



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

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On the Internet at www.sjrwmd.com.

2006 JUN 26 A 11:08
DIVISION OF ADMINISTRATIVE HEARINGS
FILED

June 22, 2006

Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Re: Phillip Lott and Steve Spratt, vs. St. Johns River Water Management District and City of Deltona; Case Nos. 05-3662 through 05-3664

Dear Sir or Madam,

Pursuant to Section 120.57(1)(m), Florida Statutes, this agency is providing a copy of its final order to the Division of Administrative Hearings. The final order was filed on May 10, 2006, after the Governing Board's action on May 9th.

If you have any questions, please call me at (386) 329-4199.

Sincerely,

Vance Kidder
Assistant General Counsel
Office of General Counsel

VK:kp

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SJR 2006-49
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DIVISION OF
ADMINISTRATIVE
HEARINGS

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

PHILLIP LOTT AND
STEVE SPRATT,
Petitioners,

v.
ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT and
CITY OF DELTONA,

DOAH Case Nos. 05-3662 and 05-3664

SJRWMD F.O.R. No. 2005-67

Respondents.

FINAL ORDER

1. On March 17, 2006, J. Lawrence Johnston, Administrative Law Judge ("ALJ"), issued his recommended order in the consolidated cases, a copy of which is attached hereto as Exhibit A.

2. The recommended order advised the parties that they had 15 days to file exceptions to the recommended order with the District. On March 29, 2006, the District also sent all parties a letter advising the parties of their right to file exceptions to the recommended order

3. Neither Petitioner submitted exceptions to the recommended order. Neither the City nor the District filed any exceptions.

4. In acting upon a recommended order, the purview of the Governing Board is proscribed as well as prescribed by Section 120.57(1)(I), Florida Statutes (2005). The Governing Board may reject findings of fact that are not based on competent substantial evidence or that came from a proceeding that did not comply with the essential requirements of law. The Governing Board may reject conclusions of law that erroneously interpret statute or rules within the District's substantive jurisdiction.

5. Petitioners challenged the District staff's recommendation to grant an Environmental Resource permit (ERP) to the City that would authorize the construction and operation of a surface water management system for a retrofit flood-relief project known as the Drysdale Drive/Chapel Drive Drainage Improvements. Proposed was the excavation of the Drysdale Drive retention/detention pond (Pond1); modification of the outfall from Sterling Lake; and the interconnection of Pond 1 and four existing retention ponds through a combination of pump stations and gravity outfalls.

6. The final hearing in the above-styled cases was held on January 24, 2006. The ALJ recommended approval of the permit with conditions. No party to the proceeding has taken issue with the recommended order.

ACCORDINGLY, IT IS HEREBY ORDERED that:

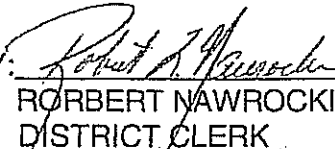
The recommended order is adopted and the cases are dismissed with prejudice.

DONE AND ORDERED this 9th day of May, 2006, in Palatka, Florida.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

BY: 
DAVID G. GRAHAM, CHAIRMAN

RENDERED this 10th day of May, 2006.

BY: 
ROBERT NAWROCKI
DISTRICT CLERK