

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA

In the Matter of an Application for a Binding Ecosystem Management Agreement between the Department of Environmental Protection and the St. Joe Company:

APPLICANT:

The St. Joe Company
133 S. WaterSound Parkway
WaterSound, FL 32413

File Name:

St. Joe Ecosystem Management Agreement III

NOTICE OF INTENT TO ENTER INTO A BINDING ECOSYSTEM MANAGEMENT
AGREEMENT

The Department of Environmental Protection (hereafter “Department”) gives notice of its intent to enter into a binding Ecosystem Management Agreement (hereafter “EMA”) with The St. Joe Company, under Section 403.0752, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.), to authorize dredge and filling in waters of the state and construction of surface water management systems (stormwater) facilities, associated with residential, commercial, recreational and institutional projects, including supportive infrastructure. The EMA constitutes regulatory approvals for development within a 28,327-acre tract of land located in Bay and Walton Counties, and owned by St. Joe Company. Issuance of the EMA also constitutes certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

The St. Joe Company has provided reasonable assurance that the EMA and the activities described therein will comply with the applicable standards and criteria of Chapter 403 and Part IV of Chapter 373, F.S., and Rule 62-330, F.A.C. Execution of the EMA by the Department shall constitute final agency action for dredge and fill and stormwater permits pursuant to Chapters 403 and 373, F.S., and Rule 62-330, F.A.C. The Department has determined that there will be no violations of water quality standards pursuant to Section 373.414(1), F.S., and no degradation of ambient water quality in Outstanding Florida Waters pursuant to Rule 62-4.242, F.A.C., and that the activities covered by the EMA, with the attendant net ecosystem benefits, are not contrary to the public interest.

The EMA does not grant any variances or waivers of Department standards or rules.

The Department’s file on this matter, including a copy of the proposed EMA, is available online and can be accessed through the following web address: <https://floridadep.gov/northwest/nw-compliance-assurance/content/st-joe-company-ema-3>. If you have any questions or are experiencing difficulty viewing the electronic documents, please contact at Tanya Alvarez McHale at (850) 595-0614 or at tanya.mchale@floridadep.gov.

Under this Notice of Intent, the EMA is hereby approved subject to the applicant's compliance with the requirement in this intent to publish notice in a newspaper of general circulation and to provide proof of such publication in accordance with section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to enter into a binding ecosystem management agreement automatically becomes only proposed agency action on the application(s) subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence activities under the EMA until the deadlines noted below for filing a petition for an administrative hearing have expired and until the EMA has been executed and delivered.

After approval of the EMA becomes final as provided in the preceding paragraph, the EMA itself will no longer be subject to challenge under the provisions of Sections 120.569 and 120.57, F.S., when individual project approvals are issued by the Department. For individual project approvals under the EMA, if the individual project application is determined by the Department to comply with the terms of the EMA, the Department will issue a letter of approval authorizing the individual project. Public notice of the individual project approval shall be accomplished in the same manner as for permit applications as provided in Rule 62-110.106(3)(a)1, F.A.C., and any challenge to an individual project approval shall be limited to whether or not the individual project complies with the terms of the EMA.

If a person believes his or her substantial interests are affected by the Department's approval of the EMA, such a person may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require

reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000 or at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing

Time Period for Filing a Petition

In accordance with rule 62-110.106(3), Florida Administrative Code, petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3), Florida Statutes, must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205, Florida Administrative Code.

Extension of Time

Under rule 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

This intent to enter into a binding ecosystem management agreement with the St. Joe Company constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110, F.S. of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date the order is filed with the Clerk of the Department.