STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: FLORIDA POWER AND LIGHT COMPANY
OKEECHOBEE CLEAN ENERGY CENTER
POWER PLANT SITING APPLICATION NO. PA15-58

OGC CASE NO. 15-0607
DOAH CASE NO. 15-5540-EPP

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FINAL ORDER APPROVING CERTIFICATION

This matter is before the Secretary of the Department of Environmental Protection (DEP or Department) for the purpose of entering a Final Order under sections 403.508(6), 403.509(1)(a), and 403.509(3), Florida Statutes.

BACKGROUND

On May 24, 2016, the Administrative Law Judge (ALJ) assigned by the Division of Administrative Hearings (DOAH) issued an order canceling hearing, closing file, and relinquishing jurisdiction. The order granted the parties' request to cancel the certification hearing and relinquish jurisdiction in accordance with section 403.508(6). The order was issued pursuant to a Joint Stipulation and Motion of the Parties to Cancel Certification Hearing and to Relinquish Jurisdiction to the Department for Entry of Final Certification Order (Joint Stipulation). The Joint Stipulation stated that no disputed issues of fact or law remain to be raised at the site certification hearing. The Joint Stipulation stated that the parties and signatory agencies requested cancelation of the site certification hearing originally scheduled to begin on June 20, 2016, and did not object to entry of a Final Order by the Department.

As required by section 403.5115(1)(g) and (4)(h), Florida Statutes, notice of cancelation of the certification hearing was timely published by Florida Power and Light

Company (FPL) in the Treasure Coast Newspapers, Okeechobee News, and VeroNews/Sebastian River News, and by the Department in the Florida Administrative Register (FAR). On June 2, 2016, FPL and DEP filed a joint proposed final order. In light of the above, under section 403.509(1)(a) the Department is required to prepare and enter a Final Order.

PARTIES

The following are the parties to this site certification proceeding, under section 403.508(3): the Department, FPL, the St. Johns River Water Management District (SJRWMD), Florida Fish & Wildlife Conservation Commission (FWCC), Okeechobee County, and Indian River County. Those parties have been granted party status by statute or have timely filed a Notice of Intent to be a Party under section 403.508(3)(b). No other agency filed a Notice of Intent to be a Party before the 90th day prior to the scheduled site certification hearing. Further, no third person filed a petition to intervene in this proceeding as of the statutory deadline for intervention. In addition to the parties identified above, the Florida Department of Transportation (FDOT) signed the Joint Stipulation.

The following agencies submitted Agency Reports: SJRWMD, FWCC, FDOT, the Florida Department of Health (DOH), the Florida Department of State Division of Historical Resources (DHR), the Florida Department of Economic Opportunity (DEO), Okeechobee County, and Indian River County. In addition, the Florida Public Service Commission (PSC) entered an affirmative determination of need.

STATEMENT OF THE ISSUE

The issue to be decided in this proceeding is whether the Department, acting in lieu of the Siting Board, should approve certification in accordance with the Florida Electrical Power Plant Siting Act (PPSA), section 403.501, *et. seq.,* Florida Statutes, authorizing FPL to construct and operate the Okeechobee Clean Energy Center (OCEC or Project). The Project includes construction and operation of a new combined cycle natural gas fired generating unit (OCEC Unit 1), providing approximately 1,600 megawatts (MW) nominal of electric generation in 2019. The Site includes an area designated for potential future development of approximately 200 MW of photovoltaic solar generation that will bring the net ultimate Site capacity to 1,800 MW nominal. The certification is subject to the attached Conditions of Certification (COCs) set forth in Exhibit A to the Joint Stipulation.

PRELIMINARY STATEMENT

On September 25, 2015, FPL filed with the Department a site certification application (SCA) for the OCEC Project. On November 4, the Department filed a determination of incompleteness for the SCA. On December 4, FPL submitted responses to the determination of incompleteness. On December 28, the Department determined the SCA to be complete.

The PSC, on January 19, 2016, issued an affirmative determination of need for the OCEC Project. On May 6, the Department issued its Project Analysis Report (PAR) with recommended COCs based on the Department's analysis and the reports of the various reviewing agencies. The COCs are attached as Exhibit A hereto (also attached as Exhibit A to the Joint Stipulation).

A site certification hearing was scheduled to be held in Okeechobee County, beginning on June 20, 2016. Under sections 403.5115(1)(e) and (4)(f), notice of that hearing was timely published by FPL in the Treasure Coast Newspapers on April 7, 2016, and in the Okeechobee News, and VeroNews/Sebastian River News on April 8, 2016, and by the Department in the FAR on May 5, 2016. No party to this proceeding is objecting to, and no reviewing agency recommended denial of final certification for the Project, subject to the proposed COCs.[1] The purpose of the site certification hearing would have been to allow FPL and other agency parties to establish an evidentiary record to support the ALJ's issuance of a Recommended Order to the Siting Board. However, since no party to this proceeding objected to or recommended denial of final certification for the Project, the parties submitted a Joint Stipulation to the ALJ addressing certification issues and recommending the cancelation of the certification hearing. In the Joint Stipulation, all parties agreed that FPL's OCEC Project should be certified subject to the proposed COCs set forth in Exhibit A to the Joint Stipulation. The parties also recommended that the ALJ relinquish jurisdiction and return the case to the Department for entry of a Final Order under section 403.509(1)(a). The ALJ timely issued an order relinquishing jurisdiction on May 24, 2016, granting the parties' request to cancel the certification hearing.

[1] In the Joint Stipulation, the signatory agencies stipulated to the facts set forth within the respective agency subsections, headed by the agency name, which address matters within that agency's knowledge or subject matter jurisdiction. The signatory agencies stipulated that the Project complies with the nonprocedural requirements of that agency, so long as the Project complies with the agencies' recommended Conditions of Certification in Exhibit A to the Joint Stipulation.

FINDINGS OF FACT[2]

The Applicant & Proposed Project

1. FPL, a subsidiary of NextEra Energy, Inc., is the largest electric utility in Florida with a service area of approximately 27,650 square miles. FPL serves approximately 4.8 million customer accounts, with a service territory in all or parts of 35 Florida counties. FPL's existing generating resources are located at power plant sites distributed geographically around its service territory, and also include partial ownership of two units located in Jacksonville, Florida, and one unit in Georgia. These resources consist of a diversity of generating technologies and fuels, including nuclear units, coal units, combined cycle units, oil/gas fossil steam units, combustion turbines, gas turbines, and solar facilities.

2. The SCA requests approval of the proposed construction and operation of new electrical generating facilities and associated facilities in northeastern Okeechobee County, with minimal associated linear facilities in Indian River County. FPL proposes to construct a new combined cycle natural gas fired generating unit (OCEC Unit 1), providing approximately 1,600 MW nominal of electric generation in 2019. The Site includes an area designated for potential future development of approximately 200 MW of photovoltaic solar generation that will bring the net ultimate Site capacity to 1,800 MW nominal.

3. The Site occupies approximately 2,341 acres of FPL's 2,842 acre property located adjacent to the existing 500-kV transmission system in northeastern

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[2] These factual findings are supported by the SCA, including FPL's Responses to Completeness Comments, and the DEP's PAR dated May 6, 2016, and attachments thereto.

Okeechobee County. The Site includes the approximately 220-acre plant area where the new generating facilities will be located, along with construction laydown areas, parking, stormwater ponds, and associated infrastructure; an approximately 376-acre mitigation area; approximately 1,629 acres for potential future solar generation; and approximately 104 acres identified as open space. The proposed OCEC Project includes the electrical generating facilities and all associated facilities, as well as the mitigation area, and potential future solar area.

4. OCEC Unit 1 will be a nominal 1,600 MW 3-on-1 combined cycle unit consisting of three nominal 350 MW advanced combustion turbines (CTs) and three heat recovery steam generators (HRSGs), which will utilize the waste heat from the CTs to produce steam to be utilized in a single nominal 550 MW steam turbine generator. OCEC Unit 1 on-site facilities include electrical generating equipment, cooling tower, on-site roadways, parking and laydown areas, a temporary spoils area, administration building, warehouse, stormwater management system, gas metering station, and ancillary structures.

5. Off-site associated facilities include a minimal transmission line interconnection to existing 500-kV transmission lines, and improvements to an existing access roadway extending approximately one mile south from State Road (SR) 60 to the Site. The access road improvements will include, *inter alia*, an eastbound right hand turn lane on SR 60. Under section 403.511(3), FPL will separately obtain any approvals required under the Florida Transportation Code. Two new 500-kV transmission lines approximately 0.1 mile in length will connect the Site to the existing Martin-Poinsett transmission line. The proposed transmission interconnection corridor is approximately

396 feet wide and 535 feet in length co-located with the access roadway improvements corridor.

6. Natural gas will be the primary fuel for OCEC Unit 1. Ultra low-sulfur distillate (ULSD) "light oil" will be used as a backup fuel for the CTs. The natural gas will be provided, and the associated off-site pipeline will be owned and separately permitted, by a third party supplier.

7. Under section 403.511(2), FPL is seeking variances from Sections 8.8 and 8.9 of the Environmental Resource Permit Applicant's Handbook Volume II for use within the geographic limits of the SJRWMD (SJRWMD ERP A.H. Vol. II - incorporated by reference in Rule 62-330.010, Florida Administrative Code) and Sections 7.06.05(A)(5) and 7.06.05(B)(9), Okeechobee County Land Development Regulations, related to the depth and configuration of the stormwater management system.

Construction

8. Assuming all necessary permits and approvals are obtained, it is anticipated that on-site construction activities will begin in 2017 and conclude in 2019. Areas of land impact on-site include the approximately 220-acre plant area, clearing and grading within the approximately 104-acre open space surrounding Unit 1, and temporary impacts associated with installation of the on-site natural gas pipeline between Unit 1 and the edge of the certified Site. Land impacts within the linear facilities corridor will be limited to approximately 4.86 acres of clearing and grading within the transmission interconnection corridor, and minimal acreage of temporary impact and fill associated with access road improvements.

9. The existing land surface elevation across the Site rises from approximately 31 feet in the east to approximately 36 feet in the west NAVD88. Most OCEC Unit 1 areas, including the power block and equipment as well as most of the construction laydown and parking areas, will be graded and filled to a finished grade of approximately 37 feet NAVD88.

10. Access to the Site is from SR 60, approximately 7.5 miles east of Florida's Turnpike and about 17 miles west of Interstate 95. Trucks and equipment associated with the construction of the Project will travel to the Site by SR 60 and the existing access roadway (226th Court). Equipment that cannot be transported to the area by highway may be transported by rail or ship to an appropriate location for transport to the Site by road.

Noise

11. FPL conducted computerized modeling analyses of the OCEC Project for both construction and operation. The results of the evaluation of potential noise impacts indicate that the Project will comply with all applicable noise requirements and is not anticipated to result in adverse noise impacts.

Architectural or Historical Sites

12. A cultural resource assessment of the OCEC Unit 1 area and linear facilities corridor was conducted in March 2015. A total of 78 shovel tests were performed across the OCEC Unit 1 area, and all were negative for archaeological material. Aerial photos revealed that farming occurred within the OCEC Unit 1 and linear facilities corridor area, increasing the likelihood that any archaeological sites that may have been in the area would have been affected by ground disturbance activities,

in particular, citrus farming. The Site and linear facilities corridor contain no significant archaeological or historic resources that would be eligible for listing in the National Register of Historic Places. DHR concurred with this conclusion.

Determination of Need

13. By Final Order (PSC-16-0032-FOF-EI) issued on January 19, 2016, the PSC found that the OCEC Project is the most cost-effective alternative available to meet FPL's generation needs, as this criterion is used in section 403.519. The PSC also found that the Project is expected to provide adequate electricity at a reasonable cost to FPL's customers. See Order No. PSC-16-0032-FOF-EI, pp.3, 24 (Fla. P.S.C. Jan. 19, 2016).

Okeechobee County

14. The Site is designated "Agriculture" on the future land use map of the adopted Okeechobee County Comprehensive Plan and Okeechobee County's zoning ordinances. As confirmed by the County's land use determination of November 5, 2015, the Site is consistent with Okeechobee County's land use plans and zoning ordinances.

Indian River County

15. The associated linear facilities in Indian River County are located on land designated AG-3 on the Indian River County future land use map in the County's Comprehensive Plan and under the County's zoning map and zoning regulations. As confirmed by Indian River County's November 6, 2015, land use and zoning consistency determination, the portions of the Project to be located within Indian River County are consistent with Indian River County's existing future land use plan and zoning ordinance.

FWCC

16. Based on the Project's proposed location within a previously-disturbed agricultural area, no significant impacts to wildlife resources are anticipated during construction or operation of the Project. The potential for impacts to state or federally-listed species is minor due to the lack of preferred habitat for nesting, roosting, or significant foraging areas within the Site and linear facilities corridor.

DEP

Air Emissions

17. OCEC Project design incorporates highly efficient combined-cycle technology and air quality emissions controls. The use of clean fuels (natural gas and ULSD), combustion controls, and air pollution control equipment will minimize air emissions such as sulfur dioxide (SO_2), particulate matter ($PM/PM_{10}/PM_{2.5}$), and other fuel bound contaminants, and ensure compliance with applicable emission limiting standards. Combustion controls will minimize the formation of nitrogen oxide (NO_x) and the formation of carbon monoxide (CO) and volatile organic carbons (VOCs) by combustor design. Further NO_x reduction will be achieved by the selective catalytic reduction (SCR) system.

18. OCEC Unit 1 will be among the most efficient natural gas fired generating units in FPL's system and will displace generation that would otherwise be produced by less efficient units, thereby reducing system carbon dioxide (CO_2) emissions.

Separate Air Construction Permitting

19. DEP's Division of Air Resource Management regulates major air pollution sources in accordance with Florida's Prevention of Significant Deterioration (PSD)

program, as defined in Rule 62-212.400, Florida Administrative Code. For new major facilities, or modifications to existing facilities, each registered air pollutant is reviewed for PSD applicability based on emissions thresholds known as Significant Emission Rates (SERs). Best Available Control Technology (BACT) review is required under DEP and US Environmental Protection Agency regulations pertaining to PSD. BACT is pollutant specific and is applicable to all pollutants for which PSD review is required. BACT is an emission limitation that is based on the maximum degree of reduction for each regulated pollutant, determined after taking into account the energy, environmental, and economic impacts and other costs. The OCEC Project triggered PSD/BACT review for SO_2, PM, PM_{10}, $PM_{2.5}$, NO_x, CO, VOCs, sulfuric acid mist, and Greenhouse gases (GHGs).

20. On March 9, 2016, DEP issued a separate Air Construction Permit for the OCEC Project. DEP made a determination that the proposed OCEC Project will comply with all applicable state and federal air pollution regulations as conditioned by the final Air Construction Permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, the emissions standards determinations, review of the air quality impact analysis, and the conditions specified in the permit.

Wastewater

21. Wastewaters generated by OCEC Unit 1 will include cooling tower blowdown, HRSG and evaporative cooler blowdown, process water treatment system wastewater, wash water, and equipment area stormwater. HRSG and evaporative cooler blowdown will be reused to the greatest extent practicable or routed to the

injection wells. Contact stormwater will be treated in an oil/water separator and then routed to the stormwater ponds. Water treatment wastewaters and non-hazardous, low volume wastewaters will be treated if necessary and routed to the injection wells.

22. The underground injection wells are separately permitted by DEP under a federally-delegated program. DEP issued an Underground Injection Control (UIC) Class V Permit (Permit No. 0330373-001-UC/1EX) for an exploratory well and dual zone monitoring well in March 2015. FPL will obtain a UIC Class I construction and operational testing permit upon completion of the exploratory well and dual zone monitoring well and submission of the injection well completion report to DEP. All groundwater withdrawals and deep well injection flows will be monitored and reported as required.

23. Because no regional sanitary wastewater system is available in the area of the OCEC Project, sanitary wastewaters during operations will be routed to an on-site sewage treatment and disposal system consisting of septic tanks and a drain field. There will be no adverse impacts due to sanitary wastewater disposal during Project operations.

Stormwater Management

24. The proposed Project includes an on-site stormwater management system of catch basins, pipes, channels, swales, and culverts that will convey runoff to stormwater detention ponds. The stormwater management system design will handle a 25-year, 24-hour storm event. Contact stormwater runoff from the power block and equipment areas will be treated through an oil/water separator and routed to the onsite stormwater wet detention ponds. Non-contact stormwater from outside the power block

will also be collected and routed to the stormwater ponds. With the exception of the variances addressed below, the stormwater management system is designed to meet all applicable nonprocedural requirements.

Variances

25. FPL is seeking a variance from the requirements of Section 8.8 and Section 8.9 of the SJRWMD ERP A.H. Vol. II and from Article VII, Section 7.06.05(A)(5) and 7.06.05(B)(9), Okeechobee County Land Development Code, related to the applicable design parameters for the stormwater pond configuration and depth.

26. Section 8.8 of the SJRWMD ERP A.H. Vol. II indicates that "wet detention systems shall provide for a maximum pond depth of 12 feet." Section 8.9 of SJRWMD ERP Applicant's Handbook Vol. II states, "The average length to width ratio of the pond must be at least 2:1." Okeechobee County Land Development Regulations, Section 7.06.05(A)(5) limits excavation of wet detention ponds to 10 feet. OCEC wet detention system ponds are proposed to have depths greater than 10 feet to obtain fill material needed to level the Site, and one pond does not have a 2:1 length to width ratio because the pond will be enlarged in both depth and width, again to obtain fill material to level the Site.

27. The proposed stormwater pond depth and configuration design will fulfill the stormwater treatment requirements of the SJRWMD ERP A.H. Vol. II. Extensive unnecessary cost would be added to import fill from off-site to attain the necessary final level elevation for plant construction. In addition, soil borings indicate that no confining layer will be breached during pond excavation. This justifies the requested variance from the SJRWMD ERP Applicant's Handbook Vol. II, Section 8.8 and 8.9 requirements

and Article VI, Section 7.06.05(A)(5), Okeechobee County Land Development Regulations. (SCA, pp.4-20 through 4-22; Completeness, FDEP-ERP-9; PAR, p.20)

28. Article VII, Section 7.06.05(B)(9), Okeechobee County Land Development Regulations requires the shorelines of detention and retention areas to "be sinuous rather than straight" "[f]or aesthetic reasons and to increase shoreline habitat." FPL's stormwater management ponds will have straight shorelines to increase the effective treatment volume of the pond for the given area, which minimizes the footprint of the pond, thereby reducing the overall plant footprint and associated environmental impacts. OCEC Unit 1 will be located on a site with restricted public access and extremely limited public view of the stormwater management system. Therefore, there is no aesthetic justification for increasing the pond area to allow for sinuous shorelines. In addition, it is not necessary to increase shoreline habitat adjacent to this electrical power plant. For these reasons, a variance from the requirement for "sinuous" shorelines is justified.

29. No agency had any objections to the requested variances. This Final Order grants the requested variances found in the COCs. See Exhibit A. Condition B.I.

Wetland Impacts

30. The Project design reflects an effort to avoid and minimize, and reduce and eliminate, wetland impacts to the greatest extent practicable. However, it was not possible to entirely avoid wetlands. The Project has been designed with a minimal footprint to reduce the area of impact, and the proposed location for construction of OCEC Unit 1 maximizes utilization of disturbed upland areas through its location on citrus groves and cattle pasture. On-site construction, as well as construction of the

transmission line interconnection and access roadway improvements, will result in wetland impacts. The majority of wetland impacts are proposed within man-made agricultural and drainage ditches, with limited wetland functional value under DEP's Uniform Mitigation Assessment Method (UMAM) set forth in chapter 62-345, Florida Administrative Code.

31. The loss of wetland functions associated with construction of the Project will be replaced through on-site mitigation in the form of enhancement and preservation of an approximately 376-acre undeveloped parcel adjacent to the Fort Drum Marsh Conservation Area. The proposed wetland and upland enhancement and preservation will result in an overall net increase in wetland functions compared to the Project's unavoidable wetland impacts.

Solid Waste & Hazardous Substances

32. Solid waste materials generated during Project construction and operation will be disposed of in accordance with applicable state and local rules and regulations. All solid wastes will be recycled for on-site reuse, disposed of in an appropriately licensed off-site landfill, or disposed of by other approved methods. There will be no adverse impacts resulting from solid waste generated by the Project.

33. FPL will contract with an approved and licensed disposal company to transport and dispose of small quantities of hazardous waste in a manner that complies with all federal, state, and local environmental regulations. There will be no adverse impacts resulting from hazardous wastes generated by the Project.

34. Solid waste generated from transmission line right-of-way preparation and line construction typically consists of cleared vegetation and construction-related debris.

Solid wastes will be collected and removed for disposal in compliance with state and local landfill regulations, chipped and spread in uplands, or piled and burned within the Site in compliance with state and local regulations.

Transmission Line Post-Construction Effects

35. The transmission lines and on-site switchyard will comply with DEP electric and magnetic field (EMF) regulations. Any corona effect from the transmission facilities is expected to be minimal and, should any entity experience radio or television interference, FPL will work with the entity to resolve the issue. During fair weather and under normal operating circumstances, noise levels from the transmission lines will be below background level. Noise levels produced by the proposed transmission lines will comply with all applicable noise limits. The transmission structures will be appropriately grounded to minimize induced ground currents. The proposed transmission lines will be designed to comply with all applicable codes, guidelines, and standards, including the requirements of the National Electrical Safety Code, 2012 edition.

Socioeconomic Impacts

36. Construction and operation of the Project will provide both economic and social benefits to the economy of Okeechobee County, Indian River County, and the State of Florida in terms of employment and revenues during construction and operation. OCEC Unit 1 construction activities are anticipated to have a regional economic benefit of more than $500 million during the construction period, including direct, indirect, and induced benefits. The peak construction workforce is estimated to be approximately 650 people, with an average construction workforce estimated at 290 people. The construction payroll for the Project is estimated to be $58 million during the

peak year (2018), with an annual average of $33 million for the period 2017 through 2019.

