



FLORIDA DEPARTMENT OF Environmental Protection

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Noah Valenstein
Secretary

August 6, 2020

Sent by Electronic Mail – Document Access Verification Requested

Kevin Holbrooks
JEA
21 West Church Street
Jacksonville, Florida 32202
holbke@jea.com

RE: St. Johns River Power Park (PA 81-13)
Amendment Request (AM20-221)
Demolition and Removal of Conveyor System

Dear Mr. Holbrook:

On June 18, 2020, the Florida Department of Environmental Protection (Department) Siting Coordination Office received a request from JEA for a post-certification amendment to the St. Johns River Power Park (SJRPP) Site Certification Application (SCA). The amendment request is to approve the demolition and removal of the existing coal conveyor system.

Based on a review of the information submitted on June 18, 2020 and additional information received on July 30, 2020, the Department has determined that this request has been properly characterized as an amendment, pursuant to §403.5113(1), Florida Statutes (F.S.), as it proposes a material change to JEA's SCA, but does not require modification to the Conditions of Certification.

This letter serves as notification of the approval of the proposed amendment. JEA will be expected to comply with the existing Conditions of Certification including minimizing impacts to rare and endangered species pursuant to Section C. Condition III. Consistent with Florida Fish and Wildlife Commission (FWC)'s comments included in the Request for Additional Information issued by the Department on July 17, 2020 and acknowledged by JEA in its response, this includes adherence to:

1. Applicable statutes and rules related to the take of federally or state-listed wildlife that may be impacted by this project, including, but not limited to: Article IV, Sec. 9, Florida Constitution; Sections 379.229 and 379.2431, Florida Statutes (F.S.); Rule 68A-27, F.A.C.;

2. The [*Standard Manatee Conditions for In-Water Work*](#) (FWC, 2011), the [*Sea Turtle and Smalltooth Sawfish Construction Conditions*](#) (National Marine Fisheries, 2006) and other specific [*Manatee Management Plan*](#) (FWC, 2007) requirements; and
3. The [*FWC Species Conservation Measures and Permitting Guidelines for state-threatened wading birds*](#).

This amendment approval is not an authorization for blasting activities in waters accessible to manatees or sea turtles, or for the “take” of listed species and other regulated species of fish and wildlife. Any further authorizations that may be necessary will be the responsibility of JEA.

Failure to comply with all existing requirements of the Conditions of Certification, pursuant to §403.514, F.S., shall constitute a violation of Chapter 403. The Department’s notification shall become final unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within **21** days of receipt of this order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this order have the following options:

If you choose to accept the above decision by the Department concerning the post-certification amendment you do not have to do anything. This order is final and effective as of the date on the top of the first page of this order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department’s Office of General Counsel within **21** days of receipt of this order; or
2. File a request for an extension of time to file a petition for hearing with the Department’s Office of General Counsel within **21** days of receipt of this order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the

request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this order may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under §§120.569 and 120.57, F.S.

Pursuant to §§120.54(5)(b)4 and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall 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 e-mail address, any facsimile number, and telephone number of each petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- e) A statement of all material facts disputed by the petitioner, or a statement that there are no disputed facts;
- f) A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- g) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This order is final and effective as of the date on the top of the first page of this order. Timely filing a petition for administrative hearing postpones the date this order takes effect until the Department issues either a final order pursuant to an administrative hearing

or an order responding to supplemental information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this order has the right to seek judicial review of it under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 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 thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of this amendment request should be directed to Ann Seiler at (850) 717-9113. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2257. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,

Cindy Mulkey, Administrator
Siting Coordination Office

CC by email:

Greg Strong, FDEP: Greg.Strong@floridadep.gov

Brian Durden, FDEP: brian.durden@floridadep.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Clerk

Date

Service List: CC by email (Document Access Verification Requested)

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