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August 11, 2011

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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 ORDER: 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. AMAZING GRACE APPL. NO. 060512-11
ADAR INVESTMENTS LLC PERMIT NO. 36-07078-P
SEC 10 TWP 43S RGE 27E ACREAGE: 220.00
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: AUGUST 11, 2011

2. AMAZING GRACE APPL. NO. 070607-7
ADAR INVESTMENTS LLC PERMIT NO. N/A
SEC 10 TWP 43S RGE 27E 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: AUGUST 11, 2011

3. AMAZING GRACE APPL. NO. 070618-5
ADAR INVESTMENTS LLC PERMIT NO. N/A
SEC 10 TWP 43S RGE 27E ACREAGE: UNKNOWN
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: AUGUST 11, 2011

4. FREDRIC DOUGLASS APPL. NO. 090918-23
FREDRIC DOUGLASS PERMIT NO. N/A
SEC 7 TWP 43S RGE 25E ACREAGE: 15.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: WATER TABLE AQUIFER
ALLOCATION: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: AUGUST 11, 2011

DENIALS

LEE COUNTY

5. HUFFMASTER PROPERTY

APPL. NO. 090918-50

FREDRIC DOUGLASS

PERMIT NO. 36-07608-P

SEC 7 TWP 43S RGE 25E

ACREAGE: 40.00

LAND USE: AGRICULTURAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW GENERAL PERMIT)

RECEIVING BODY: UNKNOWN

PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE DENIAL

LAST DATE FOR BOARD ACTION:

DENIALS

MARTIN COUNTY

1. BELLAVIDA CORP PARCEL
BELLAVIDA CORPORATION
SEC 18 TWP 39S RGE 41E

APPL. NO. 081009-14
PERMIT NO. N/A
ACREAGE: 65.60
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: AUGUST 11, 2011

DENIALS

OKEECHOBEE COUNTY

1. FRESHWATER PHASE 01 APPL. NO. 071115-5
THOMAS FLEMING PERMIT NO. N/A
SEC 27 TWP 37S RGE 35E ACREAGE: 1.00
LAND USE: DEWATERING

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: AUGUST 11, 2011

2. FRESHWATER PHASE-01 APPL. NO. 071203-15
FRESHWATER DEVELOPMENT COMPANY LLC PERMIT NO. 47-00852-W
SEC 27 TWP 37S RGE 35E ACREAGE: 4.60
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: AUGUST 11, 2011

3. FRESHWATER PHASE-01 APPL. NO. 071025-17
THOMAS FLEMING PERMIT NO. 47-00785-P
SEC 27 TWP 37S RGE 35E ACREAGE: 90.90
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL MODIFICATION AND NEW CONSTRUCTION/OPERATION)
RECEIVING BODY: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE DENIAL
LAST DATE FOR BOARD ACTION: AUGUST 11, 2011

4. NORTSHORE VILLAGE APPL. NO. 070509-14
NORTSHORE VILLAGE LLC PERMIT NO. N/A
SEC 14 TWP 37S RGE 35E ACREAGE: 384.41
LAND USE: DEWATERING

PERMIT TYPE: WATER USE PROPOSED
WATER SOURCE: Water Table aquifer
ALLOCATION: UNKNOWN
PRIMARY ISSUES: FINAL ORDER TO DENY DUE TO APPLICANT'S FAILURE TO COMPLETE APPLICATION
LAST DATE FOR BOARD ACTION: AUGUST 11, 2011

CONSENT ORDERS

1. RESPONDENT: CHAMPION DEVELOPMENT CORPORATION
PROJECT: THE FORUM

SEC 27 TWP 44S RGE 25E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING NON-COMPLIANCE WITH PERMIT
CONDITIONS FOR FAILURE TO TRANSFER TO THE OPERATING ENTITY AND UNPERMITTED
IMPACTS TO A PRESERVE AREA

2. RESPONDENT: FAIRWAYS OF LAKE WORTH, LLC
PROJECT: LUCERNE LAKES GOLF COURSE

SEC 28 TWP 44S RGE 42E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING UNPERMITTED WATER USE