37. Direct operational benefits from the Project include tax revenues, employment for approximately 30 full-time employees, and operational and maintenance expenditures. Operation and maintenance costs, excluding fuel costs, are estimated to be approximately $400 million over the life of the Project. Property tax benefits are estimated at $224.7 million over the life of the Project.

38. Socioeconomic impacts to the area, including impacts on community services, associated with the Project construction and operation are expected to be minimal. Construction and operation of the Project will not adversely affect essential public services or facilities. Project-associated increases in spending are expected to benefit the local and regional economies, outweighing any temporary impacts during the construction period. Overall socioeconomic impacts associated with the construction of the Project will be substantially favorable.

SJRWMD

Water Usage

39. Primary water uses for the Project will be for cooling, process, service, irrigation, and potable water. The primary water source will be the Upper Floridan Aquifer (UFA), with a small component of water being withdrawn from the surficial aquifer. The annual average withdrawal from the UFA will be 9 million gallons per day (MGD) and the maximum daily withdrawal will be 11 MGD. The annual average withdrawal from the surficial aquifer will be 0.075 MGD. Dewatering will be required during construction of the Project, occurring over an approximate two-year period. The

estimated average dewatering rate will be up to 1.33 MGD of groundwater from the surficial aquifer.

40. The Floridan Aquifer System in the vicinity of the site consists of the UFA, the Avon Park Permeable Zone (APPZ), and the Lower Floridan Aquifer. The APPZ is considered part of the lower portion of the UFA and is also considered a lower quality source of water. FPL will initially conduct an Aquifer Performance Test of the UFA and a step-drawdown test of the APPZ and depending on the results of the testing optimize use of the APPZ. During the first two years of operation, if demonstrated that sustained withdrawal from the APPZ over a long period has acceptable water quality for the proposed need, UFA wells will be converted to APPZ wells according to the COCs.

41. Based on an evaluation of all available water sources, and considering SJRWMD rule criteria that the lowest quality source be utilized, if technically, economically, and environmentally feasible; FPL is proposing a phased optimization plan to maximize the lowest quality water source available at this time, the APPZ. No other alternative water sources are currently available. Under the COCs, FPL will be required to evaluate and report to the District and Indian River County regarding the potential use of future alternative water sources. See Exhibit A, Condition B.IV.GG.

42. Based on groundwater modeling, the proposed use is not anticipated to result in significant degradation of well water quality due to saline water intrusion or upconing. Significant drawdown effects in the surficial aquifer or adverse impacts to existing wetlands or other vegetation are not anticipated. Construction and operation of the Project is not anticipated to adversely impact the water source, the use of

groundwater by prior existing legal users, or existing off-site land uses. The proposed use is in accordance with established minimum flows and levels.

43. The groundwater modeling demonstrated that water withdrawals will not interfere with any prior existing legal user of the surficial aquifer. The potential exists, however, for withdrawals from the UFA to interfere with a limited number of prior existing legal user UFA wells. The proposed COCs require FPL to monitor for interference, avoid interference, and mitigate for interference in the unlikely event it occurs.

FDOT

Traffic

44. Access to the Site is from SR 60, approximately 7.5 miles east of Florida's Turnpike and about 17 miles west of Interstate 95. The access road from SR 60 is 226th Court, a full-access roadway that aligns with an existing SR 60 median opening which includes a westbound left-turn lane. FPL proposed a 50-foot curved approach/exit (radius) on 226th Court to assist with traffic volume. At Indian River County's request, FPL also agreed to construct an eastbound right turn lane on SR 60, requiring a separate right of way access permit from FDOT.

45. The construction workforce for the OCEC Project is expected to average approximately 290 workers, with a peak of approximately 650 in 2018. After OCEC becomes operational, approximately 30 full time positions will be generated, with intermittent deliveries. FPL performed a detailed traffic analysis, including an intersection capacity analysis. Acceptable levels of service will be maintained and the

additional peak construction and operation traffic will not degrade operating conditions on SR 60.

Agency Reports & Proposed Conditions of Certification

46. As noted above, SJRWMD, FWCC, FDOT, DOH, DHR, DEO, Okeechobee County, and Indian River County issued agency reports pursuant to section 403.507. In addition, the PSC entered an affirmative determination of need. Each of these agencies recommended approval, subject to recommended COCs, or did not object to certification.

47. As noted above, on May 6, 2016, DEP issued its written PAR, under section 403.507. The PAR contains a compiled set of proposed COCs for the Project, including conditions recommended by the reviewing agencies. In its PAR, DEP recommended approval of the OCEC Project provided that FPL complies with the proposed COCs DEP's PAR and attached hereto as Exhibit A.

48. FPL agreed to the COCs included in Exhibit A hereto.

CONCLUSIONS OF LAW

1. Under section 403.508(6), the ALJ granted the parties' request to cancel the certification hearing and relinquished jurisdiction to the Department. Therefore, the Department has jurisdiction to enter this Final Order. See § 403.509(1), Fla. Stat. (2015).

2. In accordance with section 403.5115 and Chapter 62-17, Florida Administrative Code, proper notice has been provided to all persons, entities and parties entitled to such notice, as well as notice being provided to the general public. No third party intervened by the deadline for such intervention.

3. All necessary and required state, regional, and local governmental agencies participated in the certification process.

4. Upon consideration of the criteria set forth in section 403.509(3), and balancing the various factors set forth therein, based upon the information provided by FPL in the SCA, including completeness responses, and the information provided by DEP in its PAR and subject to the COCs attached hereto as Exhibit A, the OCEC Project is eligible for final certification.

5. FPL has provided reasonable assurances that operational safeguards for the OCEC Project are technically sufficient for the public welfare and protection under Section 403.509(3)(a), F.S.

6. Under section 403.507(3)(a), the certification may include conditions which constitute variances from nonprocedural requirements of any agency. FPL identified and requested variances from stormwater depth and configuration requirements as explained above, and provided information supporting those variances as required by Rule 62-17.051, Florida Administrative Code. FPL demonstrated entitlement to variances from Sections 8.8 and 8.9 of the SJRWMD ERP A.H. Vol. II and Sections 7.06.05(A)(5) and 7.06.05(B)(9), Okeechobee County Land Development Regulations, related to the depth and configuration of the stormwater management system. With the exception of these variances, FPL has demonstrated that the OCEC Project will comply with all applicable nonprocedural requirements of agencies, as required by section 403.509(3)(b). DEP's analysis concludes that the Project is not reasonably projected to cause or contribute to a violation of ambient air quality standards or water quality standards.

7. Under section 403.50665(2), Okeechobee County determined that the OCEC Project is consistent with the County's land use plans and zoning ordinances. The County's determination has not been disputed in accordance with section 403.50665(4). The Project is consistent with Okeechobee County's comprehensive plan and land development regulations under section 403.509(3)(c).

8. Under section 403.50665(2), Indian River County has determined that the portions of the Project to be located within Indian River County are consistent with Indian River County's future land use plan and zoning ordinance. The County's determination has not been disputed in accordance with section 403.50665(4). The Project is consistent with Indian River County's comprehensive plan and land development regulations under section 403.509(3)(c).

9. The PSC determined the need for the electric power to be supplied by the OCEC Project as required by section 403.519. The PSC is the sole forum for the determination of the need for the Project under section 403.519. The Project will meet the electrical energy needs of the state in an orderly, reliable, and timely fashion under section 403.509(3)(d).

10. Through the use of highly efficient combined-cycle technology and air emissions controls, location within a previously-disturbed agricultural area, and preservation and enhancement of the 376-acre mitigation area, the OCEC Project will minimize the adverse effects on human health, the environment and the ecology of land and its wildlife and the ecology of state waters and their aquatic life, in accordance with section 403.509(3)(f).

11. Certification of the OCEC Project effects a reasonable balance between the need for the facility, as determined by the PSC, and any impacts on air and water quality, fish and wildlife, water resources and other natural resources of the State that would result from the construction and operation of the Project, under section 403.509(3)(e).

12. Based upon the foregoing considerations, it is concluded that the OCEC Project will serve and protect the broad interests of the public under section 403.509(3)(g).

CONCLUSION

Having reviewed the matters of record and being otherwise duly advised, the Department concludes that, if constructed and operated in accordance with the evidence presented in the record and the attached Conditions of Certification, the Project will serve and protect the broad interests of the public and should be approved. It is therefore ORDERED that:

A. Site certification of Florida Power and Light Company's Okeechobee Clean Energy Center Project, as described in the Site Certification Application and the record as a whole, is hereby APPROVED.

B. The Project is subject to and FPL shall comply with the Conditions of Certification that are attached as Exhibit A and are incorporated by reference herein.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the

Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 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 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 29th day of June, 2016, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JONATHAN P. STEVERSON
Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52, FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Lea Crandall 6-29-16
CLERK DATE

CERTIFICATE OF SERVICE

I CERTIFY that a correct copy of the foregoing Final Order was sent by electronic mail to the following persons on this 29th day of June, 2016.

Department of Environmental Protection
Janet M. Tashner, Esquire
Benjamin M. Melnick, Esquire
Jeff Brown, Esquire
Office of General Counsel
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
Janet.Tashner@dep.state.fl.us
Benjamin.Melnick@dep.state.fl.us
jeffrey.brown@dep.state.fl.us

Florida Power & Light Company
Michael S. Tammaro,
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
michael.tammaro@fpl.com

Brooke E. Lewis, Esquire
Hopping Green & Sams, PA
119 South Monroe Street, Suite 300
Tallahassee, FL 32301
BrookeL@hgslaw.com

Florida Public Service Commission
Keino Young, Attorney Supervisor
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
kyoung@psc.state.fl.us

Florida Fish & Wildlife Conservation Commission
Anthony Pinzino, Esquire
Farris Bryant Building
620 South Meridian Street
Tallahassee, Florida 32399-1600
anthony.pinzino@myfwc.com

Department of Transportation
Kimberly Clark Menchion, Esquire
605 Suwannee Street, MS 58
Tallahassee, Florida 32399
kimberly.menchion@dot.state.fl.us

Department of Economic Opportunity
Carly A. Hermanson, Esquire
107 East Madison Street, MSC 110
Tallahassee, Florida 32399
Carly.Hermanson@deo.myflorida.com
DEOEservice@deo.myflorida.com

St. Johns River Water Management District
Karen Ferguson, Esquire
Mary Ellen Winkler, Esquire
Office of General Counsel
P.O. Box 1429
Palatka, Florida 32178
kferguson@sjrwmd.com
mwinkler@sjrwmd.com

Callie Register, P.E.
Regulatory, Engineering and Environmental Services
Palm Bay Service Center
525 Community College Parkway, S.E.
Palm Bay, FL 32909
cregister@sjrwmd.com

Okeechobee County
William Royce, Director
Planning and Development
1700 NW 9th Ave. Okeechobee, FL 34972
broyce@co.okeechobee.fl.us

Indian River County
Stan Boling
Community Development Director
1801 27th Street
Vero Beach, Florida 32960-3388
sboling@ircgov.com

Florida Department of Health
Ed Barranco
4052 Bald Cypress Way, Bin #A08
ed.barranco@flhealth.gov

Department of Agriculture & Consumer Services
John Costigan, Esquire
3125 Connor Boulevard, Suite K, Room 214
Tallahassee, FL 32399
John.costigan@fresh-fromflorida.com

Department of State
Deena Woodward
Division of Historical Resources
RA Gray Building, 4th Floor
500 South Bronough Street
Tallahassee, FL 32399
Deena.woodward@dos.myflorida.com

Central Florida Regional Planning Council
Patricia M. Steed
Executive Director
555 E Church Street Bartow, FL 33830
psteed@cfrpc.org

Treasure Coast Regional Planning Council
Peter G. Merritt
Assistant Director
421 SW Camden Avenue
Stuart, FL 34994
pmerritt@tcrpc.org

FRANCINE M. FFOLKES
Administrative Law Counsel

EXHIBIT "A"

STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Florida Power & Light Company
Okeechobee Clean Energy Center

PA 15-058

June 29, 2016

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ATTACHMENTS & APPENDICES

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C)., this certification is issued to Florida Power & Light Company (FPL) as owner/operator and Licensee of the Okeechobee Clean Energy Center (OCEC). Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate a nominal 1600 MW facility consisting of one combined cycle (CC) unit and ancillary equipment, and associated facilities as described in the site certification application (SCA). An ultimate site certification has been approved for 1800 MW nominal (one 1600 MW nominal CC unit and a 200 MW nominal potential future solar facility). The electric generating unit is located on a 2,341-acre site in Okeechobee County, Florida. The UTM coordinates are: Zone 17; 520.60km East; 3,056.69 km North; and the latitude/longitude coordinates are: {27°38'03"} North {80°47'28"} West.

B. The Certified Facility includes but is not limited to the following major associated facilities;

Cooling tower
On-site roadways
Parking and laydown areas
Administration building and warehouse
Stormwater management system
Gas metering station
On-site gas pipeline
On-site switchyard
Off-site transmission interconnection
Off-site Access roadway improvements, including eastbound right turn lane on SR60

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified Facility. If a conflict should occur between the design criteria of this Certified Facility and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

D. Within 60 days after completion of construction of the electrical power plant as defined by 403.503(14), F.S., but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the site. The survey map and aerial photograph shall be identified as the Site Delineation and attached hereto as part of Attachment A (Maps).

The Licensee shall notify the Department of any change to the site boundary depicted in the Site Delineation in Attachment A (Maps). The notification shall be accompanied by an updated land survey map (or legal description) and aerial photograph delineating the new boundaries of the site for review by the Department. Absent the above description/delineation of the site, the Department will consider the perimeter fence line of the property on which the

electrical power plant's generating facility and on-site support facilities are located to be the boundaries of the site.

E. If both certified and un-certified facilities lie within the boundaries of the site, the Licensee shall also comply with the requirements of this paragraph. Within 60 days after completion of construction of the plant and on-site associated facilities, but excluding off-site linear and non-linear associated facilities, the Licensee shall provide to the Department in .pdf format: an acceptable documentation delineating the boundaries of the certified areas within the site, such as an aerial photograph delineating these areas. The boundaries of the certified areas within the site shall include both the certified electrical power plant's generating facilities as defined in Section 403.503(28), F.S. and its on-site certified associated facilities (including on-site linear facilities) as defined by Section 403.503(7), F.S. The document shall be known as the Delineation of the Certified Area of the Site and attached hereto as part of Attachment A (Maps).

F. Within 120 days after completion of construction of any off-site associated non-linear facilities, the Licensee shall provide to the Department in .pdf format; a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the certified areas for each off-site non-linear Certified Facility; and an aerial photograph delineating the boundaries of the certified area for each off-site non-linear Certified Facility. The survey map(s) and aerial photograph(s) shall be known as Delineation of the Certified Areas of the Offsite Non-linear Facilities and attached hereto as part of Attachment A (Maps).

G. Within 180 days after completion of construction of any new off-site associated linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide; an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the certified area for the linear facilities, following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as the Delineation of Certified Off-Site Linear Facilities and attached as part of Attachment A (Maps).

Following any post-certification approvals that require a change to the boundaries of the certified area(s) depicted in the Delineation of Certified Off-Site Linear Facilities in Attachment A (Maps), the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Sections 403.511, 403.5113, F.S.; subsections 62-4.160(1-2) and 62-17.205(2), F.A.C.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit or as otherwise provided under Chapter 403:

Florida Administrative Code:
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)

18-20 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulation of Stormwater Discharge)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-520 (Groundwater Classes, Standards and Exemptions)
62-528 (Underground Injection Wells – if applicable)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Classification and Staffing of Water or Domestic Wastewater Treatment Plants and Water Distribution Systems)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-737 (Management of Spent Mercury-Containing Lamps and Devices Destined For Recycling)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)

62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-777 (Contaminant Cleanup Target Levels)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

[Section 403.511(5)(a) and (b), F.S; subsection 62-4.160(10), F.A.C.]

IV. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

A. "Application" or "SCA" as defined in Section 403.503(6), F.S. For purposes of this license, "Application" shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. "Associated Facilities" as defined by Section 403.503(7), F.S.

C. "Certified Area" means the area within the site in which the Certified Facilities are located. For off-site non-linear associated facilities this shall mean the area within which the certified off-site associated facility is located. For off-site linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs haven been acquired, after which time the term will include only the area within the final ROWs in accordance with Section 403.503(11), F.S.

D. "Certified Facility" or "Certified Facilities" means the certified electrical power generation facilities and all on- or off-site associated structures and facilities identified/described in the Application, in the final order of certification, or in a post-certification amendment or modification.

E. "DEO" means the Florida Department of Economic Opportunity.

F. "DEM" shall mean the Florida Division of Emergency Management.

G. "DEP" or "Department" means the Florida Department of Environmental Protection.

H. "DHR" means the Florida Department of State, Division of Historical Resources.

I. "DOT" means the Florida Department of Transportation.

J. "Emergency conditions" or "Emergency reporting" means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

K. "Feasible" or "practicable" means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

L. "FWC" means the Florida Fish and Wildlife Conservation Commission.

M. "Licensee" means an applicant that has obtained a certification order for the subject project.

N. "NPDES permit" means a federal National Pollutant Discharge Elimination System permit issued by DEP in accordance with the federal Clean Water Act.

O. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

P. "PSD permit" means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

Q. "ROW" means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in Section 403.503(27), F.S.

R. "Site" as defined in Section 403.503(28).

S. "State water quality standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.

T. "Surface Water Management System" or "System" means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

U. "SED" shall mean the Southeast DEP district office.

V. "SJRWMD" means the St. Johns River Water Management District.

W. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

X. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those

permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the Certified Facilities are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using the facility ID number 0930117: https://fldep.dep.state.fl.us/air/emission/apds/default.asp.

[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

B. Water

1. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC permit No. 0330373 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-528, F.A.C.]

2. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

Any storm water discharges associated with construction activities in a certified area shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

a Generic Permit for Stormwater Discharge from Large and Small Construction Activities must be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

3. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

Any storm water discharges associated with industrial activity in a certified area shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities at the site that result in a discharge of stormwater to surface waters of the State or into a municipal separate storm sewer system, and fall under any one of the 11 categories of industrial activities identified in 40 CFR § 122.26(b)(14), a Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

4. NPDES Generic Permits for Discharges from Petroleum Contaminated Sites.

If the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by this permit.

If the activity cannot be covered by this generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

[Chapter 62-620 and subsection 62-621.300, F.A.C.]

5. NPDES Generic Permit for Discharge from Ground Water from Dewatering Operations.

Any discharge of ground water from dewatering operations shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. For industrial activities that result in a discharge of groundwater into surface waters of the state, a Generic Permit for Discharge of Ground Water from Dewatering Operations shall be obtained. Dewatering operations seeking coverage under the NPDES Generic Permit for Stormwater Discharges from Large and Small Construction Activities under 62-621.300(4), F.A.C., are not required to obtain separate coverage under this permit.

6. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C. and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Sections

403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility.

[Sections 403.511 (2)(a), 403.516, F.S.; Rules 62-4.160(2), 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the appropriate DEP District and/or Branch Office with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

[subsection 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the SCO in writing (email acceptable) of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

[subsection 62-4.160(15), F.A.C.]

C. Within 60 days after certification of an associated linear facility the Licensee shall file a notice of the certified route with the Department and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor.

[Section 403.5112, F.S.]

VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 62-4.130, F.A.C.]

IX. CONSTRUCTION PRACTICES

A. Local Building Codes

Subject to the conditions set forth herein, this certification constitutes the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of any Certified Facility. The Licensee is not required to obtain building permits for Certified Facilities. However, this certification shall not affect in any way the right of any local government to charge appropriate fees or require that construction of installations used by the electric utility that are not an integral part of a generating plant, substation, or control center (such as office buildings, warehouses, garages, machine shops, and recreational buildings) be in compliance with applicable building construction codes.

[Section 403.511(4), F.S.]

B. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

[Chapters 5I-2 and 62-256, F.A.C.]

C. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 4.6 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (http://www.dot.state.fl.us/programmanagement/utilities/UAM.shtm) shall serve as guidelines for best management practices.

D. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

Any associated transmission lines and electrical substations shall comply with the applicable requirements of Chapter 62-814, F.A.C.

[Chapter 62-814, F.A.C.]

F. Existing Wells

Any existing wells to be impacted in the path of construction of Certified Facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

[subsections 62-532.400 and 62-532.500(5), F.A.C.]

G. Abandonment of Existing Septic Tanks

Any existing septic tanks to be impacted by construction and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

[Chapter 64E-6, F.A.C.]

X. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the Certified Facility and any authorized off-site mitigation/compensation or otherwise associated areas:

1. At reasonable times, to enter upon the Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

[paragraph 62-4.160(7)(a) and subsection 62-4.160(15), F.A.C.]

XI. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or, the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department can act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion

of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the Conditions will not be achieved for a particular portion of a submittal, the Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the Conditions will not be achieved.

[Sections 120.57, F.S. and Rule 62-17.211, F.A.C.]

XII. SEVERABILITY

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

XIII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, 403.514, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIV. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Sections 403.512, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the

portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Sections 403.512, F.S.; subsection 62-4.160(2), F.A.C.]

XV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facility, or from penalties therefore.

[subsections 62-4.160(3) and 62-4.160(5), F.A.C.]

XVI. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

[Sections 403.141, 403.161, 403.511, F.S.]

XVII. USE OF STATE LANDS

A. Except as specifically provided in the final order of certification or these conditions, the issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these conditions. If any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is

not exempt from the need to obtain a proprietary authorization. Unless otherwise provided in the final order of certification or these conditions, the Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: "A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to $10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the Certified Facility shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed.

[Chapters 253 and 258, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-330.060(1) and 62-4.160(4), F.A.C]

XVIII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or condition of certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Sections 403.511(5)(c), F.S.]

XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions specify otherwise or unless the Licensee and the Department are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection
SCO@dep.state.fl.us
Siting Coordination Office, MS 5500
2600 Blair Stone Rd.
Tallahassee, FL 32399-3000

Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Road
MSC 7210-1
West Palm Beach, FL 33406-3007

Florida Department of Economic Development
Office of the Secretary
107 East Madison St.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
FWCConservationPlanningServices@myfwc.com
Conservation Planning Services
620 South Meridian Street, MS 5B5
Tallahassee, FL 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650

Florida Department of Health
Division of Disease Control and Health Protection
Environmental Administrator
Bureau of Environmental Health
Onsite Sewage Programs
4052 Bald Cypress Way Bin A08
Tallahassee, Florida 32399-1713
850-245-4092

Florida Department of Health in Okeechobee County
Environmental Health Director
1728 NW 9th Avenue
Okeechobee, Florida 34972
(863) 462-5805

St. Johns River Water Management District
ApplicationSupport@sjrwmd.com
Regulatory, Engineering and Environmental Services
Palm Bay Service Center
525 Community College Parkway,
S.E. Palm Bay, FL 32909

Florida Department of State
Division of Historical Resources

500 S. Bronough Street
Tallahassee, FL 32399-0250

Okeechobee County
Planning and Development
1700 NW 9th Ave.
Okeechobee, FL 34972

Indian River County
Community Development Director
1801 27th Street
Vero Beach, Florida 32960-3388

[Section 403.511, F.S.]

XX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SED DEP District Office and any other agency that is entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]

C. Completeness

DEP shall review each post-certification submittal for completeness. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the

submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[subparagraph 62-17.191(1)(c) 2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these Conditions has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

DEP shall give written notification within 90 days, to the Licensee and the other agency(ies) to which the post-certification information was submitted of DEP's determination of whether there is demonstration of compliance with these Conditions. If it is determined that compliance with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, Licensee may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

G. Revisions to Design Previously Reviewed for Compliance

If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

[Sections 120.569, 373.413, 373.416, 403.511, F.S.; Rules 62-17.191 and 62-17.205, F.A.C.]

XXI. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification, and within 90 days after any subsequent modification or certification, the Licensee shall provide the SCO a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

[Section 403.5113, F.S.; Subsection 62-17.191(3), F.A.C.]

XXII. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the SCA requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the certification.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Sections 403.516, F.S.

[Section 403.5113, F.S]

XXIII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

B. The Department may modify Conditions, in accordance with Section 403.516(1)(b), F.S., which are inconsistent with the terms of any subsequent and separately DEP-issued permits, permit amendments, permit modifications, or permit renewals under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. In accordance with Section 403.516(1)(c), F.S., the Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

D. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of

pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

E. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A (Maps), must be accompanied by a map or aerial photo showing the proposed new boundaries of the site and/or certified area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

XXIV. COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the facility constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXV. TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these Conditions. A transfer of certification of all or part of the Certified Facility may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. The notice of intent shall identify the intended new certification holder or Licensee and the identity of the entity responsible for compliance with the certification. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all Conditions of Certification and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the Conditions of Certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of a certified Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate and maintain the Certified Facility in accordance with the conditions of certification and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the Conditions to reflect the change in ownership in accordance with Rule 62-17.211, F.A.C.

[Rule 62-17.211, F.A.C]

XXVI. WATER QUALITY CERTIFICATION

Pursuant to the Operating Agreement between the Department, Water Management Districts and U.S. Army Corps of Engineers, a written final order granting 'certification' constitutes the granting of water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

[2012 Operating Agreement, Jacksonville District USACOE, DEP and Water Management Districts, Section II.A.1.(f)]

XXVII. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these Conditions must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/water/sas/sop/sops.htm.

[Chapter 62-160, F.A.C.]

XXVIII. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the SED's Environmental Resource Permitting Section for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Forms 62-330.060, F.A.C.. Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COC.

a. This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Environmental Resources Permit form, pursuant to section 403.511, Florida Statutes, issuance of a separate Environmental Resources Permit is not required for certified facilities.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A. General Conditions, Condition XX. Procedures for Post-Certification Submittals.

No construction shall commence on a Project feature, or in a particular segment for a linear facility, until the Department has determined that there is a demonstration of compliance with these Conditions. For post-certification submittal reviews, the Department's determination is governed by Section A. General Conditions, Condition XX. Procedures for Post-Certification Submittals.

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP-approved wetland

and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Section 373.416, F.S.; Chapters 62-330 and 62-340, F.A.C.]

2 Construction, operation and maintenance of the proposed project (including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities) shall satisfy any applicable non-procedural requirements in the Department rules.

[Section 373.414(1)(a), F.S.]

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Subparagraph A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific condition of this Certification or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421, 403.504, F.S.]

B. Surface Water Management Systems

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the SED office of the Department.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction of the SWMS, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond

those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or certification application including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the SWMS.

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

6. Within 30 days, or such other date as agreed to by DEP and the Licensee, after completion of construction of any new portions of the SWMS, the Licensee shall submit to the SED's ERP Section, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

7. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

8. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

9. The SED ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event.

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to

the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1. above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment C (Wetland Mitigation Plans).

[Sections 373.413, 373.414, 373.4145, 403.511, and 403.814(6), F.S.; Chapters 62-312, 62-330, 62-340, 62-342, and 62-345 , F.A.C.]

XXIX. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the certified site/area.

[Sections 403.506(1), F.S.]

XXX. FACILITY OPERATION

The Licensee shall properly operate and maintain the Certified Facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

[subsection 62-4.160(6), F.A.C.]

XXXI. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the site.

B. The Licensee shall hold at the site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;

2. the person responsible for performing the sampling or measurements;

3. the dates analyses were performed;

4. the person responsible for performing the analyses;

5. the analytical techniques or methods used; and,

6. the results of such analyses.

[subsection 62-4.160(12) and paragraph 62-4.160(14)(b), F.A.C.]

XXXII. WATER DISCHARGES

A. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State wastes in concentrations which alone or in combinations with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

B. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

C. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C.,]

XXXIII. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within the Certified Facility during construction, operation, maintenance, and closure.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities

unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-710, F.A.C., for any used oil and used oil filters generated within the Certified Facility.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-737, F.A.C., for any spent mercury-containing lamps and devices generated within the Certified Facility.

The Licensee shall comply with all applicable provisions of DEP Chapter 62-740, F.A.C. for any petroleum contact water located within the Certified Facility.

[Chapters 62-710, 62-730, 62-737, and 62-740, F.A.C.]

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a Certified Facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

D. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

XXXIV. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems within a Certified Area that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.450(2), F.A.C., shall be made to the County on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge of a regulated substance, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable Department rules. The Licensees is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-780, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

Storage tank systems shall be taken out-of-service and/or closed as necessary in accordance with Rules 62-761.800 and 62-762.801, F.A.C., as applicable.

[Chapters 62-761 and 62-762, F.A.C.]

SECTION B. SPECIFIC CONDITIONS

I. VARIANCES

A. FPL is granted a variance from the maximum and mean pond depth requirements of the SJRWMD ERP Applicant's Handbook Vol. II, Section 8.8 (Pond Depth) and the 2:1 ratio requirement of Section 8.9 (Pond Configuration).

B. FPL is granted a variance from Okeechobee Land Development Regulations, Article VII, Sections 7.06.05(A)(5) (pond depth) and 7.06.05(B)(9) to allow excavation of wet detention ponds deeper than 10 feet and to allow those ponds to have straight shorelines.

[403.507(5)(d), F.S.]

II. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Potable Water

1. All potable water supply well(s) shall be constructed according to public well standards found in Chapter 62-532, F.A.C, and shall comply with the required setbacks in Rule 62-555.312, F.A.C.

2. The non-transient, non-community potable water supply system(s) shall be designed and operated in conformance with the applicable nonprocedural requirements of Chapters 62-550, 62-555, 62-560, and 62-699 F.A.C. Information as required in Chapters 62-550, 62-555, 62-560, and 62-699, F.A.C., shall be submitted to the Department prior to construction and operation of any potable water system. The potable water supply system shall be staffed in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to the Department's Southeast District Office, Potable Water Section and the SCO.

3. The list of requirements for a Preliminary Design Report (PDR) can be found in Rule 62-555.520(4), F.A.C. A preliminary design report or specifications, details, and design drawings shall be submitted to the Department's Southeast District Office, Potable Water Section and the SCO prior to construction and use for review in accordance with Condition XX "Procedures for Post-Certification Submittals".

4. For the non-transient, non-community potable water supply system(s), a demonstration of financial, managerial, and technical capacity (capacity development) pursuant to Rule 62-555.525, F.A.C., must be completed and submitted to the Department's Southeast District Office, Potable Water Section and the SCO, using DEP Form 62-555.900(20).

[Chapters 62-532, 62-550, 62-555, 62-560, 62-602, and 62-699, F.A.C.]

III. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C. Adverse impacts to existing operation of SR 60 are not anticipated. However, a separate right of way access permit from FDOT is required.

[Chapters 14-96 and 14-97, F.A.C.; section 403.511(3), F.S.]

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapter 316, F.S.; Chapter 14-26, F.A.C.]

C. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

The placement of the transmission lines should take into consideration the planned widening of state transportation facilities. The cost of relocating or reconstructing the transmission line will be borne by the applicant to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

[Sections 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.]

D. Standards

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

[Chapter 14-15, F.A.C.]

E. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, F.A.C., including the attainment of any permit required thereby.

[Chapter 14-86, F.A.C.]

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1,

Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

[Chapter 333, F.S.; Rule 14-60.009, F.A.C.]

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C.; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

- Placing a bulletin board on site for carpooling advertisements.
- Requiring that heavy construction vehicles remain onsite for the duration of construction activity for which the equipment is required to the extent practicable.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

[Chapter 316, F.S.; Chapter 14-26, F.A.C.]

IV. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. Nothing in this certification shall be construed to limit the authority of the SJRWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to the water shortage restrictions, as specified by the SJRWMD.

[Paragraph 5.1(b), A.H., Nov 2015]

B. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.

[Paragraphs 2.3(a), 5.1(d), A.H., Nov 2015]

C. Licensee's consumptive use of water as authorized by this certification shall not interfere with legal uses of water existing at the time of certification application. If interference occurs, SJRWMD will request that FDEP revoke the certification, in whole or in part, to curtail or abate the interference, unless the interference associated with the Licensee's consumptive use of water is mitigated by Licensee pursuant to the Well Interference Monitoring, Avoidance and Mitigation Plan (included in Attachment D).

[Paragraphs 3.6, 5.1(e), A.H., Nov 2015]

D. Licensee shall implement the FPL OCEC Well Interference Monitoring, Avoidance and Mitigation Plan (Attachment D) as described therein and as modified by Condition AA, if required.

[Paragraphs 3.6, 5.1(e) A.H., Nov 2015]

E. Licensee's consumptive use of water as authorized by this certification shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of the certification application. If significant adverse hydrologic impacts occur, the SJRWMD will request that FDEP revoke the certification, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with Licensee's consumptive use of water are mitigated by Licensee pursuant to a SJRWMD-approved plan.

[Paragraphs 2.3(f), 5.1(f), A.H., Nov 2015]

F. A SJRWMD-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Section 40C-2.401, Florida Administrative Code. Licensee shall notify the SJRWMD in the event that a replacement tag is needed.

[Paragraph 5.1(h) A.H., Nov 2015]

G. The Licensee's consumptive use of water as authorized by this license shall not significantly and adversely impact wetlands, lakes, rivers, or springs. If significant adverse impacts occur, the SJRWMD will request that FDEP revoke the license, in whole or in part, to curtail or abate the significant adverse impacts, unless the impacts associated with the Licensee's consumptive use of water are mitigated by the licensee pursuant to a SJRWMD-approved plan.

[Paragraphs 2.3(f), 5.1(i) A.H., Nov 2015]

H. The Licensee's consumptive use of water as authorized by this license shall not reduce a flow or level below any minimum flow or level established by the SJRWMD or the FDEP pursuant to Section 373.042 and 373.0421, F.S. If the Licensee's use of water causes or contributes to such a reduction, then the SJRWMD will request that FDEP revoke the license, in whole or in part, unless the Licensee implements all provisions applicable to the Licensee's use in a SJRWMD-approved recovery or prevention strategy.

[Paragraphs 2.3(i), 5.1(j) A.H., Nov 2015]

I. The Licensee's consumptive use of water as authorized by the license shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the SJRWMD will request that FDEP revoke the license, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the Licensee's consumptive use of water is mitigated by the Licensee pursuant to a SJRWMD-approved plan.

[Paragraphs 2.3(g), 5.1(k) A.H., Nov 2015]

J. The Licensee's consumptive use of water as authorized by the license shall not cause or contribute to flood damage. If the Licensee's consumptive use causes or contributes to flood damage, the SJRWMD will request that FDEP revoke the license, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the Licensee's consumptive use of water is mitigated by the licensee pursuant to a SJRWMD-approved plan.

[Paragraphs 2.3(f), 5.1(l) A.H., Nov 2015]

K. The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates, as determined by SJRWMD, that the use of the lower quality water source is not economically, environmentally, or technologically feasible, in accordance with the SJRWMD's Consumptive Use Permit Applicant's Handbook, paragraph 2.3(e) A.H., Nov 2015.

[Paragraph 2.3(e) A.H., Nov 2015]

L. Well modifications, construction and abandonments shall conform to SJRWMD non-procedural requirements in chapter 40C-3, F.A.C.

[Paragraph 5.1(c) A.H., Nov 2015]

M. Prior to well construction, if the final well locations are greater than 200 feet from those originally proposed in the certification application, the Licensee shall submit to the FDEP SCO and SJRWMD for review and approval, in accordance with Condition XX, "Procedures for Post-Certification Submittals", an evaluation of the impacts of the proposed pumpage from the proposed well location(s) on adjacent existing legal users, environmental features, the saline water interface, wetlands, and other water bodies.

[Section 373.223. F.S.; Paragraph 2.3(f,g) A.H., Nov 2015]

N. Within 90 days of completion of construction of any Upper Floridan Aquifer (UFA) or Avon Park Producing Zone (APPZ) production wells, Licensee shall submit to the FDEP SCO and SJRWMD:

1. The specific locations of the wells on a map with a minimum scale of one inch equals 800 feet, or by latitude/longitude.

2. Detailed well specifications and drawings.

3. Geophysical logging program conducted during construction of the well(s). The program must include the following: Gamma, Caliper, Electric (sp and electrical resistivity), Fluid Resistivity, Temperature, Flow and Video.

4. Downhole water quality testing program to include field-testing at 20-foot intervals upon penetration of the top of the upper portion of the UFA for specific conductivity, chlorides, temperature and pH.

[Chapter 40C-3, F.A.C.; Paragraph 2.3(c, d) A.H., Nov 2015]

O. All landscape irrigation shall be conducted in accordance with the times, days, and within the manner set forth in section 40C-2.042, F.A.C.

[Rule 40C-2.042, F.A.C., Paragraph 5.2 A.H., Nov 2015]

P. Maximum annual use of water from the UFA for power plant process, cooling, potable, service, irrigation, and well testing water must not exceed 3,285 million gallons (9.0 mgd annual average). If required by Conditions CC and DD, all or part of this allocation shall be obtained from the Avon Park Producing Zone (APPZ).

[Paragraphs 2.3(a, b, c, d, e) 5.2(d) A.H., Nov 2015]

Q. Licensee may use water from the existing UFA well (Main Pump Well, SJRWMD ID 454668) for construction of the power plant and associated facilities. Maximum annual water use from this well must not exceed 164.75 million gallons (0.45 mgd annual average) as provided for in SJRWMD Consumptive Use Permit 143225-1.

[Paragraphs 2.3(a, b, c, d, e) 5.2(d) A.H., Nov 2015]

R. Maximum annual use of water from the surficial aquifer and/or UFA for landscape irrigation of the site must not exceed 0.744 million gallons (0.002 mgd) per acre, not to exceed a total quantity of 10.51 million gallons (0.029 mgd annual average).

[Paragraphs 2.3(a, b, c, d, e), 5.2(d), A.H., Nov 2015]

S. Maximum annual use of water from the surficial aquifer and/or UFA for potable and service water uses at the facility must not exceed 16.82 million gallons (0.046 mgd annual average).

[Paragraphs 2.3(a, b, c, d, e), 5.2(d), A.H., Nov 2015]

T. Total withdrawal of groundwater from the UFA wells 1-6 (SJRWMD IDs 455798-455803, respectively), UFA replacement wells 10-15 (SJRWMD IDs 457111-457116) and surficial aquifer wells 7-9 (SJRWMD IDs 455804, 455805, and 457087, respectively) must be recorded continuously, totaled monthly, and reported to the FDEP SCO and the SJRWMD at least every six months from the initiation of the monitoring using Form EN-50. The reporting dates each year will be as follows:

Reporting Period	Report Due Date
January - June	July 31
July - December	January 31

[Paragraph 2.3(a) A.H., Nov 2015]

U. Prior to use, all proposed wells must be equipped with totalizing flow meters. All flow meters must maintain +/- 5% accuracy, be verifiable and be installed according to the manufacturer's specifications.

[Paragraphs 4.1, 4.2, A.H., Nov 2015]

V. The Licensee must maintain all flow meters. In case of failure or breakdown of any meter, the FDEP SCO and SJRWMD must be notified in writing within 5 days of its discovery. A defective meter must be repaired or replaced within 30 days of its discovery.

[Paragraphs 4.1, 4.2, A.H., Nov 2015]

W. The Licensee must have the flow meters calibrated once every 10 years within 30 days of the anniversary date of certification issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. SJRWMD Form No. EN-51 must be submitted to the FDEP SCO and SJRWMD within 10 days of the inspection / calibration.

[Paragraph 4.1, 4.2.1, A.H., Nov 2015]

X. The Licensee has indicated that dewatering will be necessary to facilitate construction of the plant. The Licensee has estimated dewatering of the surficial aquifer will occur over an approximate 24-month period at a rate of 487.3 million gallons per year (annual average 1.33 mgd). Prior to commencement of construction of those portions of the project that involve dewatering activities, the Licensee's construction contractor will be required to submit a final dewatering plan to the FDEP SCO and the SJRWMD for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals." This plan shall include at a minimum:

1. A map showing the locations of dewatering activities with associated projected drawdowns. If projected drawdowns initially appear to cause adverse environmental impacts or interference to existing legal uses, mitigation measures must be proposed and included in the Dewatering Plan;

2. A map delineating the portions of the property where dewatering activities will take place and the extent of the proposed excavations, both vertically and laterally. This map must include the locations and dimensions of any proposed ponds to receive dewatering discharges;

3. Procedures to ensure that dewatering will not cause or contribute to flood damage including the proposed rate and duration of water pumped for dewatering;

4. A map providing the proposed locations and capacities (gpm) of proposed dewatering pump(s);

5. Detailed description of turbidity treatment and erosion control measures at the discharge point(s);

6. Indicating requested dewatering allocation and schedules;

7. Water quality monitoring plans; and

8. If necessary, a water treatment system design.

[Paragraphs 2.3(a, b, f, g, h) A.H., Nov 2015]

Y. Prior to commencing use of the UFA for cooling tower makeup water, Licensee shall construct one well into the APPZ and perform a step-drawdown test on that APPZ well. In addition, Licensee shall perform an aquifer performance test (APT) on the upper portion of the UFA with APPZ and UFA observation wells. No later than 90 days before conducting the APT,

Licensee shall provide an APT Plan to the FDEP SCO and SJRWMD to be reviewed and approved in accordance with Condition XX, "Procedures for Post Certification Submittals" prior to Licensee commencing with the APT. The APT Plan must follow SJRWMD guidelines, as appropriate, for conducting an APT as set forth in Appendix D of the SJRWMD's Applicant's Handbook: Consumptive Uses of Water incorporated by reference in rule 40C-2.101(1)(a), F.A.C. (effective November 3, 2015).

[Paragraphs 2.3(c, d) A.H., Nov 2015]

Z. No later than 90 days after the APT is complete, Licensee shall provide an APT final report ("APT Report") documenting well construction, APT procedures, data analysis, and APT results to the FDEP SCO and SJRWMD for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals". The APT Report shall be signed and sealed by a Florida Registered Professional Geologist or Professional Engineer.

[Paragraphs 2.3(c, d) A.H., Nov 2015]

AA. If, after the approval of the APT Report, there is a significant difference between the APT results and the values used in Licensee's groundwater impact modeling evaluations, Licensee shall update its groundwater impact model, as well as the Okeechobee Clean Energy Center Well Interference Monitoring, Avoidance and Mitigation Plan, as necessary, to reflect the updated modeling results. A "significant difference" shall mean the leakance or transmissivity values are thirty (30) percent higher or lower than those included in the Licensee's groundwater flow model data submitted with the SCA. If updated modeling is required, no later than 30 days after approval of the APT report, the Licensee shall provide to the FDEP SCO and the SJRWMD, a proposed modeling plan to update its groundwater impact model ("Modeling Update Plan") for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals". The Modeling Update Plan shall incorporate the Licensee's APT results to evaluate impacts of predicted drawdown and utilize all updates available for this region.

No later than 90 days after receiving the SJRWMD's written approval of the Modeling Update Plan, Licensee shall complete the modeling according to the plan, prepare a written report detailing the impacts indicated by the updated modeling, and submit the report to the FDEP SCO and SJRWMD for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals".

Within 60 days of SJRWMD approval of the updated modeling report, Licensee shall submit a written evaluation of any needed changes to the Okeechobee Clean Energy Center Well Interference Monitoring, Avoidance and Mitigation Plan to the SCO and SJRWMD for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals". Licensee may also include this written evaluation in the updated modeling report.

If the results of the SJRWMD approved, updated modeling indicate that the OCEC Unit 1 proposed groundwater use will result in an additional 10% or greater reduction in flow of any existing legal user's well caused entirely by the OCEC Unit 1 proposed use (determined using the non-drought baseline current condition in the updated model), then Licensee shall mitigate those existing user's wells and facilities pursuant to the terms of the Okeechobee Clean Energy Center Well Interference Monitoring, Avoidance and Mitigation Plan (Attachment D) in

advance of commencing commercial operation of OCEC Unit 1. Such existing legal users need not submit an interference claim to Licensee.

