



# St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500  
On the Internet at [www.sjrwmd.com](http://www.sjrwmd.com).

July 26, 2016

Honorable Bram D.E. Canter  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

FILED  
JUL 26 1 11 PM '16  
DIVISION OF ADMINISTRATIVE HEARINGS

**RE: Nancy Condron v. SJRWMD and 1044PVB, LLC  
DOAH Case No. 16-0806**

Dear Judge Canter:

As required by Section 120.57(1)(m) of the Florida Statutes, please find enclosed a copy of the Final Order for the above-styled case. No exceptions were filed.

Sincerely,

Thomas I. Mayton, Jr.  
Senior Assistant General counsel  
Office of General Counsel

TIM/mbp

Enclosure

**GOVERNING BOARD**

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ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN  
OCALA

Chuck Drake, SECRETARY  
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Carla Yetter, TREASURER  
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Maryam H. Ghyabi  
ORMOND BEACH

Ron Howse  
COCOA

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

NANCY CONDRON,

Petitioner,

SJR 2016-10

v.

DOAH Case No. 16-0806

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT  
and 1044PVB, LLC,

SJRWMD F.O.R. No. 2016-04

Respondents.

FILED  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
JUN 16 1 PM 1 2016

**FINAL ORDER**

1. 1044PVB, LLC ("Applicant") applied for an environmental resource permit (ERP) to construct a stormwater management system for a proposed residential subdivision in St. Johns County. The St. Johns River Water Management District ("District") issued the permit on January 8, 2016.

2. Nancy Condron ("Petitioner") requested an administrative hearing to challenge the issuance of the permit. The primary issue is whether Applicant's ERP application No. IND-109-143282-1 for a stormwater management system is consistent with the standards and criteria for issuance of a permit as set forth in Part IV of Chapter 373, Florida Statutes, and Rules 62-330.301 and 62-330.302, Florida Administrative Code.

3. On April 25-26, 2016, the Honorable Bram D. E. Canter, an Administrative Law Judge from the Division of Administrative Hearings ("ALJ"), conducted a hearing on the petition. On June 16, 2016, he submitted to the District and all the parties to this proceeding a Recommended Order, a copy of which is attached as "Exhibit A."

4. The Recommended Order advised the parties that they had 15 days to file exceptions to the Recommended Order with the District. On June 16, 2016, counsel for the

Governing Board of the District sent all the parties a letter advising them of their right to file exceptions to the Recommended Order. Neither the Petitioner, the District, nor Applicant submitted exceptions to the Recommended Order. Therefore, the parties waived their objections to the ALJ's findings of fact and conclusions of law. Henderson v. Dep't of Health, Bd. of Nursing, 954 So. 2d 77, 81 (Fla. 5th DCA 2007); Worster v. Dep't of Health, 767 So. 2d 1239, 1240 (Fla. 1st DCA 2000); Envtl. Coal. of Florida, Inc. v. Broward County, 586 So. 2d 1212, 1213 (Fla. 1st DCA 1991). However, an agency head reviewing a recommended order is free to modify or reject any erroneous conclusions of law over which the agency has substantive jurisdiction, even when exceptions are not filed. See § 120.57(1)(l), Fla. Stat. (2016); Barfield v. Dep't of Health, 805 So. 2d 1008 (Fla. 1st DCA 2001).

5. Pursuant to Section 373.079(4), Florida Statutes, the Governing Board of the District has delegated all of its authority to take final action approving permit applications under Part IV of Chapter 373, Florida Statutes, to specific staff, including the District's Executive Director. Because both the ALJ and counsel for the Governing Board of the District recommend approval of the permit, this matter now comes before me as the District's Executive Director for final agency action.

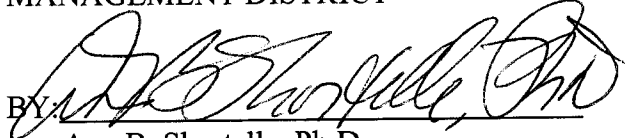
6. The ALJ's Recommended Order concluded that the application was consistent with the standards and criteria for issuance of a permit and therefore recommended that the District enter a final order approving Applicant's application and issuing the permit subject to the conditions set forth in the April 11, 2016, Technical Staff Report, a copy of which is attached hereto as Exhibit "B." I concur with the Recommended Order.

Accordingly, **IT IS ORDERED** that:

The June 16, 2016, Recommended Order attached hereto as Exhibit "A," is **ADOPTED**.  
Environmental Resource Permit application IND-109-143282-1 is **APPROVED** with the  
conditions set forth in the Technical Staff Report attached hereto as Exhibit "B."

DONE AND ORDERED on this 25<sup>th</sup> day of July 2016, in Palatka, Florida.

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT

BY: 

Ann B. Shortelle, Ph.D.  
Executive Director

RENDERED this 25<sup>th</sup> day of July 2016.

BY: Sandra Bertram  
Sandra Bertram  
District Clerk

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

NANCY CONDRON,

Petitioner,

v.

DOAH Case No. 16-0806

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT  
and 1044PVB, LLC,

SJRWMD F.O.R. No. 2016-04

Respondents.  
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FILED  
2016 AUG 1 PM 1 25  
DIVISION OF ADMINISTRATIVE SERVICES

**FINAL ORDER NOTICE OF RIGHTS**

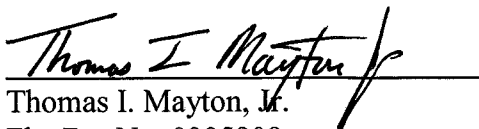
1. Pursuant to Section 120.569, Florida Statutes, the purpose of this notice is to inform each party's attorney of record that judicial review of the Final Order in this case is available under Section 120.68, Florida Statutes.

2. Pursuant to Section 120.68, Florida Statutes, a party who is adversely affected by the Final Order may seek review in the appellate district where the District maintains its headquarters or where a party resides or as otherwise provided by law by filing a notice of appeal or petition for review in accordance with the Florida Rules of Appellate Procedure within 30 days of the rendering of the Final Order. The District's headquarters are in Palatka, Florida. In this case, the Final Order was rendered on July 25, 2016.

3. Failure to observe the relevant time frames for filing a petition for judicial review will result in waiver of that right to review.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the Final Order in this case and this Final Order Notice of Rights have been sent by e-mail and United States Certified Mail to Jane West, Esquire ([jane@janewestlaw.com](mailto:jane@janewestlaw.com)), 201 Owens Avenue, Suite A, St. Augustine, FL 32080, *Attorney for Petitioner Nancy Condron*; Gary Hunter, Esquire ([ghunter@hgslaw.com](mailto:ghunter@hgslaw.com)), Eric T. Olsen, Esquire ([eolsen@hgslaw.com](mailto:eolsen@hgslaw.com)), and Amelia Savage, Esquire ([asavage@hgslaw.com](mailto:asavage@hgslaw.com)), 119 S. Monroe Street, Suite 300, Tallahassee, FL 32301, *Attorneys for Applicant, 1044 PVB, LLC*; and by e-mail and hand delivery to Karen C. Ferguson, Esquire ([kferguson@sjrwmd.com](mailto:kferguson@sjrwmd.com)), 4049 Reid Street, Palatka, FL 32177, *Attorney for St. Johns River Water Management District*, on July 25, 2016.



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