



Environmental Protection Division

Conservation Area Impact Permit Request

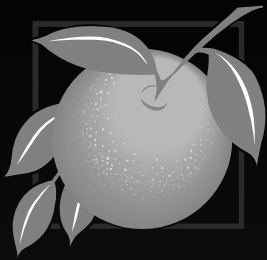
**Keene's Pointe Community
Association, Inc.
District 1**

July 10, 2012



Communication

Prior to this afternoon's hearing, EPD met with Commissioner Boyd to review the staff report and recommendation that is found in your agenda packet.



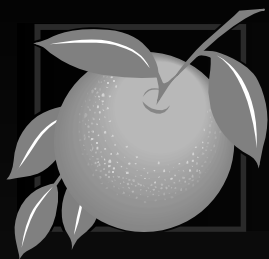
Background

April 18, 2012: Windermere Water and Navigation Control District Butler Chain of Lakes Advisory Board (BCLAB) submitted a letter of objection.

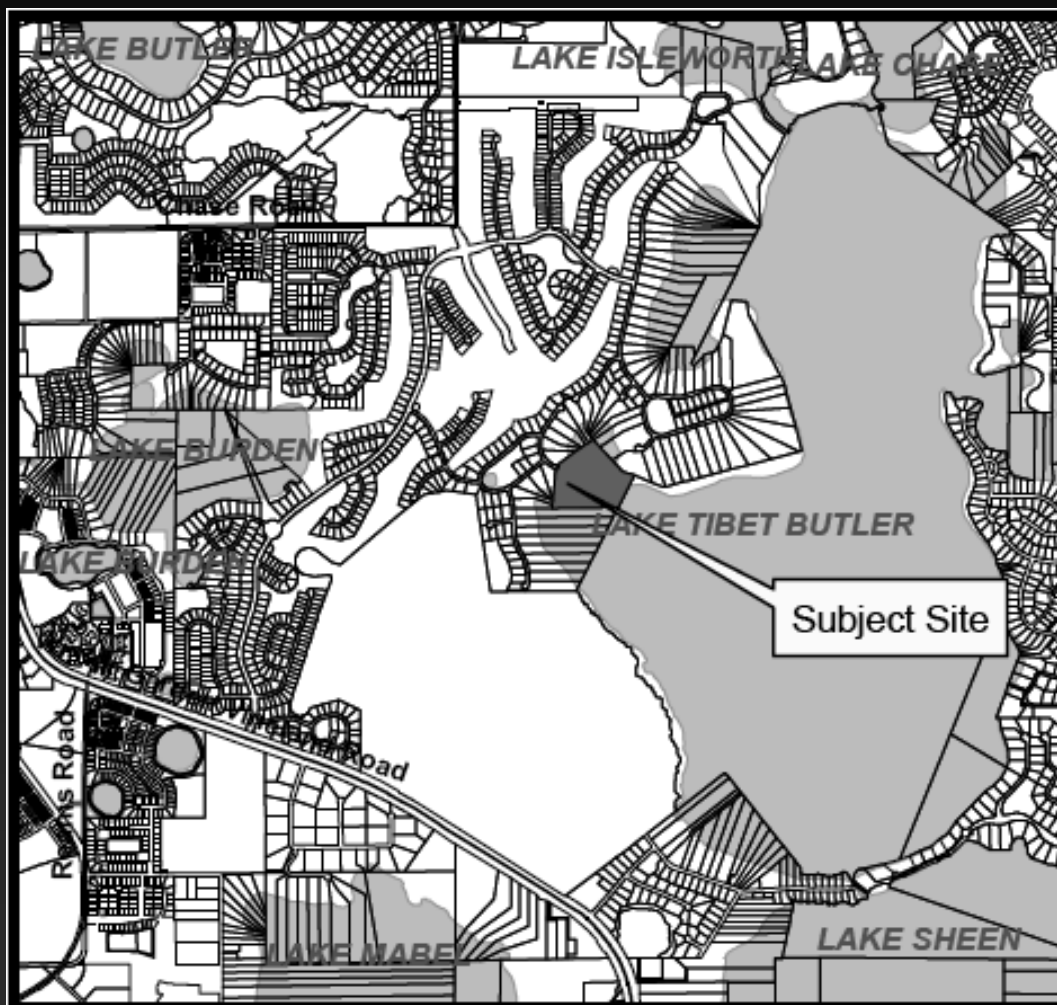
May 8, 2012: This hearing was continued at request of Commissioner Boyd so he could meet with the BCLAB on permitting options.

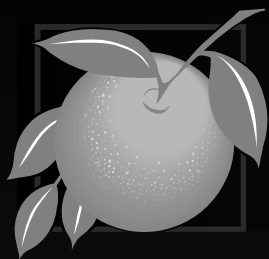
June 12, 2012: Special meeting of the BCLAB to discuss permitting options.

July 3, 2012: Email from Chair Miller of the BCLAB stating agreement with EPD's recommendation.