[Paragraphs 2.3(c, d, e, f, g), 3.6, A.H., Nov 2015]

BB. No later than 60 days after the approval of the APT report, Licensee shall provide an Upper Floridan Aquifer Monitoring Plan to the FDEP SCO and the SJRWMD for review and approval in accordance with Condition XX, "Procedures for Post-Certification Submittals". This monitoring plan shall specify the location and construction specifics of the monitoring well(s) and should include, at a minimum:

1. Monitoring of the UFA between the proposed production well sites and closest adjacent legal users. This monitoring well shall measure water levels and water quality of the same zone of use of the closest adjacent legal user(s). The best available well depth and casing information for the closest adjacent legal user(s) must be used to determine the monitoring zone.

2. Determine an appropriate monitoring well drawdown threshold (i.e., number of feet of drawdown) that would trigger the actions described in "Avoiding Potential Interference" portion of the Well Interference Monitoring, Avoidance, and Mitigation Plan in Attachment D.

3. Quarterly major ion chemical analyses for all production and monitoring wells.

4. Daily water level measurements of UFA monitoring wells.

[Paragraphs 2.3(c, d, e, f, g) A.H., Nov 2015]

CC. Not later than 90 days after approval of the APT report, Licensee shall incorporate the results of the APT and step-drawdown tests into the groundwater model and evaluate APPZ performance and water quality to determine whether the APPZ well can be used to supply water for cooling and other plant purposes. If this APPZ modeling indicates background APPZ water quality, when blended with water produced from UFA wells, is sufficient to allow OCEC Unit 1 operation at 5 cycles of concentration, Licensee shall use the APPZ well to the maximum extent possible for cooling water and other plant purposes as specified below. If this APPZ modeling indicates background water quality, when blended with water produced from UFA wells, is insufficient to allow OCEC Unit 1 operation at 5 cycles of concentration, Licensee is not required to implement withdrawals from the APPZ well and is not required to construct additional APPZ wells as referenced below.

[Paragraphs 2.3(c, d, e) A.H., Nov 2015]

DD. If Licensee is using the APPZ well for cooling water and other plant purposes pursuant to the provision above, then not later than two years after initiating groundwater withdrawals for cooling and other plant purposes, and annually thereafter, Licensee shall either modify one upper UFA well to the lower quality APPZ or construct and use one additional APPZ well to replace an UFA well. Starting with the initial APPZ well and as additional APPZ wells are constructed, Licensee shall use the greatest quantity of water from the APPZ that, when combined with water from the UFA, produces a water quality sufficient to allow operation at five cycles of concentration. Licensee may cease well modification or additional APPZ well construction and use upon the earlier of (a) the date when APPZ water withdrawals reach 100%

of total non-surficial aquifer withdrawals; or (b) the water quality produced from blending the UFA and APPZ well exceeds the constraints identified in Condition FF.

[Paragraphs 2.3(c, d, e) A.H., Nov 2015]

EE. If Licensee is using APPZ well(s), Licensee shall submit a Lowest Quality Groundwater Source Report annually to the FDEP SCO and SJRWMD beginning no later than one year after initiation of groundwater withdrawals for cooling water and other plant operational purposes. This Lowest Quality Groundwater Source Report shall identify the quantities of water Licensee withdraws from the APPZ, the water quality of that APPZ water, and the water quality of that APPZ water blended with water withdrawn from the UFA. Licensee may cease lowest quality groundwater source reporting upon the earlier of (a) the date when APPZ water withdrawals reach 100% of total non-surficial aquifer withdrawals; or (b) the SCO in consultation with the SJRWMD approves the Licensee's request to do so based on monitored water quality data demonstrating that using APPZ wells is environmentally, technically, or economically infeasible.

[Paragraphs 2.3(c, d, e) A.H., Nov 2015]

FF. If at any time a trend of the blended water quality of the OCEC Unit 1 cooling water supply reasonably projects that five cycles of concentration cannot be maintained in the plant's circulating water system over the next year of operation using the plant design basis water treatment methodology, Licensee may reduce or discontinue withdrawals from the APPZ well(s) and correspondingly increase withdrawals from UFA wells as necessary to maintain the lowest water quality meeting the above referenced water quality limitation of 5 cycles of concentration. No post certification authorization is required to initiate this change. Within 90 days of such reduction, Licensee shall submit a written report for informational purposes to the FDEP SCO and SJRWMD describing the reduction or elimination of APPZ well withdrawals, including the identification of the well(s) reduced and information on the water quality of the OCEC water supply.

[Paragraph 2.3(c, d, e, g) A.H., Nov 2015]

GG. Licensee acknowledges that the water needs of Florida's citizens will require alternative water sources such as surface water projects in the future as determined by the water management districts pursuant to the water supply planning process of section 373.709, F.S., and other applicable provisions of Chapter 373, F.S. Licensee will in good faith evaluate the technical, environmental, and economic feasibility of connection to and use of alternative water sources such as surface water supplies when such sources become available according to the terms of this condition.

Upon notification by the SJRWMD that an alternative water source has potentially become available in the vicinity of OCEC Unit 1, including sources that lie outside of the boundary of the SJRWMD, Licensee shall evaluate the feasibility of connection to and use of the alternative water source. As used herein, the term "alternative water source" means any source not identified as a traditional water supply source in the applicable water supply plan adopted by the SJRWMD pursuant to section 373.709, F.S., or successor provision, for the area encompassing the facility. Within 180 days of the notification from SJRWMD of the potential availability of an alternative water source, the Licensee shall submit a report to the FDEP SCO and the SJRWMD evaluating the technical, environmental, and economical feasibility of each

alternative water source identified. The report shall contain an analysis of each alternative water source, including the quantity of water available, the projected date(s) of availability, and costs associated with obtaining and transporting the alternative water to the OCEC Unit 1 facility. If the SJRWMD determines that use of additional alternative water sources are environmentally, technically, and economically feasible, within 120 days of such determination, Licensee shall develop and provide an implementation schedule to reduce, by the amount of additional alternative water source, the quantity of ground water authorized for consumption by the site, to FDEP SCO and SJRWMD for review and approval in accordance with Condition XX "Procedures for Post-Certification Submittals". Once approved, Licensee shall take the necessary steps to implement the schedule. Within 10 days of receiving notice from SJRWMD that an alternative water source has potentially become available in the vicinity of OCEC Unit 1, Licensee shall provide a copy of that notice to Indian River County. Licensee shall submit a copy of its alternative water source evaluation report to Indian River County at the time it submits that report to the SJRWMD.

If by December 31, 2021 there has been no notification provided by the SJRWMD that an alternative water source has potentially become available in the vicinity of OCEC Unit 1, Licensee shall, in coordination with the SJRWMD and Indian River County, conduct a study, as described above, to identify and evaluate the technical, environmental and economic feasibility of connecting to and using alternative water sources that have the potential to become available in the vicinity of OCEC Unit 1, including sources that lie outside the boundary of the SJRWMD. Licensee shall submit the study to the SJRWMD and Indian River County by June 30, 2022. Licensee's submission of the study shall not relieve Licensee of any obligation to evaluate the feasibility of using an alternative water source upon future notification from the SJRWMD of an alternative water source that has potentially become available in the vicinity of OCEC Unit 1, including sources that lie outside the boundary of the SJRWMD.

[Paragraph 2.3(e) A.H., Nov 2015]

V. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Conditions

The following table contains state- and federally listed species that occur in the State of Florida and may occur within the Florida Power and Light's Okeechobee Clean Energy Center Project Site and associated linear facilities right-of-way. The table contains species that are potentially impacted by the activities proposed on the Florida Power and Light's Okeechobee Clean Energy Center Project Site and associated linear and non-linear facilities. Therefore, these recommended conditions of certification apply to the species listed in this table.

Table 1.

Common Name	Scientific Name	Status
American alligator	*Alligator mississippiensis*	FT(SA)*
Audubon's crested caracara	*Polyborus plancus audubonii*	FT
Eastern indigo snake	*Drymarchon corais couperi*	FT
Everglade snail kite	*Rostrahmus sociabilis plumbeus*	FE

Florida burrowing owl	*Athene cunicularia*	SSC
Florida grasshopper sparrow	*Ammodramus savannarum floridanus*	FE
Florida sandhill crane	*Grus canadensis pratensis*	ST
Gopher frog	*Lithobates capito*	SSC
Gopher tortoise	*Gopherus polyphemus*	ST
Limpkin	*Aramus guarauna*	SSC
Little blue heron	*Egretta caerulea*	SSC
Sherman's fox squirrel	*Sciurus niger shermani*	SSC
Snowy egret	*Egretta thula*	SSC
Southeastern American kestrel	*Falco sparverius paulus*	ST
Tricolored heron	*Egretta tricolor*	SSC
White ibis	*Eudocimus albus*	SSC
Wood stork	*Mycteria americana*	FT

FE = Federally designated Endangered; FT = Federally designated Threatened; ST = State-designated Threatened; SSC = State Species of Special Concern

* Due to similarity to another federally threatened species

Note: Florida's Endangered and Threatened species rule changed in November 2010.
The list is now comprised of federally designated endangered and threatened species or state-designated threatened species. Additionally, the Species of Special Concern (SSC) designation has been retained in the rule until those species designated as SSC are evaluated for listing as state-designated threatened species.

[Article IV, Sec. 9, Florida Constitution; Chapters 68A-27 and 68A-16, F.A.C.]

B. General Listed Species Survey

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Okeechobee Clean Energy Center Project Site and associated linear facilities' right-of-way, as well as accessible appropriate buffers within the Florida Power and Light (FPL) property or rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the FWC's Florida Wildlife Conservation Guide at http://myfwc.com/conservation/value/fwcg/.

2. Surveys shall be conducted for the species listed in Table 1 above prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to the FWC in a report, and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, 403.507, 403.526, and 403.5113(2), F.S.; and Rule 68A-27, F.A.C.].

C. Specific Listed Species Surveys

Before land clearing and construction activities within the FPL Okeechobee Clean Energy Project Site and associated linear facilities right-of-way, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation with the FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

1. This survey shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

2. This survey shall identify any wading bird colonies within the FPL Okeechobee Clean Energy Project Site and associated linear facilities that may be affected.

3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) of each community that is contained within the FPL Okeechobee Clean Energy Project Site and associated linear facilities prior to land clearing and construction activities using a geographic information system (GIS).

Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)*.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 F.S; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

*Florida Fish and Wildlife Conservation Commission. 2012. Florida's State Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

Stys, B., R. Kautz, D. Reed, M. Kertis, R. Kawula, C. Keller, and A. Davis. 2004. Florida vegetation and land cover data derived from 2003 Landsat ETM+ Imagery. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in E through I below, within the FPL Okeechobee Clean Energy Center Project Site and associated linear facilities, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these conditions of certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the FPL Okeechobee Clean Energy Center Project Site and associated linear facilities' right of way. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the FWC, and the USFWS.

2. Species Management Plan: If total avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Species Management Plan and submitted to the FWC for review and approval.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 F.S.; and Rule 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in E.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by

blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.

5. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Florida Constitution; Sections 403.507, 403.526, 403.5113 and 379.2291, F.S.; and Rules 62-17.660 and 68A-27, FA.C.]

F. Sandhill Crane

1. The Licensee shall conduct surveys for nesting sandhill cranes immediately prior to any construction that occurs during the January through August breeding season. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide and the FWC Nongame Technical Report No. 15 (http://f50006a.eos-intl.net/ELIBSQL12_F50006A_Documents/97stys.pdf) provides guidance on survey methods for sandhill cranes.

2. If there is evidence of nesting during this period, any active Florida sandhill crane nests shall be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 F.S.; and Rule 68A-27, F.A.C.]

G. Wading Birds

1. The Licensee shall conduct surveys for nesting wading birds during their breeding season, which extends from March through August. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide.

2. If there is evidence of nesting during this period, any wading bird nest sites shall be buffered by 100 meters (328 feet) to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 F.S.; and Rule 68A-27, F.A.C.]

H. Eastern Indigo Snake

The Licensee shall consult with the USFWS and the FWC to ensure measures to avoid the "take" of Eastern indigo snakes on FPL Okeechobee Clean Energy Center Project Site and associated linear facilities right-of-way are implemented during construction and operation, in accordance with the *Standard Protection Measures for the Eastern Indigo Snake* (USFWS, 2013). The Eastern indigo snake protection/education plan (Plan) has been developed by the USFWS. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the USFWS South Florida Field Office at verobeach@fws.gov that the Plan will be implemented.

1. Pre-Construction Activities

a. The Licensee will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. Please see the following link for a sample poster: http://www.fws.gov/northflorida/indigosnakes/20130812_EIS%20Standard%20Protection%20Measures_final.pdf

b. Prior to the onset of construction activities, the Licensee will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office.

c. Construction staff will be informed that in the event that an Eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification to the USFWS South Florida Field Office.

2. During Construction Activities

a. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an Eastern indigo snake sighting (example: discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).

b. If an Eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.

c. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any Eastern indigo snakes are seen.

3. Post Construction Activities

a. Whether or not Eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the USFWS South Florida

Field Office within 60 days of project completion. The report can be sent electronically to verobeach@fws.gov.

[Article IV, Sec. 9, Florida Constitution; Rule 68A-27, FA.C.]

I. Federally Listed Species

The Licensee shall consult with the USFWS as the site may contain suitable habitat for the federally listed species identified in Table 1 to avoid the "take" of federally listed species on the FPL Okeechobee Clean Energy Center Project Site and associated linear facilities right-of-way during construction and operation.

[Article IV, Sec. 9, Florida Constitution; Section 403.5113, F.S.; and Rules 62-17.660 and 68A-27, FA.C.]

VI. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Any alterations associated with the reconfiguration of this plant may need to have a survey as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Facility, the Licensee shall notify the appropriate DEP District office (s) and the DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

VII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at Certified Facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

VIII. OKEECHOBEE COUNTY

A. Floodplain Management/Flood Resistant Development

All construction shall be in accordance with the applicable Floodplain Management and Flood Resistant Development nonprocedural requirements in Sections 6.05 and

6.06 of the Okeechobee County Land Development Regulations. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County.

[Sections 6.05 and 6.06, Okeechobee County Land Development Regulations]

B. Parking and Loading

All off-street parking and off-street loading facilities shall be designed and constructed in accordance with the applicable nonprocedural requirements of Section 7.04, Okeechobee County Land Development Regulations. The required number of off-street parking and off-street loading facilities will be as depicted on the Conceptual Site Plan included in the Site Certification Application. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County.

[Section 7.04.0l(D), Okeechobee County Land Development Regulations]

C. Drainage and Stormwater

With the exception of the identified variances from Sections 7.06.05(A)(5) and 7.06.05(B)(9), the Project shall be designed and constructed in accordance with the applicable nonprocedural requirements of Sections 7.05 and 7.06 of the Okeechobee County Land Development Regulations. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County.

[Sections 7.05.05 and 7.06, Okeechobee County Land Development Regulations]

D. Landscaping and Tree Preservation

1. In accordance with Section 7.l l.04(A)(11), Okeechobee County Land Development Regulations, preserved trees and shrubs within the proposed mitigation area shall be used to meet the requirements of Section 7.11.03(B)(l), Okeechobee County Land Development Regulations.

2. FPL shall maintain a minimum 5 foot buffer of natural/ organic ground cover and at least one tree and three shrubs every 50 linear feet where the Site is adjacent to a lot or parcel in single-family use. Okeechobee County recognizes that the proposed mitigation area will serve as adequate perimeter buffer from adjacent parcels in accordance with Section 7.11.03(B)(3) and Section 7.11.05(F), Okeechobee County Land Development Regulations.

3. Okeechobee County recognizes that it is not practicable to incorporate the stormwater management system into the irrigation system. All landscaping shall conserve water through xeriscaping where practicable.

4. No oak tree with a circumference greater than 48 inches measured at a point four and one-half feet above the base of the tree shall be removed in accordance with Section 7. 11.04(D), Okeechobee County Land Development Regulations.

5. Any proposed plantings and landscaping material shall be installed and maintained in accordance with Section 7.11.05(A)-(B), Okeechobee County Land Development Regulations.

[Sections 7.11.03, 7.11.04, 7.11.05(A)-(B), (F), Okeechobee County Land Development Regulations; Policy S4.2, Okeechobee County Comprehensive Plan]

E. Construction Design Standards

The applicable portions of the administration building shall be designed and constructed in accordance with applicable provisions of standard codes and maps incorporated in Sections 8.00.00 through 8.01.01, Okeechobee County Land Development Regulations, and Section 18-2, Okeechobee County Code.

[Sections 8.00.00, 8.01.00, 8.01.01, Okeechobee County Land Development Regulations; Section 18-2, Okeechobee County Code]

F. Signs

Any signs associated with the Project located in Okeechobee County shall be designed, constructed, and maintained in accordance with the applicable nonprocedural requirements of Article IX, Okeechobee County Land Development Regulations. Signs that are not visible from a public street or adjoining property are exempt from these requirements in accordance with Section 9.01.00(a). This shall not be construed as requiring FPL to obtain separate permits or approvals from the County.

[Article IX, Okeechobee County Land Development Regulations]

G. Open Burning

Open burning associated with land clearing operations shall be coordinated with the State of Florida, Division of Forestry.

[Section 34-26, Okeechobee County Code; Policy Cl.3, Okeechobee County Comprehensive Plan]

H. Waste

All solid waste, hazardous waste, and construction waste shall be collected and disposed of in accordance with the applicable nonprocedural requirements of Chapter 49, Okeechobee County Code.

[Chapter 49, Okeechobee County Code]

I. User Fees

FPL shall be responsible for payment of fire rescue department user fees in accordance with Section 52- 71, Okeechobee County Code. Pursuant to Okeechobee County Ordinance No. 2014-0002, no impact fees are associated with the Project.

[Section 52- 71, Okeechobee County Code; Okeechobee County Ordinance No. 2014-0002]

IX. INDIAN RIVER COUNTY

A. Traffic

In accordance with Indian River County (IRC) tum lane standards found in land development regulation Section 952.12 traffic standards, and based on the anticipated construction and operating conditions presented in the project traffic study, the applicant/licensee shall construct as part of the project an east bound right tum lane on SR60 at the project's entrance consistent with applicable FDOT and IRC design standards.

[Applicant Agreement – 12/15].

B. Traffic Impact Fees

In accordance with land development regulation Chapter 910 concurrency, and associated impact fee payment standards of Title X Impact Fees, prior to project construction, the applicant/licensee shall pay Indian River County transportation (traffic) impact fees for the project administration building with the acknowledgement that in accordance with the FPL/Indian River County franchise agreement, the fees will be off-set from the franchise agreement revenue. The amount of the impact fee shall be based on the "Unincorporated Indian River County: Impact Fee Schedule (Effective Date 2/2/2015)", applying the "Manufacturing" land use category "Transportation" fee to the final under air square footage (housing administrative staff) of the project administration building.

[Applicant Agreement – 12/15]

C. Emergency Services

1. The applicant/licensee shall reimburse Indian River County for extraordinary emergency services expenses or services including but not limited to expenses and services related to hazardous materials events, consistent with Indian River County Emergency Services District ordinance section 208.13.

[Indian River Code, Section 208.13; Applicant Agreement – 4/16]

2. Prior to construction of the Project, FPL shall make a one-time payment to Indian River County in the amount of $90,000 to be used by Indian River County to support ordinary emergency services support for construction and operation of the Project in the event that Okeechobee County requests Indian River County's emergency support under Indian River County's mutual aid agreement with Okeechobee County. Notwithstanding the terms of the FPL/Indian River County franchise agreement, FPL agrees not to off-set this one-time payment of $90,000 against franchise agreement revenue, in recognition that Indian River County agrees to provide to FPL an annual accounting of use of this fund.

[Applicant Agreement – 4/16]

3. To facilitate familiarity with the Project and emergency services training deemed necessary by Indian River County, first, coinciding with commencement of major mechanical equipment construction and then, prior to operation, FPL shall provide onsite orientation of the facility to IRC emergency response personnel and familiarize them with known hazards, chemicals, and fire protection systems, and FPL shall fund emergency services training deemed necessary by Indian River County up to the $200,000 limit set forth below. Notwithstanding the terms of the FPL/Indian River County franchise agreement, FPL agrees not to off-set any fees, charges, or other impositions assessed by Indian River County associated with these two orientation events and emergency services training deemed necessary by Indian River County, up to a total of $200,000, against franchise agreement revenue.

[Applicant Agreement – 4/16]

X. DEPARTMENT OF HEALTH

A. Onsite Sewage Treatment and Disposal

1. No later than 90 days prior to commencement of construction of the onsite sewage treatment and disposal system, Licensee shall submit all information for an onsite

sewage treatment and disposal system identified in Form DH 4015 to DOH and to DEP SCO for confirmation of consistency with applicable nonprocedural requirements of Chapter 64E-6, F.A.C. in accordance with Condition XX "Procedures for Post-Certification Submittals".

a. Form 4015 Page 1 of 4 "Application for Construction Permit" collects specific information necessary to locate the system and to verify the design specifications for the onsite sewage treatment and disposal system.

1) Applicant, agent, contact information.
2) Legal description for the property.
3) Zoning for the property.
4) Distance to the nearest available sewer.
5) Address of the property.
6) Directions to the property. Please include any protocols for seeking permission to conduct an inspection.
7) Regarding the water supply, (used for determining well setback) please specify whether the onsite well to be used for potable water production will be producing more or less than 2000 gallons per day total flow.
8) A building description that describes the facility and activities in sufficient detail to estimate the domestic sewage flow based on Rule 64E-6.008, F.A.C.
9) Please include a floor plan in sufficient detail to verify the domestic wastewater sizing criteria and a plumbing diagram sufficient to demonstrate that only domestic wastewater will be routed to the onsite sewage treatment and disposal system and that industrial wastewater and floor drains will be routed to an alternative DEP-regulated system. 64E-6.002(29) defines wastewater carried off by floor drains, utility sinks and equipment drains located in buildings in industrial or manufacturing areas as industrial, hazardous or toxic sewage waste.

b. Form 4015 Page 2 of 4 "Part II - Site Plan" - Use of the form is not required however the site plan needs to include the information specified in Rule 64E-6.004(3)(a), F.A.C.

c. Form 4015 Page 3 of 4 "Site Evaluation and System Specifications" collects site-specific information that is used to verify that the property is large enough to accommodate the nutrient loading from the anticipated sewage flow, there is sufficient area for the system and future repair, the system meets the minimum setback requirements and separation from the seasonal high water table and unsuitable soil horizons. The site evaluation may be performed by the system design engineer, a master septic tank contractor, a certified environmental health specialist, a soil scientist, or by Florida Department of Health personnel per 64E-6.004(3), F.A.C.