WATER SHORTAGE CONSENT ORDERS

1. RESPONDENT: GATOR DEVELOPMENT GROUP LLC
PROJECT: DEERFIELD COUNTRY CLUB

SEC 36 TWP 47S RGE 42E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION TO WATER SHORTAGE
RESTRICTIONS FOR FAILURE TO REPORT GOLF COURSE WATER PUMPAGE

2. RESPONDENT: INVERRARY ASSOCIATION, INC.
PROJECT: INVERRARY

SEC 23 TWP 49S RGE 41E BROWARD COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE
RESTRICTION FOR WATERING ON NON ASSIGNED DAYS

3. RESPONDENT: GOLDEN GATE COUNTRY CLUB
PROJECT: GOLDEN GATE COUNTRY CLUB

SEC 27 TWP 49S RGE 26E COLLER COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION FOR VIOLATION OF WATER RESTRICTIONS FOR
FAILURE TO REPORT GOLF COURSE WATER USE PUMPAGE

4. RESPONDENT: COLORANDO SOUTHERN, INC
PROJECT: OUTRIGGER BEACH RESORT

SEC 33 TWP 46S RGE 24E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION TO WATER SHORTAGE
RESTRICTIONS FOR WATERING ON NON ASSIGNED DAY

5. RESPONDENT: HEALTHCARE REALTY TRUST
PROJECT: HEALTHCARE REALTY TRUST

SEC 36 TWP 44S RGE 24E LEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER RESTRICTIONS
FOR WATERING ON NON ASSIGNED DAYS

6. RESPONDENT: OKEECHOBEE PRESBYTERIAN CHURCH
PROJECT: OKEECHOBEE PRESBYTERIAN CHURCH

SEC 16 TWP 37S RGE 35E OKEECHOBEE COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION TO WATER SHORTAGE
RESTRICTIONS FOR WATERING ON NON ASSIGNED DAYS

7. RESPONDENT: UNITED STATES SUGAR CORPORATION
PROJECT: BOURNE PLANTATION US SUGAR

SEC 12 TWP 42S RGE 37E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE
RESTRICTIONS FOR WITHDRAWAL OF WATER ON NON ASSIGNED DAYS

WATER SHORTAGE CONSENT ORDERS

8. RESPONDENT: WEDGEWORTH FARMS, INC.
PROJECT: WEDGEWORTH FARMS

SEC 5 TWP 44S RGE 38E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE
RESTRICTIONS FOR WITHDRAWAL OF WATER ON NON ASSIGNED DAYS

9. RESPONDENT: KING RANCH, INC.
PROJECT: KING RANCH

SEC 23-25,36 TWP 45S RGE 36E PALM BEACH COUNTY
SETTLEMENT OF AN ENFORCEMENT ACTION REGARDING VIOLATION OF WATER SHORTAGE
RESTRICTIONS FOR WITHDRAWAL OF WATER ON NON ASSIGNED DAYS

WATER SHORTAGE VARIANCE APPROVALS

FINAL ORDERS CONCURRING WITH THE GRANTING OF TEMPORARY VARIANCES FROM WATER SHORTAGE ORDER RESTRICTIONS IMPOSED.

As provided in Rule 40E-21.275, F.A.C., an applicant for a variance must provide reasonable assurances that the variance requested will not be harmful to the water resources of the District and demonstrate that specified circumstances exist.

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1. PERMITTEE: VILLAGEWALK OF BONITA SPRINGS PERMIT NO. 36-00061-W
PROJECT: VILLAGEWALK OF BONITA SPRINGS HOMEOWNERS ASSOCIATION VARIANCE NO. 4804