Location Map





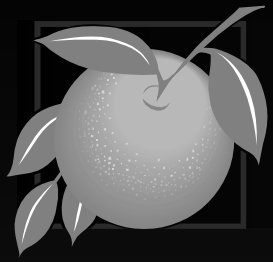
Aerial Map





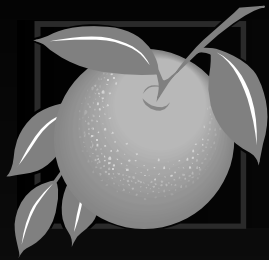
Site Plan





Existing Conditions





Existing Conditions

Proposed area
of impact





Existing Water Depths



LEGEND

- Parcel Lines
- Water Depth
- Vegetation Clearing (3,150 sq. ft.)

LAKE TIBET-BUTLER
WATER ELEVATION AT 98.0 FT. on 6/25/12

Data Source:
Aerial (08)- FL Department of Transportation
Orange County Property Appraiser's Records
Water Depth- 3E Consultants Field Work 06/25/12
GPS- Garmin 60CS

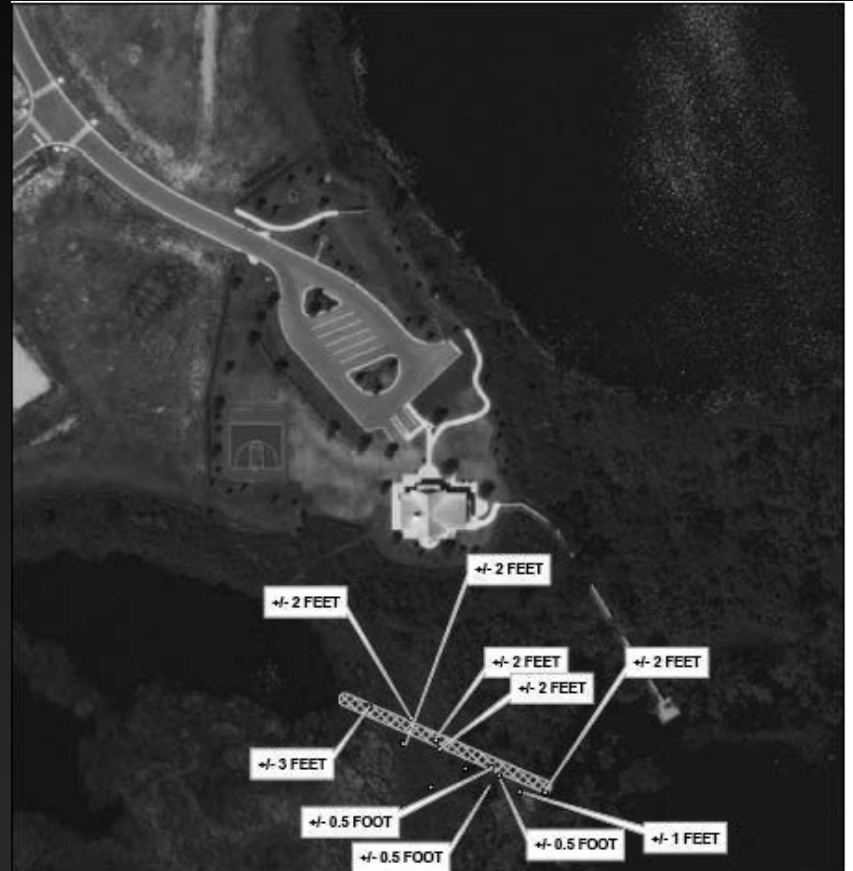
PROJECT NO.: 05-1302-001

**VEGETATION CLEARING AREA MAP
WATER DEPTHS**
KEENE'S POINTE
JULIAN RUBIN, ET AL
WINDERMERE, FL 34786



3E
Consultants

FIGURE 1



LEGEND

- Depth Locations
- Vegetation Clearing (3,150 sq. ft.)

LAKE TIBET-BUTLER
WATER ELEVATION AT 98.0 FT. on 6/25/12

Data Source:
Aerial (08)- FL Department of Transportation
Water Depth- 3E Consultants Field Work 06/25/12
GPS- Garmin 60CS