1) Applicant, Agent, Lot, Block, Property ID tie the site evaluation to the application information
2) Estimated flow and authorized lot flow demonstrate that that the authorized nutrient loading to the property are not exceeded.
3) Unobstructed area is the area that includes the drainfield plus a reserve for future system repair.
4) Benchmark location states the physical location where the elevation reference point or benchmark is located.

5) The elevation of the proposed system site ties the grade elevation at the location of the soil profiles to the benchmark.

6) The minimum setbacks should reflect the distance from the system, as shown on the site plan, to the listed protected features.

7) If the site is frequently flooded, the site evaluation should indicate that fact. Ten-year flood elevations and the site elevation referenced to NGVD or MSL are not applicable for this site.

8) Two soil profiles to 72 inches or refusal describing the soil using USDA Soil Classification methodology are required to determine soil texture for system sizing, and seasonal high water table depth for system elevation and depth to unsuitable soil necessitating system elevation or soil replacement.

9) Other site observations that contribute to the determination of seasonal high water table elevation.

10) Soil texture and loading rate to be used for sizing the system drainfield based on application of the Rule 64E-6.008, Table III and Rule 64E-6.009, F.A.C.

11) Depth [below grade] of any excavation necessary to remove an unsuitable soil horizon.

12) The drainfield configuration based on the site plan and detailed system design plans.

13) The Florida Department of Health shall require an engineer to provide detailed system design plans, if applicable, under the provisions of Rule 64E-6.004(4), F.A.C.

[Rules 64E-6.004(1), (2), (3), F.A.C.]

2. The onsite sewage treatment and disposal system shall be installed by a state-registered septic tank contractor or state-licensed plumber.

[section 381.0065(4), F.S.]

3. Following installation of the onsite sewage treatment and disposal system, but prior to covering the system with earth, the system will require inspection by the representatives of the Florida Department of Health in Okeechobee County. Additional inspections are required for incomplete or non-compliant items. As the high water table conditions require a mound installation, a second inspection is necessary after the system is covered with earth and stabilized with sod.

If the onsite sewage treatment and disposal system is designed by an engineer, the Florida Department of Health shall require the design engineer to certify that the installed system complies with the approved design and installation requirements per 64E-6.004(4), F.A.C.

[Rules 64E-6.003(2), 64E-6.004(4) and 64E-6.009(3)(f), F.A.C.]

4. As the facility is an industrial-equivalent zoned activity an annual inspection by a representative of the Florida Department of Health in Okeechobee County will be required to verify ongoing compliance with the requirements of section 381.0065(4)(i), F.S., along with payment of the associated annual operating fee under Rule 64E-6.030(1)(l), F.A.C. (currently $150.00 per year as of April 5, 2016). Pursuant to section 403.511(1), F.S., this shall

not be construed as requiring FPL to obtain separate permits for operation of the onsite sewage treatment and disposal system.

[section 381.0065(4)(i)3, F.S. and Applicant Agreement]

5. Should the onsite sewage treatment and disposal system require repair, replacement, modification, or abandonment, such action shall be taken in accordance with the nonprocedural requirements of Chapter 64E-6, F.A.C. and Section 381.0065, F.S.

[section 381.0065(4), F.S. and Rules 64E-6.001(4), .003(1),and .0015(1), F.A.C.]

ATTACHMENT A: Maps per Section A. Condition I.
(to be attached post-certification)

ATTACHMENT B: Surface Water Management System Operation and Maintenance Requirements

1. FPL shall be responsible for the operation and maintenance of the SWMS. Inspections are to be conducted on an annual basis or after periods of significant rainfall to insure that the system is functioning as designed and approved. If deficiencies are identified a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification" within 30 days of the inspection.

ATTACHMENT C: Wetland Mitigation Plan

ATTACHMENT C – OCEC Wetland Mitigation Plan

1. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards (>29 NTU's above background, pursuant to Rule 62-302, F.A.C.). Methods may include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

2. Wetland areas or waterbodies that are outside the specific limits of construction authorized by this permit, must be protected from erosion, sedimentation, siltation, scouring, excess turbidity, and/or dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, F.A.C. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed and disturbed areas are stabilized. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

3. Prior to construction, the licensee shall provide the Department with an original, signed and notarized Conservation Easement for recording in the Official Records of Okeechobee County. This conservation easement shall contain approximately 376 acres of uplands and wetlands. The licensee shall also provide the following documents prior to recording the conservation easement:

    a. A title commitment with no exceptions for review and approval by the Department. Upon the Department's approval of the title commitment, the title company shall record the Conservation Easement, legal description and survey in the official records of Okeechobee County and provide the Department with the original recorded copy.

    b. An acceptable title insurance policy issued to the Department for the lands encumbered by the recorded Conservation Easement referenced in the Specific Condition above.

4. To mitigate for 24.70 acres of permanent impacts to wetlands and other surface waters, the licensee shall implement the mitigation plan as described in Attachment C (beginning on page 4), known as "Revised Wetland Mitigation Plan, March 2016." The plan shall consist of the preservation and enhancement of 376-acres of wetlands and uplands by conducting the following: (1) granting a conservation easement to the Department prior to the commencement of any construction activities; (2) eradication and monitoring of the mitigation area for category 1 and 2 invasive exotic species (Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species) from the property; (3) prescribed fire in the uplands on an approximately two to four year rotation, based on fuel loading; and (4) perpetual maintenance of the mitigation area in perpetuity. The enhancement of the lands subject to the conservation easement shall commence with a baseline monitoring report to be completed in March of Year 1, as shown on the Maintenance and Monitoring Schedule in the Mitigation Plan.

5. All livestock shall be removed from the lands encumbered by the conservation easement, and mechanical/hand removal and herbicide treatment of category 1 and 2 invasive exotic species (Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species) shall be completed throughout the wetland enhancement area as described in the Mitigation Plan.

6. Transects, monitoring stations and associated monitoring activities shall be established throughout the enhancement area and completed as described in the attached Revised Mitigation Plan, March 2016.

7. A "Baseline" Monitoring Report shall be submitted prior to the initiation of the wetland enhancement work and shall include the following:
   a. Licensee's name and file number;
   b. Color photographs from fixed locations to provide an accurate representation of each mitigation area from the monitoring stations identified in Figure 3 and referenced in Specific Condition #22 above. The photographs shall be taken from fixed reference points and directions which are shown on a scaled map;
   c. Data collected from the transects and monitoring stations (e.g., species composition and coverage etc.);
   d. Percent cover of category 1 and 2 invasive exotic species (Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species) within the overall wetland enhancement area and within each community type;
   e. Description of current livestock impacts within the various community types.

8. A "Time Zero" Report shall be submitted within 30 days of completion of the enhancement activities. The report shall include the following:
   a. Licensee's name and file number;
   b. Date that each portion of the mitigation was completed (i.e. livestock removal, invasive/exotic species removal, etc.);
   c. Herbicide listing, date and location of application;
   d. Enough color photographs taken from the fixed referenced points to adequately represent the various wetland community types.

9. Subsequent Monitoring Reports shall be submitted to the Department for five years (semiannually for the first year, and annually thereafter for a minimum of five years following completion of the wetland enhancement work). The Monitoring Reports shall include the following:
   a. Licensee's name, address, and file number;
   b. Date of the inspection or additional work/maintenance;
   c. Color photographs taken from the established fixed locations;
   d. Data collected from the transects and monitoring stations (e.g., species composition and coverage etc.);
   e. Percent cover of category 1 and 2 invasive exotic species (Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species) within the overall enhancement area and within each community type;
   f. A written summary describing the success of the enhancement area, including

steps needed and/or taken to promote future success such as additional nuisance or exotic species removal/treatment;

g. Plan view depicting the location of any nuisance/exotic plant removal or treatment within the community types.

10. The wetland enhancement area shall be deemed successful when Department staff have verified the total contribution to percent cover by category 1 and 2 invasive exotic species (Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species) has been maintained at less than 5% within the overall enhancement area and each of the various community types for a period of at least one year without intervention, and the species composition and coverage for each community type is indicative of that community.

11. The responsibility to assess if the wetland enhancement area is meeting the specified success criteria shall not fall solely on the Department. In the event the licensee becomes aware the enhancement area is not meeting the success criteria (based on either site observations or review of monitoring reports), the licensee, no later than six months before the permit construction phase expiration date, shall submit a new Revised Mitigation Plan to the Department for review and approval.

12. Permanent signs shall be placed along the boundary of the lands encumbered by the conservation easement. The signs shall consist of aluminum posts, driven well into the ground and extending a minimum of three feet above the ground, with a highly visible aluminum sign (minimum 12-inches by 12 inches) bolted to the post. The permanent signs as described above shall be posted at 500-foot intervals along the perimeter, and in conspicuous locations throughout the conservation easement area. The licensee shall provide photographs of the signs that were installed along with a plan-view drawing or exhibit showing the location of each sign. The sign should read:

WETLAND CONSERVATION AREA
LAND & DRAINAGE
ALTERATION ACTIVITIES
PROHIBITED
Contact the Department of Environmental Protection
for more information

FPL OKEECHOBEE CLEAN ENERGY CENTER

REVISED WETLAND MITIGATION PLAN

March 2016

Project No. 1414979

1.0 INTRODUCTION

The FPL Okeechobee Clean Energy Center (OCEC) is a proposed natural gas fired combined cycle power plant and associated linear facilities (Project) located in rural NE Okeechobee County (Figure 1). The Project has been designed to avoid and minimize impacts to jurisdictional wetlands through maximizing utilization of previously-disturbed upland improved pasture and citrus grove areas for construction of the power block and associated facilities (Figure 2). The Project design will result in 19.99 acres of unavoidable impact to citrus irrigation ditches and 4.71 acres of impact to mixed hardwood wetlands (Figure 3), requiring a total of 12.6 credits of mitigation as calculated according to the Florida Department of Environmental Protection (FDEP) Uniform Mitigation Assessment Method (UMAM), as detailed below (Table 1). In addition, 0.11 acre of temporary impacts within drainage ditches are proposed; these areas will be restored in-situ. UMAM functional assessment forms for both impact and mitigation areas are included in Appendix A.

Table 1. FPL Okeechobee Clean Energy Center – Wetland Impact Summary

Wetland Type (FLUCFCS Code)	Acreage		UMAM Score	Functional Loss
	Permanent (Fill)	Temporary		
Citrus and Pasture Ditches (511)	19.52	0.10	0.47	9.17
Linear Facilities Corridor Ditches (511)	0.47	0.01	0.50	0.24
Mixed Wetland Hardwoods (617)	4.71		0.67	3.16
TOTAL	**24.70**	**0.11**		**12.6**

The loss of wetland functions associated with construction of the Project will be replaced through onsite mitigation in the form of enhancement and preservation of an approximately 376 acre undeveloped parcel (Mitigation Area) located in the northeastern portion of the 2,341-acre OCEC Site (Figure 4) adjacent to the Fort Drum Marsh Conservation Area. Mitigation focused upon removal of nuisance/exotic species of vegetation, enhancement of the native vegetative community through prescribed fire, and preservation of significant acreage of enhanced habitat through a conservation easement would provide a regional increase in the functional value of wetland and upland habitats to offset the functional loss associated with construction of the Project. Onsite wetland and upland enhancement and preservation will generate 14.4 credits, resulting in an overall net increase in wetland functions compared to the Project's unavoidable wetland impacts. Functional lift in excess of the OCEC Unit 1 impacts will be used to offset unavoidable wetland impacts associated with the potential construction of future solar generation within the OCEC Site.

The following describes the vegetative communities within the Mitigation Area, wildlife utilization, proposed enhancement activities, and the resulting functional lift generated through the proposed enhancement and preservation of the Site, as well as a description of the monitoring and reporting schedule, and success criteria. In addition, a demonstration of the proposed mitigation plan's compliance with 33 CFR 332.4(c)(2-13) follows the discussion of monitoring, reporting, and success criteria.

2.0 HABITAT CLASSIFICATION

The approximately 376-acre Mitigation Area is located within the undeveloped northeastern portion of the OCEC Site, bounded on the west and south by existing drainage ditches and on the east and north by the Site boundary. Approximately 50% of the existing vegetative communities within the Mitigation Area are high-quality wetlands, including mixed wetland hardwoods (FLUCFCS 617), mixed hardwood-conifer forested wetlands (FLUCFCS 630), wetland shrubs (FLUCFCS 631), freshwater marsh (FLUCFCS 641), and wet prairie (FLUCFCS 643), with ditches (FLUCFCS 511) along the western and southern perimeter (Figure 4). Upland communities are dominated by shrub and brushland (FLUCFCS 320), mixed hardwood-conifer forest (FLUCFCS 434), pine flatwoods (FLUCFCS 411), and unimproved pasture (FLUCFCS 212). The Site is approximately 50% wetlands and 50% uplands. A soil series map and USGS topographic map are provided in Figures 5 and 6, respectively. A summary of acreage by habitat is provided in Table 2.

Table 2. FPL Okeechobee Clean Energy Center Mitigation Site – Acreage by Habitat Types [(Florida Land Use, Cover and Forms Classification System (FLUCFCS) and Florida Natural Areas Inventory Guide to Natural Communities of Florida (FNAI)]

FLUCFCS Code	Habitat Type		Acreage	Percent
	FLUCFCS	FNAI*		
212	Unimproved Pasture	Unimproved Pasture	22.75	6.0
320	Shrub and Brushland	Dry Prairie	98.1	26.1
411	Pine Flatwoods	Mesic Flatwoods	13.48	3.6
434	Hardwood-Conifer Mixed	Mesic Hammock	54.23	14.4
511	Ditches	Ditches	6.9	1.8
617	Mixed Wetland Hardwoods	Basin Swamp	35.0	9.3
625	Hydric Pine	Wet Flatwoods	18.97	5.0
630	Wetland Forested Mixed	Hydric Hammock	25.63	6.8
631	Wetland Scrub	Wetland Scrub	41.92	11.1
641	Freshwater Marsh	Depression Marsh	55.55	14.8
643	Wet Prairie	Wet Prairie	3.95	1.0
TOTAL			**376.5**	**100**

* Where no corresponding FNAI Natural Community exists, the FLUCFCS designation is used

A description of each vegetative habitat follows, presented in order based upon FLUCFCS code. Representative photographs of dominant habitat types are included in Appendix B.

Unimproved Pasture (FLUCFCS 212) – Areas of unimproved pasture (Appendix B, Photograph 1) occur along the southern and western portions of the Mitigation Area, comprising approximately 22.8 acres (6%). These areas have been historically converted from natural vegetation to bahia grass (*Paspalum notatum*), but have not been actively maintained and support a variety of weedy herbaceous species and scattered shrubs and trees such as wax myrtle (*Myrica cerifera*), laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), and slash pine (*Pinus elliottii*).

Shrub and Brushland (FLUCFCS 320) – Approximately 98.1 acres (26%) of shrub and brushland (Appendix B, Photograph 2) occur within the Mitigation Area, comprising approximately 26% of the entire Site. Saw palmetto (*Serenoa repens*) is the dominant species in the shrub layer, with a variety of subdominant species include gallberry (*Ilex glabra*), rusty lyonia (*Lyonia ferruginea*), fetterbush (*Lyonia lucida*), wax myrtle, American beautyberry (*Callicarpa americana*), and running oak (*Quercus pumila*), as well as occasional trees including cabbage palm (Sabal palmetto), laurel oak, slash pine, and persimmon (*Diospyros virginiana*). The groundcover is relatively sparse due to the dense shrub cover; common species include blackroot (*Pterocaulon pycnostachyum*), wiregrass (*Aristida stricta*), witchgrass (*Dichanthelium* sp.), muscadine (*Vitis rotundifolia*), ticktrefoil (*Desmodium* sp.), bahia grass, and field paspalum (*Paspalum laeve*).

Pine Flatwoods (FLUCFCS 411) – Pine flatwoods (Appendix B, Photograph 3) comprise approximately 13.5 acres or 4% of the Mitigation Area. The canopy is dominated by slash pine, with occasional laurel oak and an understory dominated by saw palmetto. Additional shrub species include wax myrtle, gallberry, running oak, fetterbush, and rusty lyonia.

Hardwood-Coniferous Mixed (FLUCFCS 434) – A total of approximately 54.2 acres of upland hardwood-coniferous forest (Appendix B, Photograph 4) are located within the Mitigation Area, comprising approximately 14% of the Site. Slash pine, cabbage palm, and live oak are the primary canopy species, with occasional water oak (*Quercus nigra*) and laurel oak also present. Shrub species include saw palmetto, gallberry, rusty lyonia, American beautyberry, and wax myrtle.

Ditches (FLUCFCS 511) – Approximately 6.9 acres of ditches (Appendix B, Photograph 5) occur within western and southern edges of the Mitigation Area, comprising approximately 2% of the Site. Typical vegetation within and adjacent to the ditches includes pickerelweed (*Pontederia cordata*), soft rush (*Juncus effusus*), lemon bacopa (*Bacopa caroliniana*), alligator weed (*Alternanthera philoxeroides*), Peruvian primrose willow (*Ludwigia peruviana*), Mexican primrose willow (*Ludwigia leptocarpa*), smartweed (*Polygonum* spp.), arrowhead (*Sagittaria lancifolia*), water spangles (*Salvinia minima*), duckweed (*Lemna minor*), torpedo grass (*Panicum repens*), and water hyacinth (*Eichhornia crassipes*).

Mixed Wetland Hardwoods (FLUCFCS 617) – High-quality mixed wetland hardwoods (Appendix B, Photographs 6 and 7) comprise approximately 35 acres (9%) of the Mitigation Area. The canopy species composition is diverse, including red maple (*Acer rubrum*), blackgum (*Nyssa sylvatica*), pop ash (*Fraxinus caroliniana*), dahoon holly (*Ilex cassine*), coastal plain willow (*Salix caroliniana*), cabbage palm, American elm (*Ulmus americana*), and persimmon. A variety of shrub and groundcover species are present, such as buttonbush (*Cephalanthus occidentalis*), groundsel tree (*Baccharis halimifolia*), wax myrtle, Brazilian pepper (*Schinus terebinthifolius*), old world climbing fern (*Lygodium microphyllum*), pickerelweed, arrowhead, fireflag (*Thalia geniculata*), swamp fern (*Blechnum serrulatum*), sawgrass (*Cladium jamaicense*), Virginia chain fern (*Woodwardia virginica*), maidencane (*Panicum hemitomon*), canna (*Canna flacida*), false nettle (*Boehmeria cylindrica*), iris (*Iris hexagona*), water spangles, duckweed, and Virginia saltmarsh mallow (*Kosteletzkya pentacarpos*).

Hydric Pine Flatwoods (FLUCFCS 625) – Approximately 19 acres of hydric pine flatwoods (Appendix B, Photograph 8) occur within the Mitigation Area, comprising approximately 5% of the Site. The community composition is similar to pine flatwoods, with the addition of red maple, dahoon holly, and a variety of plants adapted to hydric soils such as redroot (*Lachnanthes caroliniana*), bogbuttons (*Lachnocaulon* sp.), St. John's wort (*Hypericum* spp.), sundews (*Drosera* sp.), meadowbeauty (*Rhexia* sp.), orange milkroot (*Polygala lutea*), and candyroot (*Polygala nana*).

Mixed Wetland Forest (FLUCFCS 630) – Mixed wetland forest (Appendix B, Photograph 9) comprises approximately 25.6 acres (7%) of the Mitigation Area. This wetland type contains a similar composition as described above for mixed wetland hardwoods, but with the addition of slash pine as a common canopy component as well as cabbage palm and live oak.

Wetland Shrub (FLUCFCS 631) – Approximately 41.9 acres of wetland shrubs (Appendix B, Photographs 10 and 11) occur primarily within the east-central portion of the Mitigation Area, comprising approximately 11% of the Site. This vegetative community is dominated by a mixture of shrub and groundcover species with a scattered overstory of wetland trees. Common species include saw palmetto, fetterbush, wax myrtle, St. John's wort, gallberry, redroot (*Lachnanthes caroliniana*), carpet grass (*Axonopus bifurcatus*), camphorweed (*Pluchea odorata*), maidencane (*Panicum hemitomon*), candyroot, bogbuttons, red maple, blackgum, dahoon holly, cabbage palm, slash pine, and live oak.

Freshwater Marsh (FLUCFCS 641) – Large areas of high-quality freshwater marshes (Appendix B, Photographs 12 and 13) occur within the Mitigation Area, comprising a total of approximately 55.6 acres or 15% of the Site. The marshes are concentrated along the eastern edge of the Mitigation Area, contiguous with parcels of mixed wetland hardwoods and wetland shrubs. The herbaceous vegetative community is diverse, with dominant species including maidencane, St. John's wort, and cordgrass and a variety of subdominant species such as pickerelweed, arrowhead, buttonbush, redroot, blue maidencane (*Amphicarpum muhlenbergianum*), fireflag, lemon bacopa, yellow-eyed grass (*Xyris* sp.), camphorweed (*Pluchea* sp.), Virginia chain fern, iris, mermaidweed (*Proserpinaca pectinata*), marsh pennywort (*Hydrocotyle umbellata*), bushy bluestem (*Andropogon glomeratus*), pipeworts (*Eriocaulon* spp.), and swamp fern. Shrub and canopy species along the edges and occasionally within the interior of freshwater marsh wetlands include wax myrtle, dahoon holly, blackgum, red maple, cabbage palm, and coastal plain willow. Although the current functional value is high, establishment of Wright's nutrush (*Scleria lacustris*) has been documented within the freshwater marshes. Wright's nutrush is classified as a Catergoy I invasive exotic on the Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species due to its ability to alter the composition and structure of native wetland communities and is an ongoing management challenge within the Blue Cypress Water Management and Conservation Areas in the Upper Basin of the St. John's River adjacent to the OCEC Mitigation Area.

