NO. UTILITY  
CUSTOMER  
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.

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2. PERMITTEE: PETER DEMONT  
PROJECT: PETER DEMONT

PERMIT NO. UTILITY  
CUSTOMER  
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.

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## SEMINOLE TRIBE WORK PLANS

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1. CONCUR WITH THE THIRD AMENDMENT TO THE TWENTY SECOND ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA FOR A PUMP INSTALLATION, UTILITY ROAD WORK, HOME SITE CONSTRUCTION AND SCHOOL EXPANSION INCLUDING PARKING LOT CONSTRUCTION.
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