PROJECT NO.: 05-1302-001

**VEGETATION CLEARING AREA MAP
WATER DEPTHS**
KEENE'S POINTE
JULIAN RUBIN, ET AL
WINDERMERE, FL 34786

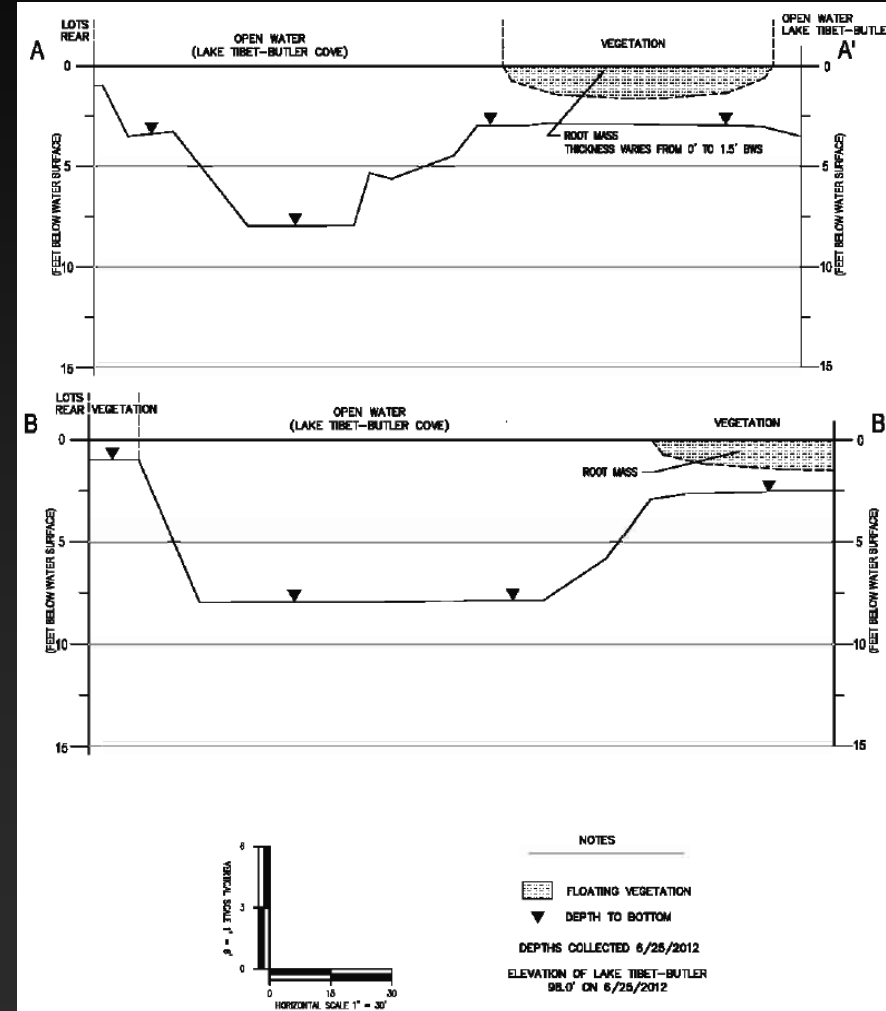


3E
Consultants

FIGURE 1A



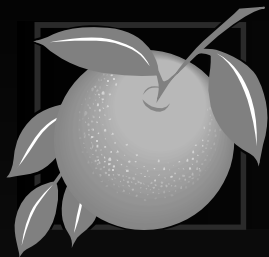
Existing Depths Cross Section





Alternative to Requested Action





Class I Criteria

Class I conservation areas. The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an over-riding public benefit. The protection of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas. When encroachment, alteration or removal of a Class I conservation is permitted, habitat compensation or mitigation as a condition of development approval shall be required.



Staff Findings

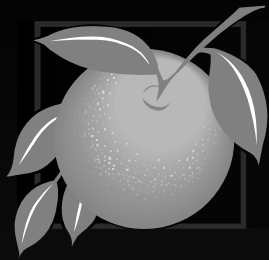
- The proposal allows for a reasonable use of the land.
- Applicant has minimized impacts to wetlands:
 - Current proposal: 0.07 acre impact.
 - Five (5) individual clearing areas would impact approximately 0.50 acre of Class I wetlands.
 - Five (5) dock access walkways would impact approximately 0.33 acre (not including terminal platform) of Class I wetlands.



Staff Findings

Mitigation Plan:

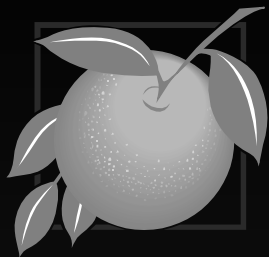
1. Provide a signed and sealed survey (depth and width) of the cleared area. The survey shall include a tree survey that includes any tree that falls within 10 feet of the clearing.
2. Install permanent monuments to clearly delineate the limits of the cleared area.
3. Place staff gauges at each end of the clearing, with signage prohibiting motorized vessels from entering during low water.
4. Amend the deed restrictions for the community association to state that additional clearings within the Keene's Pointe Homeowner's Association Parcel (Tract A, Parcel ID 29-23-28-4094-00-001) for the purpose of gaining access to Lake Tibet Butler are prohibited.
5. Purchase 0.01 credits from Reedy Creek Mitigation Bank.



Action Requested

Approval of this Conservation Area Impact Permit subject to the conditions listed in the staff report, with revised Condition #7

- Condition #7: ~~The creation of other clearings or use of other area in the immediate vicinity for Lots 981-985 to access Lake Tibet Butler is prohibited.~~
- Revised #7: Additional clearings within the Keene's Pointe Homeowner's Association Parcel (Tract A, Parcel ID 29-23-28-4094-00-001) for the purpose of gaining access to Lake Tibet Butler are prohibited.



Environmental Protection Division

800 Mercy Drive
Orlando, Florida 32808
407.836.1400
FAX 407.836.1499