Wet Prairie (FLUCFCS 643) – Approximately 4 acres of wet prairie (Appendix B, Photograph 14) occurs adjacent to unimproved pasture along the western edge of the Mitigation Area. These are areas of hydric soil that support low-growing herbaceous wetland vegetation but typically are not inundated. Common species include yellow-eyed grass, St. Johns wort, mermaidweed, bushy bluestem, marsh pennywort, blue maidencane, sedges (*Cyperus* spp.), and sundews.

3.0 WILDLIFE UTILIZATION

The Mitigation Area provides high quality undisturbed upland and wetland wildlife habitat adjacent to the approximately 20,862 acre Fort Drum Marsh Conservation Area. Species classified by the US Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC) as endangered, threatened, or species of special concern observed or likely to occur within the Mitigation Area include the white ibis (*Eudocimus albus*; FWC species of special concern), wood stork (*Mycteria americana*; USFWS and FWC endangered), snowy egret (*Egretta thula*; FWC species of special concern), little blue heron (*Egretta caerulea*; FWC species of special concern), tricolored heron (*Egretta tricolor*; FWC species of special concern), limpkin (*Aramus guarauna*, FWC species of special concern), sandhill crane (*Grus canadensis pratensis*; FWC threatened), gopher tortoise (*Gopherus polyphemus*; FWC threatened), Eastern indigo snake (*Drymarchon corais couperi*; USFWS and FWC threatened), gopher frog (*Rana capito*; FWC species of special concern), Florida mouse (*Podomys floridanus*; FWC species of special concern), Southeastern American kestrel (*Falco sparverius paulus,* FWC threatened), caracara (*Caracara cheriway,* USFWS and FWC threatened), and Sherman's fox squirrel (*Sciurus niger shermanii*; FWC species of special concern). In addition, the Mitigation Area provides suitable habitat for several species of state-endangered plants known to occur within Okeechobee County, including the many-flowered grass-pink (*Calopogon multiflorus*), celestial lily (*Nemastylis floridana*), hand fern (*Ophioglossum palmatum*), and cutthroat grass (*Panicum abscissum*).

The Mitigation Area provides suitable habitat for a variety of non-listed wildlife common to freshwater marshes, forested wetlands, pine flatwoods, and shrub and brushland of south Florida. Species observed or likely to occur include a variety of avian species such as common ground-dove (*Columbina passerina*), northern mockingbird (*Mimus polyglottos*), house wren (*Troglodytes aedon*), Carolina wren (*Thryothorus ludovicianus*), white-eyed vireo (*Vireo griseus*), blue-gray gnatcatcher (*Polioptila caerulea*), common yellowthroat (*Geothlypis trichas*), palm warbler (*Setophaga palmarum*), painted bunting (*Passerina ciris*), Eastern meadowlark (*Sturnella magna*), wild turkey (*Meleagris gallopavo*), swallow-tailed kite (*Elanoides forficatus*), red-shouldered hawk (*Buteo lineatus*), barred owl (*Strix varia*), mourning dove (Zenaida macroura), red-bellied woodpecker (*Melanerpes caroliniana*), pileated woodpecker (*Hylatomus pileatus*), yellow-bellied sapsucker (*Sphyrapicus varius*), blue jay (*Cyanocitta cristata*), tufted titmouse (*Baeolophus bicolor*), ruby-crowned kinglet (*Regulus calendula*), American robin (*Turdus migratorius*), catbird (*Dumatella carolinensis*), black-and-white warbler (*Mniotilta varia*), yellow-rumped warbler (*Setophaga coronata*), northern parula (*Setophaga americana*), northern cardinal (*Cardinalis cardinalis*), short-tailed hawk (*Buteo brachyurus*), northern waterthrush (*Parkesia noveboracensis*), red-winged blackbird (*Agelaius phoeniceus*), common grackle (*Quiscalus quiscula*), boat-tailed grackle (*Quiscalus major*), mottled duck (*Anas fulvigula*), anhinga (*Anhinga anhinga*), great egret (*Casmerodias albus*), green heron (*Butorides virescens*), great blue heron (*Ardea herodias*), Wilson's snipe (*Gallinago delicata*), and belted kingfisher (*Megaceryle alcyon*). Common mammalian species observed or likely to occur include feral hog (*Sus scrofa*), white-tailed deer (*Odocoileus virginianus*), nine-banded armadillo (*Dasypus novemcinctus*), raccoon (*Procyon lotor*), coyote (*Canis latrans*), Eastern gray squirrel (*Sciurus carolinensis*), Eastern cottontail (*Sylvilagus floridanus*), and marsh rabbit (*Sylvilagus palustris*), while a variety of herpetofauna are likely to occur within the Site including black racer (*Coluber constrictor priapus*), yellow rat snake (*Pantherophis alleghaniensis*), pygmy rattlesnake (*Sistrurus miliarius*), water moccasin (*Agkistrodon piscivorus*), banded water snake (*Nerodia fasciata*), leopard frog (*Lithobates pipiens*), southern cricket frog (*Acris gryllus*), green tree frog (*Hyla cinerea*), ring-necked snake (*Diadophis punctatus*), Cuban brown anole (*Anolis sagrei*), and green anole (*Anolis caroliniana*).

4.0 ENHANCEMENT AND PRESERVATION

Proposed mitigation activities include enhancement of native vegetative communities through prescribed fire, removal of nuisance/exotic species of vegetation, and preservation of the 376-acre Mitigation Area through a conservation easement. Enhancement of the native vegetative community through control of the nuisance/exotic species Brazilian pepper, old world climbing fern, Wright's nutrush, and other Category I and II species on the Florida Exotic Pest Plant Council's 2015 List of Invasive Plant Species will be conducted throughout the Mitigation Area, improving wildlife habitat conditions and preventing further spread of exotic vegetation within the region. In addition to exotic vegetation control, all wetland and upland areas within the Mitigation Area will be preserved through a conservation easement to provide habitat for threatened species as well as to increase the extent and quality of upland buffers for adjacent wetlands.

Eradication of Brazilian pepper will be achieved through manual removal and a combination of basal-bark and cut-stump application of EPA-approved herbicides by qualified personnel skilled in the identification and control of nuisance species, while old world climbing fern, Wright's nutrush, and other herbaceous invasive species will be treated through foliar application of glyphosate herbicide (Roundup, Rodeo). Brazilian pepper will be cut utilizing chainsaws and removed by hand, and followed with cut stump application of an approved herbicide such as triclopyr (Garlon). Basal-bark treatment will be utilized for the remaining individuals, which allows for minimal disturbance of desirable vegetation through selective application upon target plants utilizing backpack and hand-held equipment. The cut Brazilian pepper will be placed in an upland staging area within the unimproved pasture portion of the Mitigation Area, and subsequently burned or ground into mulch utilizing a chipper. As necessary, herbicide re-treatments will be conducted at 6-month intervals for a period of two years to discourage regeneration of invasive plants.

A functional assessment of the Mitigation Area "without project" (current condition) and "with project" (post-mitigation) was conducted utilizing the Uniform Mitigation Assessment Method (62-345, F.A.C.). For upland preservation areas, the appropriate preservation adjustment factors were applied in accordance with 62-345.500(3)(a), F.A.C. For enhancement areas, time lag and risk variables were assigned based upon the protocol in 62-345.600, F.A.C. to quantify the number of years before the target community is achieved and the associated risk of the mitigation activity.

The exotic vegetation eradication and preservation of the entire 376 acre Mitigation Area will yield a total of 14.4 mitigation credits. UMAM spreadsheets for each habitat type are provided in Appendix A; a summary is provided in Table 3 below:

Table 3. Summary of acreage by habitat type, functional lift, and mitigation credits generated

Habitat Type (FLUCFCS Code)	Acres	Existing UMAM	Functional Lift		Time Lag (TL) x Risk (R) or Preservation Factors	Lift per Acre	Mitigation Credits*
			Enhance	Preserve			
Unimproved Pasture (212)	22.75						N/A
Shrub and Brushland (320)	98.1	0.70		0.05	Preservation Factor = 0.6	0.03	2.94
Pine Flatwoods (411)	13.48	0.70		0.05	Preservation Factor = 0.6	0.03	0.40
Hardwood-Conifer Mixed (434)	54.23	0.70		0.05	Preservation Factor = 0.6	0.03	1.63
Ditches (511)	6.9	0.53	0.04		1.03(TL) x1.25(R) = 1.2875	0.031	0.21
Mixed Wetland Hardwoods (617)	35	0.77	0.06		1.03(TL) x1.25(R) = 1.2875	0.047	1.65
Hydric Pine (625)	18.97	0.77	0.06		1.03(TL) x1.25(R) = 1.2875	0.047	0.89
Wetland Forested Mixed (630)	25.63	0.77	0.06		1.03(TL) x1.25(R) = 1.2875	0.047	1.20
Wetland Scrub (631)	41.92	0.73	0.07		1.03(TL) x1.25(R) = 1.2876	0.054	2.26
Freshwater Marsh (641)	55.55	0.73	0.07		1.03(TL) x1.25(R) = 1.2875	0.054	3.00
Wet Prairie (643)	3.95	0.70	0.07		1.03(TL) x1.25(R) = 1.2875	0.054	0.21
Total	***376.5***						***14.4***

*Credits calculated as acreage x (functional lift/TLxR); in the case of preservation, credits calculated as acreage x functional lift x preservation factor

5.0 MAINTENANCE AND MONITORING SCHEDULE

In accordance with typical conditions of FDEP and US Army Corps of Engineers (USACE) permits relative to applicant-sponsored mitigation, Table 4 provides a conceptual five-year schedule for mitigation activities and monitoring at the Mitigation Area:

Table 4. Conceptual schedule of mitigation activities and monitoring

YEAR	MONTH	ACTIVITY
1	March	Baseline monitoring event
	April/May	Herbicide treatment; mechanical/hand removal of exotic species; controlled burn of shrub and brushland and pine flatwoods
	May	Time Zero monitoring of herbaceous and forested wetland vegetative community
	June	Semiannual monitoring of herbaceous and forested wetland vegetative community
	October	Semiannual monitoring of herbaceous and forested wetland vegetative community; spot herbicide treatment/mechanical or hand removal of exotic vegetation as necessary
2	May	Spot herbicide treatment/mechanical or hand removal of exotic vegetation as necessary
	October	Annual monitoring of herbaceous and forested wetland vegetative community; spot herbicide treatment/mechanical or hand removal of exotic vegetation as necessary
3	October	Annual monitoring of herbaceous and forested wetland vegetative community
4	October	Annual monitoring of herbaceous and forested wetland vegetative community
5	May/June	Controlled burn of shrub and brushland and pine flatwoods (4 year rotation)
	October	Annual monitoring of herbaceous and forested wetland vegetative community

Monitoring activities include identification and percent cover of herbaceous and canopy species, tree diameters, water depths, panoramic photographs of the enhancement area as well photographs of each individual herbaceous and canopy plot, wildlife observations, and status of exotic/nuisance species eradication.

Five transects will be established throughout the Mitigation Area, with five herbaceous monitoring stations established at regular intervals upon each transect. Four of the herbaceous monitoring transects are proposed to be located within freshwater marsh and wetland shrub communities, while one transect is proposed within upland shrub and brushland habitat. In addition, ten canopy plots will be established within representative forested areas of the Mitigation Area, with eight plots located within forested wetlands and

two plots within forested uplands. Proposed transect locations, monitoring stations, and canopy plots are illustrated on Figure 7. The locations of monitoring stations will be permanently established with rebar and PVC pipes. At each of the 25 herbaceous monitoring stations, a 1-meter square quadrat will be placed to determine composition of the herbaceous strata. All plant species within the 1-meter square quadrat will be identified and their corresponding percent cover recorded, including coverage of bare ground and open water. Canopy plots of 10 m x 10 m (100 m^2) in size will be established to measure canopy and sub-canopy vegetation. Within the ten canopy plots, all trees and shrubs will be identified; percent cover recorded by species, individual diameter at breast height measured, and survival noted. In addition, the herbaceous community within the canopy plots will be generally described to further document the overall species composition within the mitigation area and identify those plants that may not be present within the 1-meter square herbaceous quadrats. Percent cover will be measured in the field and converted to Daubenmire cover classes as follows:

Daubenmire Cover Class	Percent Cover Range	Midpoint of Range
1	0-5	2.5
2	6-25	15
3	26-50	37.5
4	51-75	62.5
5	76-95	85
6	96-100	97.5

Water depth will be recorded to the nearest centimeter at four locations within each canopy plot and at one location within each herbaceous monitoring station. Panoramic photographic documentation will be provided, including views of the Mitigation Area from fixed locations on the north, south, east, and west boundaries of the Mitigation Area, as well as photographic documentation of each herbaceous monitoring station and canopy plot.

A conceptual five year schedule of monitoring reports is described below, to be finalized in consultation with FDEP and USACE. A baseline monitoring event will be conducted prior to initiation of the mitigation plan in order to document existing conditions and vegetative community composition. A “Time Zero” report will be submitted within 30 days of completion of the Year One exotic vegetation control. The “Time Zero” report will include the date that each portion of the mitigation plan was completed, herbicide listing and date of application, and color photographs taken from fixed reference points shown on an aerial map.

Subsequent monitoring reports will be submitted to FDEP and/or the USACE for a period of up to five years with semiannual reports to the FDEP for the first year, and annual reports thereafter for a minimum of three years following completion of the wetland enhancement work. Including the baseline and time zero monitoring events, a minimum of six monitoring reports are required, as summarized below (Table 5):

Table 5. Conceptual Summary of Mitigation Monitoring Reports

Report	Submitted to FDEP	Submitted to USACE
Baseline Monitoring Event	X	
Time Zero Monitoring Event	X	X
1st Semiannual Monitoring Event	X	
2nd Semiannual/1st Annual Monitoring Event	X	X
2nd Annual Monitoring Event	X	X
3rd Annual Monitoring Event	X	X
4th Annual Monitoring Event	X*	X*
5th Annual Monitoring Event	X*	X*

*Year Four and Five Reports only submitted if success criteria are not met after Year Three

The monitoring reports will include the date of the inspection or work done, color photographs taken from the fixed reference points, data collected from the transects and monitoring stations, percent cover of Category I and II invasive exotic species within the overall Mitigation Area and within each community type, and a written summary describing the success of the Mitigation Area including steps needed and/or taken to promote future success such as additional nuisance or exotic species removal/treatment.

5.1 SUCCESS CRITERIA

The monitoring reports will detail the condition of the Mitigation Area relative to the prescribed success criteria as required by the FDEP and USACE, as well as proposed corrective actions to be implemented to achieve success criteria, as necessary.

Based on typical FDEP and USACE mitigation criteria, the Mitigation Area will be deemed successful when FDEP and USACE staff have determined that the percent cover of Florida Exotic Plant Pest Council Category I and II invasive exotic species has been maintained at less than 5% within the overall Mitigation Area for a period of at least one year without intervention.

Following achievement of success criteria and FDEP and USACE release from mitigation monitoring, it is FPL's intention to manage the mitigation site to enhance habitat quality in perpetuity under a conservation easement. Long-term management will include use of prescribed fire on an approximately two to four year rotation, based on fuel loading.

6.0 COMPLIANCE WITH 33 CFR 332.4(C)(2-13)

In accordance with the USACE Compensatory Mitigation for Losses of Aquatic Resources, Final Rule (Federal Register Vol. 73, No. 70, April 10, 2008), mitigation plans must incorporate the 12 components presented in 33 CFR 332.4(c)(2-13). The following describes each of the 12 components and documents the OCEC Mitigation Plan's compliance:

332.4(c)(2): Objectives. A description of the resource type(s) and amount(s) that will be provided, the method of compensation (i.e., restoration, establishment, enhancement, and/or preservation), and the manner in which the resource functions of the compensatory mitigation project will address the needs of the watershed, ecoregion, physiographic province, or other geographic area of interest.

Project Compliance: The mitigation plan proposes approximately 376 acres of enhancement and preservation contiguous to the St. Johns River Water Management District Fort Drum Marsh Conservation Area, providing significant acreage of conservation land within the headwaters of the St. Johns River. The Mitigation Area contributes to the regional watershed restoration goals of the SJRWMD and USACE Upper St Johns River Basin Project, through enhancement and preservation of high quality native habitat within the headwaters of the Upper St. Johns River Basin. The resource types and amounts within the Mitigation Area are provided above in Section 2.0 - Habitat Classification and are summarized in Tables 2 and 3.

332.4(c)(3): Site selection. A description of the factors considered during the site selection process. This should include consideration of watershed needs, onsite alternatives where applicable, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation project site.

Project Compliance: Following avoidance and minimization of impacts associated with the Project through utilization of previously-impacted areas and uplands to the greatest extent practicable, unavoidable wetland impacts and associated functional loss were derived. The OCEC is within the service area of the Mary A Mitigation Bank in Brevard County, but the bank does not provide mitigation credits to offset impacts to forested wetlands and it is not located within the same drainage basin as the OCEC. In addition, no Corps-approved in lieu fee program has been established with a service area covering the OCEC Project. Since resource type-for-type wetland mitigation bank credits were not available and no in lieu fee program exists, permittee-responsible mitigation was proposed. The proposed Mitigation Area fulfills each of the criteria used during the mitigation site selection process:

- Preference for on-site mitigation, within the same drainage basin, to ensure replacement of aquatic resource functions within the immediate vicinity of Project impacts;
- Existence of hydrological conditions, soil characteristics, and other physical and chemical characteristics conducive to provide type-for-type resource functions;
- Preference for mitigation parcels that provide suitable habitat for threatened and endangered species and watershed-scale features such as aquatic habitat diversity, habitat connectivity, and other landscape scale functions to support regional conservation efforts;
- Selection of sites with conditions conducive to rehabilitation and re-establishment efforts focused upon successful restoration of native wetland communities; and
- Sites of sufficient size to allow for mitigation of the aquatic resource functions lost as a result of the Project.

332.4(c)(4): Site protection instrument. A description of the legal arrangements and instrument, including site ownership, that will be used to ensure the long-term protection of the compensatory mitigation project site.

Project Compliance: It is FPL's intention to place the Mitigation Area under a conservation easement and manage the site in perpetuity upon fulfilling the proposed restoration activities and demonstrating compliance with success criteria.

332.4(c)(5): Baseline information. A description of the ecological characteristics of the proposed compensatory mitigation project site and, in the case of an application for a DA permit, the impact site. This may include descriptions of historic and existing plant communities, historic and existing hydrology, soil conditions, a map showing the locations of the impact and mitigation site(s) or the geographic coordinates for those site(s), and other site characteristics appropriate to the type of resource proposed as compensation. The baseline information should also include a delineation of waters of the United States on the proposed compensatory mitigation project site. A prospective permittee planning to secure credits from an approved mitigation bank or in-lieu fee program only needs to provide baseline information about the impact site, not the mitigation bank or in-lieu fee project site.

Project Compliance: A description of the Mitigation Area and impact sites is included in this mitigation plan and the Section 404 permit application. The delineation of waters of the United States on the proposed compensatory mitigation sites is based upon field review, soil surveys, and aerial imagery.

332.4(c)(6): Determination of credits. A description of the number of credits to be provided, including a brief explanation of the rationale for this determination.

(i) For permittee-responsible mitigation, this should include an explanation of how the compensatory mitigation project will provide the required compensation for unavoidable impacts to aquatic resources resulting from the permitted activity.

(ii) For permittees intending to secure credits from an approved mitigation bank or in-lieu fee program, it should include the number and resource type of credits to be secured and how these were determined.

Project Compliance: A UMAM functional assessment of each wetland type within the proposed Mitigation Area is included in Appendix A and summarized in Table 3 above. The functional assessment includes an evaluation of the functional value of the Mitigation Area in its existing condition and the expected functional value following completion of mitigation activities. The number of mitigation credits generated includes time lag and risk factors (both FDEP and USACE time lag factors have been included). The proposed mitigation activities will provide type-for-type enhancement and preservation of wetlands and adjacent uplands to replace the loss of wetland functions associated with construction of the OCEC.

332.4(c)(7): Mitigation work plan. Detailed written specifications and work descriptions for the compensatory mitigation project, including, but not limited to, the geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water, including connections to existing waters and uplands; methods for establishing the desired plant community; plans to control invasive plant species; the proposed grading plan, including elevations and slopes of the substrate; soil management; and erosion control measures. For stream compensatory mitigation projects, the mitigation work plan may also include other relevant information, such as planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, and riparian area plantings.

Project Compliance: Please see the discussion contained with this mitigation plan for a description of the proposed work at the Mitigation Area. In accordance with 33 CFR 332.4(c)(1), FPL would request that the district engineer address any of the specific work plan requirements as permit conditions.

332.4(c)(8): Maintenance plan. A description and schedule of maintenance requirements to ensure the continued viability of the resource once initial construction is completed.

Project Compliance: Please see discussion above in Sections 4.0 and 5.0 for proposed methods and maintenance requirements to ensure the continued viability of the mitigation sites.

332.4(c)(9): Performance standards. Ecologically-based standards that will be used to determine whether the compensatory mitigation project is achieving its objectives.

Project Compliance: The mitigation activities will be measured against performance standards to assess whether the project is achieving its objectives. Specifically, the enhancement of natural vegetative communities will be measured through annual monitoring of the vegetative community structure. As described in this mitigation plan, the conceptual performance standards, to be finalized in consultation with the USACE and FDEP, will likely include the following typical criteria:

- Nuisance/exotic species of vegetation occupy <5 percent of the total cover on the parcel
- Percent cover by native vegetation is 95 percent or greater within the wetlands on the parcel
- Wetland species will be reproducing naturally in each stratum

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season, without intervention in the form of removal of undesirable vegetation.