LEE COUNTY

DUE TO SYSTEM CONSTRAINTS, THE APPLICANT IS AUTHORIZED TO IRRIGATE THE SPECIFIED AREAS ON THE DAYS ASSIGNED TO ODD NUMBER ADDRESSES, FROM 12:00 AM TO 9:00 AM. IRRIGATION OF ALL OTHER STREETS AND COMMON AREAS WITHIN THE VILLAGEWALK OF BONITA SPRINGS HOA HAVE TO BE PERFORMED ON THE DAYS AND SCHEDULE FOR EVEN NUMBER ADDRESSES AND NO NUMBER ADDRESSES. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK. THIS VARIANCE WILL ONLY APPLY TO THE CURRENT RESTRICTION AND THE APPLICANT MUST TAKE ALL STEPS NECESSARY TO COMPLY WITH RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTION AND PRIOR TO THE NEXT WATER SHORTAGE DECLARATION

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2. PERMITTEE: LARRY H. WALSH PERMIT NO. N/A
PROJECT: LARRY H. WALSH VARIANCE NO. 4810

LEE COUNTY

DUE TO HEALTH ISSUES, APPLICANT IS AUTHORIZED TO IRRIGATE FROM 7:00 PM TO 11:00 PM ON DAYS ASSIGNED TO ADDRESSES ENDING IN NUMBER 9. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK.

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3. PERMITTEE: HAMMOCK RESERVE PERMIT NO. 50-03814-W
PROJECT: HAMMOCK RESERVE HOMEOWNERS ASSOCIATION VARIANCE NO. 4803

PALM BEACH COUNTY

DUE TO SYSTEM CONSTRAINTS, THE APPLICANT IS AUTHORIZED TO IRRIGATE THE SPECIFIED AREAS ON THURSDAYS AND SUNDAYS AND SPECIFIED AREAS ON WEDNESDAYS AND SATURDAYS. THE APPLICANT WILL COMPLY WITH THE HOURS OF IRRIGATION CONTAINED IN THE WATER SHORTAGE ORDER. NO LANDSCAPE AREA WILL BE IRRIGATED MORE THAN TWICE A WEEK. THIS VARIANCE ONLY APPLIES TO THE CURRENT RESTRICTIONS AND THE APPLICANT MUST TAKE ALL NECESSARY STEPS TO COMPLY WITH RESTRICTIONS SUBSEQUENT TO THE END OF THE CURRENT RESTRICTION AND PRIOR TO THE NEXT WATER SHORTAGE DECLARATION

WATER SHORTAGE VARIANCE APPROVALS

4. PERMITTEE: THE CITY OF WEST PALM BEACH PERMIT NO. 50-07890-W
PROJECT: THE CITY OF WEST PALM BEACH CONTROL PUMP VARIANCE NO. 4811
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PALM BEACH COUNTY

DUE TO CLERICAL ISSUES, HISTORIC DATA SUBMITTED BY THE APPLICANT TO THE DISTRICT DURING JANUARY 2003 THROUGH DECEMBER 2006 FOR PERMITTING PURPOSES WERE NOT INCLUDED IN PAST WATER USE REVIEWS CAUSING THE AMOUNT OF WATER USE TO BE UNDERESTIMATED. ALLOCATIONS HAVE BEEN REVISED (IN MILLION GALLONS/MONTH) TO JULY 850, AUGUST 1282.27, SEPTEMBER 407.08, OCTOBER 981.02, NOVEMBER 1155.49, DECEMBER 729.03.

SEMINOLE TRIBE WORK PLANS

1. CONCUR WITH THE THIRD AMENDMENT TO THE TWENTY FOURTH ANNUAL WORK PLAN FOR THE SEMINOLE TRIBE OF FLORIDA. WORKS IN THE BIG CYPRESS RESERVATION INCLUDE A PROPOSED NORTH FEEDER CANAL INSTALLATION OF A WATER FLOW METER AND DOCK. WORKS IN THE HOLLYWOOD RESERVATION INCLUDE A PROPOSED SINGLE FAMILY RESIDENTIAL DEVELOPMENT KNOWN AS SEMINOLE ESTATES CIRCLE. WORKS ALSO INCLUDE A PROPOSED BIODIESEL PLANT THAT WILL PROCESS BIODEGRADABLE RAW MATERIALS FOR CONVERSION INTO DEGREASER USED IN THE MANUFACTURE OF SOAPS AND SHAMPOOS AND INTO BIODIESEL FUEL.
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