332.4(c)(10): Monitoring requirements. A description of parameters to be monitored in order to determine if the compensatory mitigation project is on track to meet performance standards and if adaptive management is needed. A schedule for monitoring and reporting on monitoring results to the district engineer must be included.

Project Compliance: Monitoring events are expected to occur annually towards the end of the growing season (October), with reports delivered to the USACE and FDEP by the end of the calendar year in accordance with the conceptual schedule provided above in Table 5. During each monitoring event, data will be collected at permanent monitoring stations to document the vegetative community condition.

Monitoring activities include identification and percent cover of herbaceous and canopy species, water depths, panoramic photographs of the Mitigation Area as well as photographs of each individual herbaceous and/or canopy plot, wildlife observations, and status of exotic/nuisance species eradication.

Transects will be established through the Mitigation Area, with herbaceous monitoring stations established at equal intervals along each transect. The locations of monitoring stations will be permanently established with rebar and PVC pipes.

At each monitoring station, a 1-meter square quadrat will be placed to determine composition of the herbaceous strata. All plant species within each 1-meter square quadrat will be identified and their corresponding percent cover recorded, including coverage of bare ground and open water.

Within forested communities, 100 m^2 canopy plots will be established to measure canopy and sub-canopy vegetation. Within the canopy plots, all trees and shrubs will be identified; percent cover recorded by species, and individual diameters measured. In addition, the herbaceous community within the canopy plots will be generally described to further illustrate the overall vegetative community species composition.

Water depth will be recorded to the nearest inch at four locations within each canopy plot and at one location within each 1-meter square quadrat. Panoramic photographs will be taken from fixed permanent stations, to document conditions through views of each mitigation site from the north, south, east, and west boundaries.

Monitoring reports will be furnished to the USACE and FDEP to include, at a minimum:

- Status of construction
- Problems encountered and solutions
- Anticipated work within the next 12 months
- Panoramic photographs taken from permanent stations
- Status of nuisance eradication, if required
- Status of enhancement
- Herbicide listing and date of application, if any, and
- Percent cover of all herbaceous and canopy species

332.4(c)(11): Long-term management plan. A description of how the compensatory mitigation project will be managed after performance standards have been achieved to ensure the long-term sustainability of the resource, including long-term financing mechanisms and the party responsible for long-term management.

Project Compliance: It is FPL's intention to place the Mitigation Area under a conservation easement and manage the area in perpetuity upon fulfilling the proposed restoration activities and demonstrating compliance with success criteria.

As a public utility, FPL has sufficient financial assurances to successfully complete the proposed mitigation activities and provide long-term management. FPL has a proven track record of large, successful mitigation and conservation projects, such as the Northwest Mitigation Parcel associated with the FPL Martin Plant (Martin County), the Everglades Mitigation Bank (Miami-Dade County), the Barley Barber Swamp (Martin County), the Scout Lagoon on the Turkey Point Plant property, and mangrove restoration areas on the Turkey Point Plant property associated with Turkey Point Unit 5 and stack laydown projects.

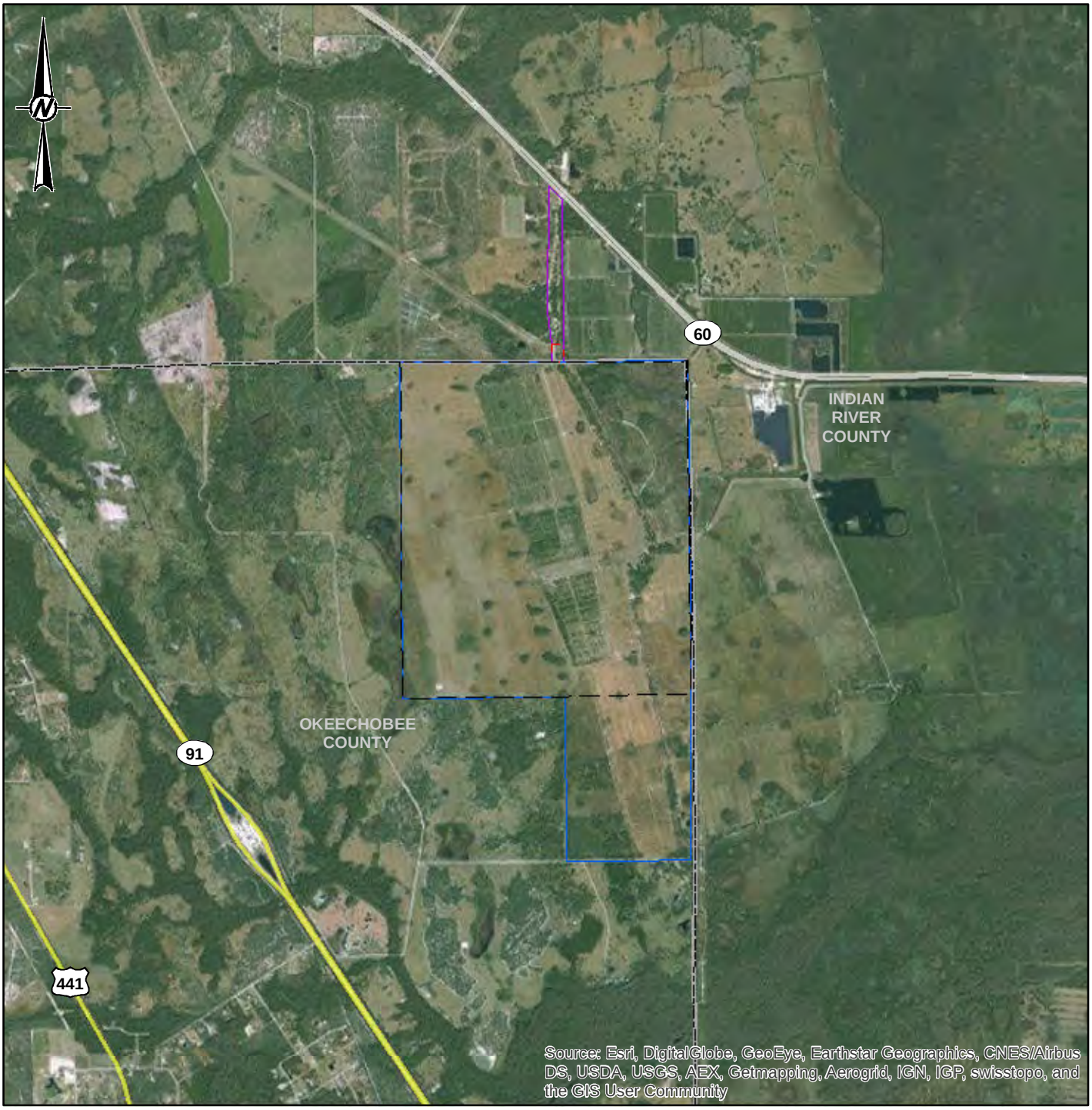
332.4(c)(12): Adaptive management plan. A management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation project, including the party or parties responsible for implementing adaptive management measures. The adaptive management plan will guide decisions for revising compensatory mitigation plans and implementing measures to address both foreseeable and unforeseen circumstances that adversely affect compensatory mitigation success.

Project Compliance: Results of the annual monitoring will be used to identify those mitigation activities that are to be adapted to address any unforeseen changes in site conditions. In the case of nuisance/exotic species of vegetation, the adaptive management plan will focus on altering treatment locations depending upon the reduction in extent or encroachment into additional areas of the mitigation Site. A similar facet of the adaptive management plan may arise in the unforeseen instance of failure of natural recruitment of native species. In this case, FPL would evaluate the installation of native species of vegetation to

supplement natural recruitment, with the goal of achieving the performance standard. Similarly, the efficacy of prescribed burns will be evaluated, and the frequency or extent of burning will be modified as necessary to promote long-term productivity and habitat diversity.

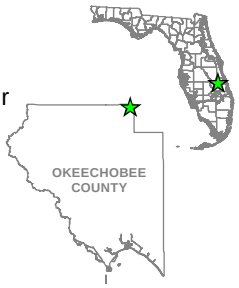
332.4(c)(13): Financial assurances. A description of financial assurances that will be provided and how they are sufficient to ensure a high level of confidence that the compensatory mitigation project will be successfully completed, in accordance with its performance standards.

Project Compliance: The mitigation project's financial assurance will be provided by FPL, who has a track record of successful mitigation projects that fulfill performance standards. FPL will remain the owner and operator of the OCEC and will manage the Mitigation Area as part of the overall OCEC operations and maintenance plan.



LEGEND

- FPL Owned Property
- Linear Facility Corridor
- Transmission Interconnection Corridor
- Certified Site Boundary
- County Boundary



0 4,800 9,600

1:57,610 Feet

REFERENCE(S)

PROPERTY, LINEAR FACILITY CORRIDOR, CERTIFIED BOUNDARY, FPL & GOLDER ASSOCIATES INC., 2015

CLIENT
FPL

PROJECT
OKEECHOBEE CLEAN ENERGY CENTER

TITLE
GENERAL LOCATION MAP

YYYY-MM-DD	2015-09-07
DESIGNED	NRL
PREPARED	NRL
REVIEWED	KAB
APPROVED	KFK

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B071	0	1

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25mm

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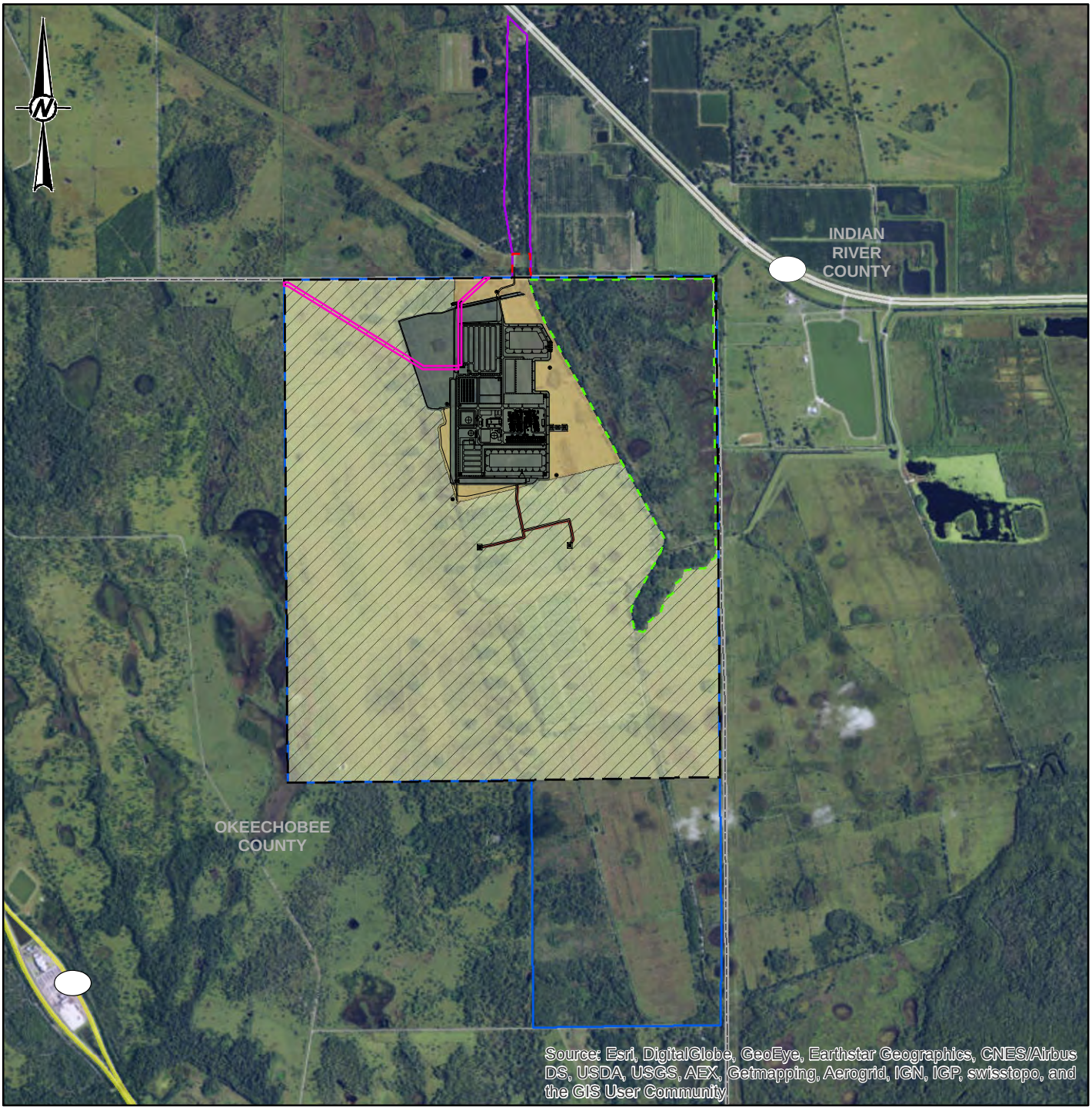

LEGEND

- OCEC Unit 1
- Open Space
- UFA Well Delivery Pipeline
- Mitigation Area
- Certified Site Boundary
- FPL Owned Property
- Linear Facility Corridor
- Transmission Interconnection Corridor
- On-Site Gas Pipeline Alternatives
- Future Solar Area

0 3,200 6,400

1:38,400 Feet

REFERENCE(S)

PROPERTY, LINEAR FACILITY CORRIDOR, CERTIFIED BOUNDARY, FUTURE SOLAR AREA, OPEN SPACE, MITIGATION AREA, FPL & GOLDER ASSOCIATES INC., 2015
FACILITY LAYOUT, BLACK & VEATCH, 2015

CLIENT
FPL

PROJECT
OKEECHOBEE CLEAN ENERGY CENTER

TITLE
SITE PLAN

YYYY-MM-DD	2015-09-17
DESIGNED	NRL
PREPARED	NRL
REVIEWED	KAB
APPROVED	KFK

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B072	0	2

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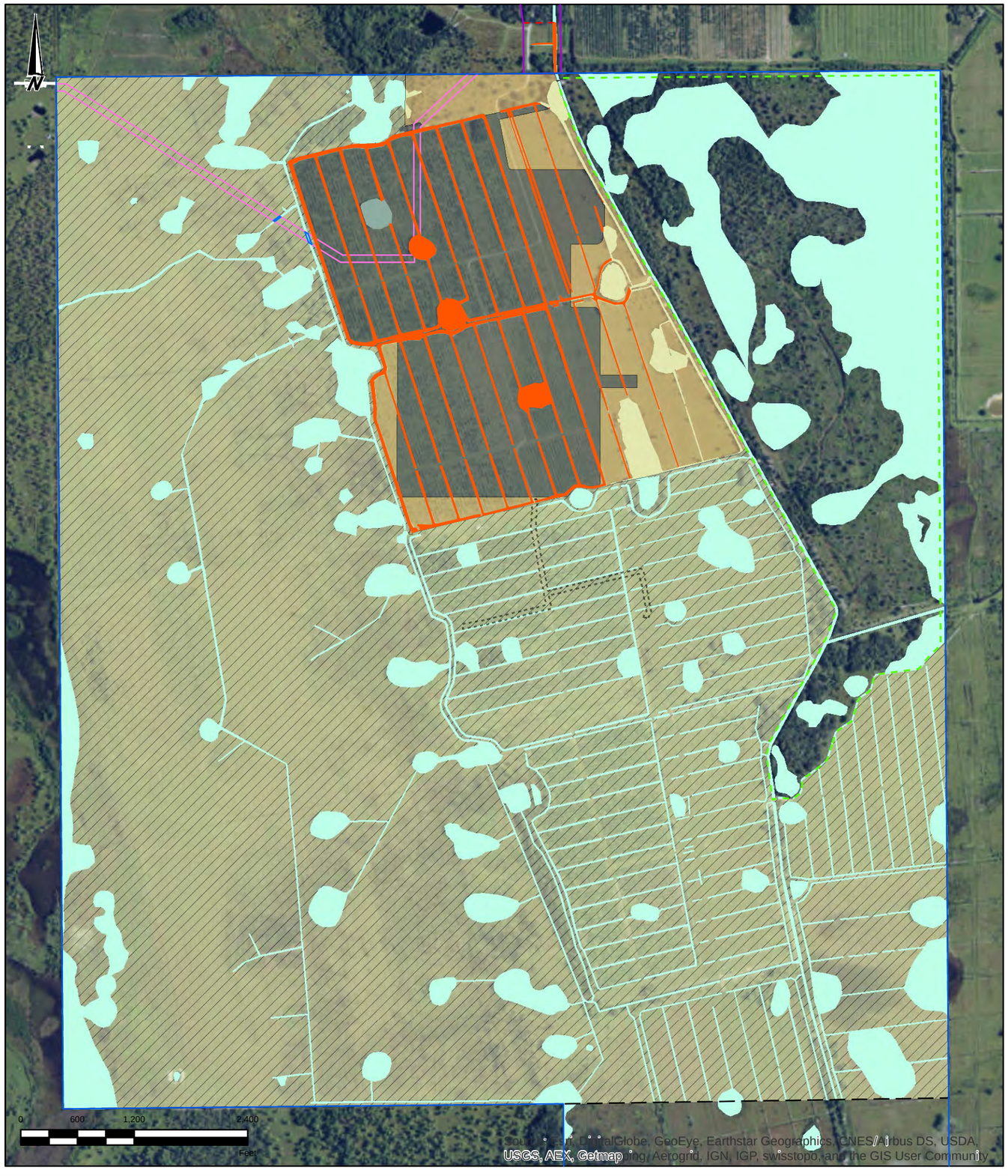

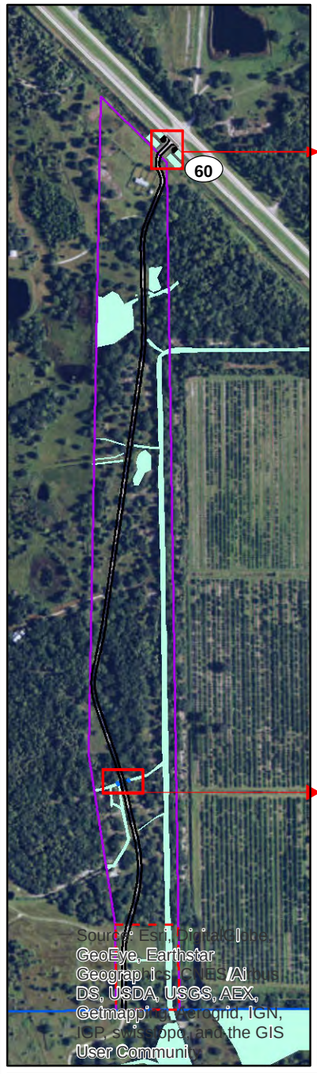

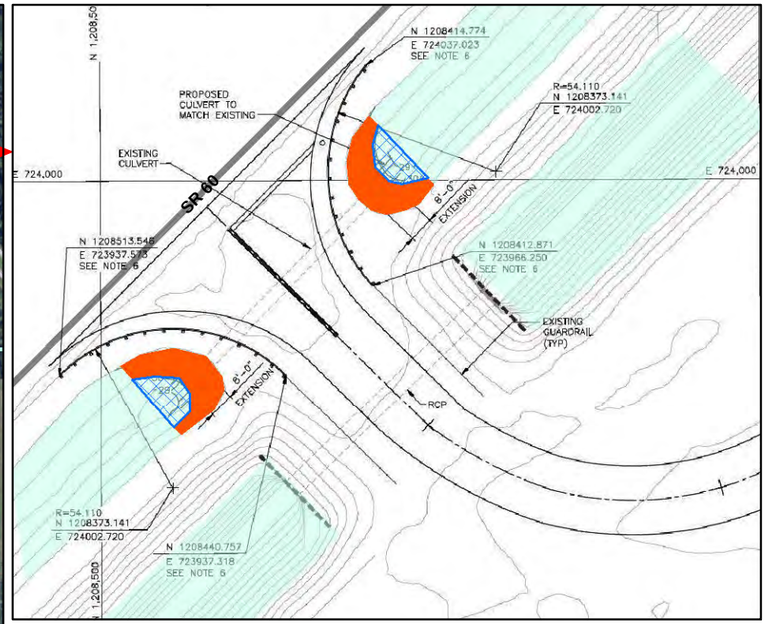

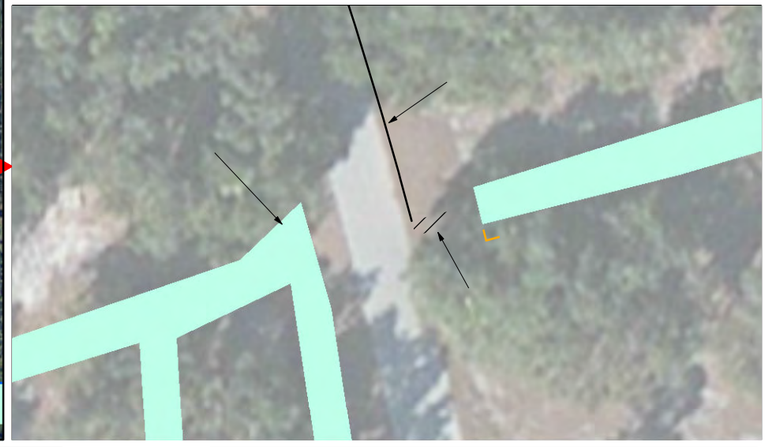

LEGEND

- Facility Layout
- Certified Site Boundary
- Mitigation Area
- FPL Owned Property
- Linear Facility Corridor
- Transmission Interconnection Corridor
- OCEC Unit 1
- Open Space
- UFA Well Delivery Pipeline
- On-Site Gas Pipeline Alternatives
- Future Solar Area

Wetland Impacts

- Direct
- Temporary

WETLAND IMPACTS

FLUCFCS CODE	HABITAT DESCRIPTION	ACREAGE Direct	ACREAGE Temporary
511	Ditches	19.99	0.11
617	Mixed Wetland Hardwoods	4.71	
	GRAND TOTAL	**24.70**	**0.11**

REFERENCE(S)
COORDINATE SYSTEM: NAD 1983 STATEPLANE FLORIDA EAST FIPS 0901 FEET
PROJECTION: TRANSVERSE MERCATOR
DATUM: NORTH AMERICAN 1983

CLIENT
FPL

PROJECT
OKEECHOBEE CLEAN ENERGY CENTER

TITLE
WETLAND IMPACTS

YYYY-MM-DD	2015-09-17
DESIGNED	JW
PREPARED	NRL
REVIEWED	KAB
APPROVED	KAB

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B049	0	3

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IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM: ANSI B

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PATH:

LEGEND

- Certified Site Boundary
- FPL Owned Property
- Linear Facilities Corridor
- Mitigation Area (376.48 acres)
- Setback (50ft)
- Habitat Classification
  - 211 - Improved Pastures
  - 212 - Unimproved Pastures
  - 320 - Shrub And Brushland
  - 411 - Pine Flatwoods
  - 434 - Hardwood-Coniferous Mixed
  - 511 - Ditches
  - 617 - Mixed Wetland Hardwoods
  - 625 - Hydric Pine Flatwoods
  - 630 - Wetland Forested Mixed
  - 631 - Wetland Shrub
  - 641 - Freshwater Marshes
  - 643 - Wet Prairies
  - 646 - Treeless Hydric Savanna
  - 740 - Disturbed Land

REFERENCE(S)

MITIGATION AREA, GOLDER ASSOCIATES INC., 2014-2015
LAND USE, SJRWMD, 2009

MITIGATION AREA LAND USE

FLUCFCS CODE	HABITAT DESCRIPTION	ACREAGE
211	Improved Pastures	0
212	Unimproved Pastures	22.75
320	Shrub And Brushland	98.1
411	Pine Flatwoods	13.48
434	Hardwood-Coniferous Mixed	54.23
511	Ditches	6.9
617	Mixed Wetland Hardwoods	35
625	Hydric Pine Flatwoods	18.97
630	Wetland Forested Mixed	25.63
631	Wetland Shrub	41.92
641	Freshwater Marshes	55.55
643	Wet Prairies	3.95
	GRAND TOTAL	**376.48**

0 300 600 1,200
1:7,200 Feet

CLIENT
FPL

PROJECT OKEECHOBEE CLEAN ENERGY CENTER

TITLE
MITIGATION AREA LAND COVER

YYYY-MM-DD	2015-05-20
DESIGNED	GD
PREPARED	GD
REVIEWED	KAB
APPROVED	KAB

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B004	0	4

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1 in
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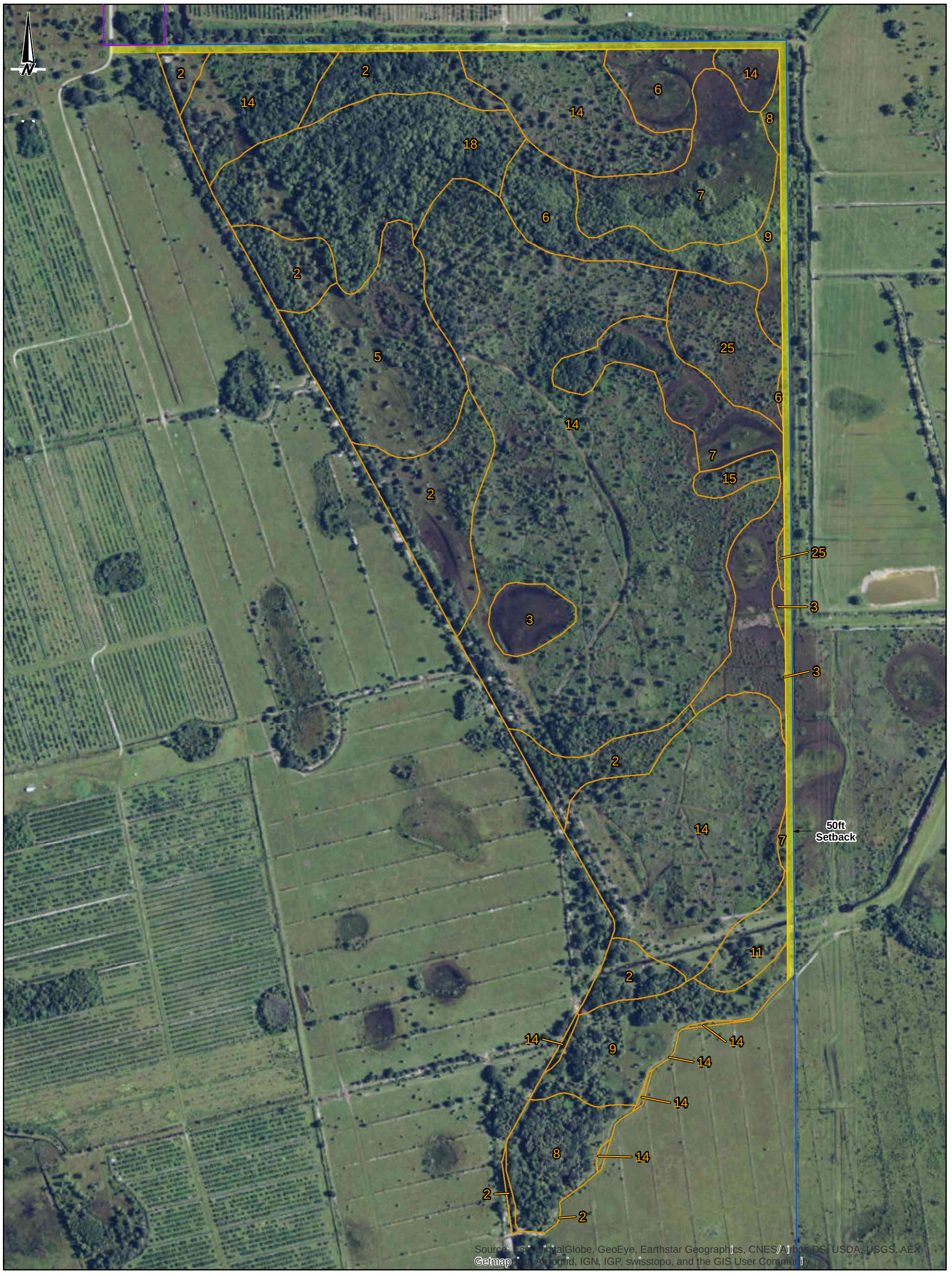

LEGEND

- Certified Site Boundary
- FPL Owned Property
- Linear Facility Corridor
- Mitigation Area (376.48 acres)
- Setback (50ft)
- Soils_NRCS_2012
  - 2 - BASINGER FINE SAND
  - 3 - BASINGER AND PLACID SOILS, DEPRESSIONAL
  - 5 - VALKARIA FINE SAND
  - 6 - MANATEE LOAMY FINE SAND, DEPRESSIONAL
  - 7 - FLORIDANA, RIVERIA, AND PLACID SOILS, DEPRESSIONAL
  - 8 - PINDEA FINE SAND
  - 9 - RIVIERA FINE SAND
  - 11 - IMMOKALEE FINE SAND
  - 14 - MYAKKA FINE SAND
  - 15 - OKEELANTA MUCK
  - 18 - PARKWOOD FINE SAND
  - 25 - WABASSO FINE SAND

REFERENCE(S)

MITIGATION AREA, GOLDER ASSOCIATES INC., 2014-2015
LAND USE, SJRWMD, 2009

0 300 600 1,200
1:7,200 Feet

CLIENT
FPL

PROJECT
OKEECHOBEE CLEAN ENERGY CENTER

TITLE
USDA/NRCS SOILS

YYYY-MM-DD	2015-08-27
DESIGNED	GD
PREPARED	JW
REVIEWED	KAB
APPROVED	KAB

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B061	0	5

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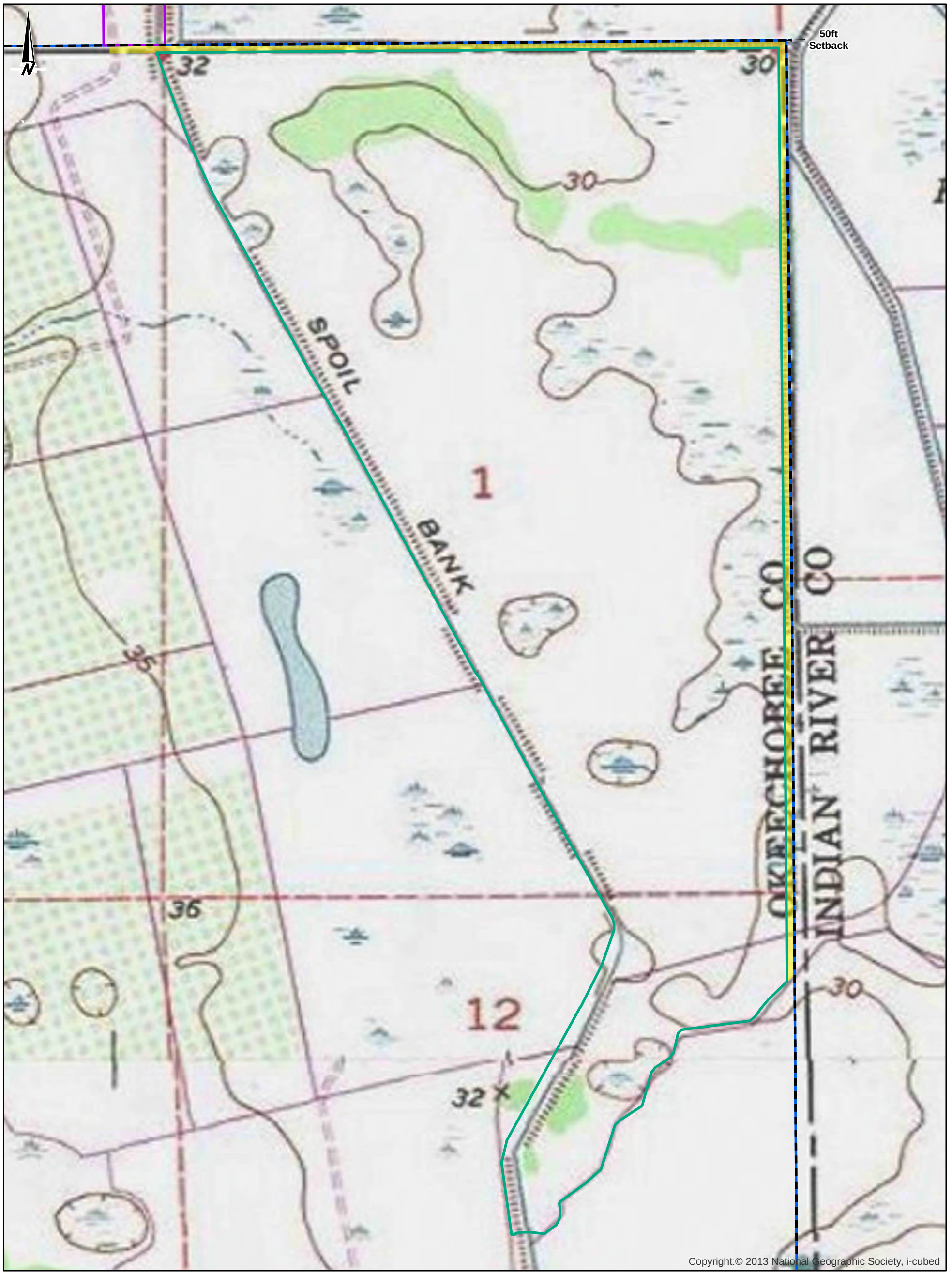

LEGEND

- Certified Site Boundary
- FPL Owned Property
- Linear Facility Corridor
- Mitigation Area (376.48 acres)
- Setback (50ft)

REFERENCE(S)

MITIGATION AREA, GOLDER ASSOCIATES INC., 2014-2015
LAND USE, SJRWMD, 2009

0 300 600 1,200
1:7,200 Feet

CLIENT
FPL

PROJECT
OKEECHOBEE CLEAN ENERGY CENTER

TITLE
USGS TOPOGRAPHIC MAP

YYYY-MM-DD	2015-08-27
DESIGNED	GD
PREPARED	JW
REVIEWED	KAB
APPROVED	KAB

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B062	0	6

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM: ANSI B
1 in
0

PATH: G:\PROJECTS\FPL\Okeechobee\99_PROJECTS\1414979\B_SCA_Project\02_PRODUCTION\MXD\1414979_B048_MitigationAreaMonitoringLocations.mxd

LEGEND

- Herbaceous Vegetation Monitoring Stations (25)
- 10m x 10m Canopy Monitoring Stations (10)
- 300m Herbaceous Vegetation Monitoring Transect (5)
- Certified Site Boundary
- FPL Owned Property
- Linear Facilities Corridor
- Mitigation Area (376.48 acres)
- Setback (50ft)
- Habitat Classification
  - 211 - Improved Pastures
  - 212 - Unimproved Pastures
  - 320 - Shrub And Brushland
  - 411 - Pine Flatwoods
  - 434 - Hardwood-Coniferous Mixed
  - 511 - Ditches
  - 617 - Mixed Wetland Hardwoods
  - 625 - Hydric Pine Flatwoods
  - 630 - Wetland Forested Mixed
  - 631 - Wetland Shrub
  - 641 - Freshwater Marshes
  - 643 - Wet Prairies
  - 646 - Treeless Hydric Savanna
  - 740 - Disturbed Land

REFERENCE(S)

MITIGATION AREA, GOLDER ASSOCIATES INC., 2014-2015
LAND USE, SJRWMD, 2009

MITIGATION AREA LAND USE

FLUCFCS CODE	HABITAT DESCRIPTION	ACREAGE
212	Unimproved Pastures	22.75
320	Shrub and Brushland	98.10
411	Pine Flatwoods	13.48
434	Hardwood-Coniferous Mixed	54.23
511	Ditches	6.90
617	Mixed Wetland Hardwoods	35.00
625	Hydric Pine Flatwoods	18.97
630	Wetland Forested Mixed	25.63
631	Wetland Scrub	41.92
641	Freshwater Marshes	55.55
643	Wet Prairies	3.95
	GRAND TOTAL	376.48

0 300 600 1,200
Feet
1:7,200

CLIENT
FPL

PROJECT
OKEECHOBEE SCA

TITLE
MITIGATION AREA MONITORING LOCATIONS

YYYY-MM-DD	2015-08-04
DESIGNED	JW
PREPARED	JW
REVIEWED	KAB
APPROVED	KAB

PROJECT NO.	CONTROL	REV.	FIGURE
1414979	B048	0	7

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM ANSI B
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APPENDIX A

UMAM FUNCTIONAL ASSESSMENT

WETLAND IMPACT SITES

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Citrus and Pasture Ditches: 1, 2N (511), 2S, 3, 4, 5, 6, 7, 8, 9(511), A, B, C (511), D(511), E, F, G, H, I-J(511), L, N(511), AA, AB(511)

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
511 (Citrus Grove and Pasture Ditches)		Impact	27.36 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 3080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Irrigation/drainage ditches within active citrus groves and pasture. Connect to forested wetlands and other drainage ditches, eventually flowing off site to the south and east.

Assessment area description

Ditches within citrus groves and pastures, dominated by a variety of native and nuisance/exotic species such as Peruvian primrose willow (*Ludwigia peruviana*), cattail (*Typha latifolia*), piedmont primrose willow (*Ludwigia arcuata*), creeping primrose willow (*L. repens*), torpedo grass (*Panicum repens*), pickerelweed (*Pontederia cordata*), marsh pennywort (*Hydrocotyle umbellata*), soft rush (*Juncus effusus*), and spike rush (*Eleocharis* sp.).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Citrus groves, access roads, pasture, transmission line ROW	Not rare in relation to regional landscape

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, pasture land, and citrus groves.	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Wading birds, herpetofauna, mammals, etc.	Potential, use by wading birds such as white ibis (SSC), wood stork (E), little blue heron (SSC), snowy egret (SSC) and tricolor heron (SSC).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Observation/signs of white-tailed deer, feral hogs, armadillo, oppossum, raccoon, coyote, great blue heron, cattle egret

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	Dec-14

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Citrus and Pasture Ditches: 1, 2N (511), 2S, 3, 4, 5, 6, 7, 8, 9(511), A, B, C (511), D(511), E, F, G, H, I-J(511), L, N(511), AA, AB(511)
Impact or Mitigation	Assessment conducted by:	Assessment date:
Impact	Arrants, Bullock, Zions, Brookshire	Dec-14

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support w/o pres or current: 6 with:		Location and landscape support variable is reduced due to ditching and access roads in citrus groves, fencing and active pastures. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 6, reduced due to location within citrus groves; b) Invasive exotic species = 7, moderate coverage; c) Wildlife access to and from outside = 6, decreased due to limitations imposed by conversion to agriculture; d) functions that benefit fish & wildlife downstream-distance or barriers = 5, limited benefit; e) Impacts to wildlife listed in Part 1 by outside land uses = 6, reduced due to clearing of native habitat and surrounding agricultural landuse; f) Hydrologically connected areas downstream of assessment area = 5, drainage ditches provide connections; g) Dependency of downstream areas on assessment area = 6, moderate benefit to downstream areas.
.500(6)(b)Water Environment (n/a for uplands) w/o pres or current: 4 with:		The water environment score is reduced due to man-made nature of citrus irrigation ditches and pasture drainage ditches. Individual parameter scores: a) water levels and flows = 4, altered due to land clearing, ditching; b) water level indicators = 4, artificial drainage ditches; c) soil moisture = 4, consistent with expected; d) soil erosion or deposition = 4, moderate erosion; e) evidence of fire history = N/A; f) vegetation community zonation = 4, typical of assessment area, some edge effect and upland encroachment; g) hydrologic stress on vegetation = 4, some upland and transitional species encroachment; h) use by animal species with specific hydrological requirements = 4, reduced due to surrounding altered landscape/altered hydrology; i) vegetative species tolerant of and associated with water quality degradation = 4, minimal; j) direct observation of water quality = 4, typical of assessment area; K) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community w/o pres or current: 4 with:		The community structure variable is reduced from disturbance due to citrus operation, cattle, and ditch maintenance. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 4, mixture of exotic and native speciest; b) invasive exotics or other invasive plant species = 4, significant coverage of exotic/nuisance species; c) regeneration and recruitment = 4, recruitment impacted by surrounding citrus grove landuse and maintenance; d) age & size distribution = 4, typical of assessment area type, impacted due to maintanence; e) density and quality of coarse woody debris, snag, den, and cavity = N/A; f) plant condition = 4, slightly reduced due to maintenance on edges; g) land management practices = 4, reduced due to routine maintenance; h) topographic features = 4, typical for assessment area; i) siltation or algal growth in submerged aquatic plant communities = N/A

Score = sum of above scores/30 (if uplands, divide by 20)	If preservation as mitigation,	For impact assessment areas
current or w/o pres: 0.47 with:	Preservation adjustment factor = Adjusted mitigation delta =	FL = delta x acres = 0.47 x 19.52 acres = **9.17 credits;** 0.10 ac of temporary impact restored in-situ

Delta = [with-current]	If mitigation	For mitigation assessment areas
0.47	Time lag (t-factor) = Risk factor =	RFG = delta/(t-factor x risk) =

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Linear Facilities Corridor Ditches- Wetlands AD, S, SR60

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
511		Impact	3.35 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 3080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Roadside ditches adjacent to SR 60 and ditches adjacent to Site access road (226th Court), connect to forested wetlands outside of ROW

Assessment area description

Maintained roadside ditches adjacent to SR 60 and ditches adjacent to Site access road. Vegetative community dominated by a mixture of nuisance/exotic and native species such as Peruvian primrose willow (*Ludwigia peruviana*), water lettuce (*Pistia stratiotes*), bushy broomsedge (*Andropogon glomeratus*), wax myrtle (*Myrica cerifera*), cattail (*Typha latifolia*), groundsel tree (*Baccharis halimifolia).*

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
SR 60	Not rare in relation to regional landscape

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, drainage, and storage.	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Wading birds, herpetofauna	American alligator (T S/A), and potential occasional use by wading birds such as white ibis (SSC), little blue heron (SSC), snowy egret (SSC), or tricolor heron (SSC).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

American alligator, great egret

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	Dec-14

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Linear Facilities Corridor Ditches- Wetlands AD, S, SR60
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Impact	Arrants, Bullock, Zions, Brookshire	Dec-14

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	w/o pres or current: 5	with:
Location and landscape support variable is reduced due to location of excavated ditch adjacent to roadways. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 4, reduced due to disturbance from maintenance mowing/herbicide, surrounding development; b) Invasive exotic species = 5, moderate coverage; c) Wildlife access to and from outside = 5, decreased due to limitations imposed by surrounding developed areas; d) functions that benefit fish & wildlife downstream-distance or barriers = 5, little benefit, artificial drainageway; e) Impacts to wildlife listed in Part 1 by outside land uses = 6, reduced due to surrounding development and clearing of native habitat; f) Hydrologically connected areas downstream of assessment area = 5, artificial drainage feature; g) Dependency of downstream areas on assessment area = 4, minimal benefit to downstream areas.		
.500(6)(b)Water Environment (n/a for uplands)	w/o pres or current: 5	with:
The water environment score is reduced due to proximity of roadway, maintenance and herbicide application, artifical hydroperiod resulting from excavation of drainage ditch within surrounding disturbed landscape, and adjacent development. Individual parameter scores: a) water levels and flows = 3 artificial nature of excavated ditch; b) water level indicators = 3, altered hydroperiod due to to excavated ditch; c) soil moisture = 3, consistent with expected; 3) soil erosion or deposition = 5, erosion from roadway, adjacent landuses; e) evidence of fire history = N/A; f) vegetation community zonation = 4, artificial system, significant upland species encroachment; g) hydrologic stress on vegetation = 3, upland and transitional species prevalent; h) use by animal species with specific hydrological requirements = 3, due to surrounding altered landscape/altered hydrology; i) vegetative species tolerant of and associated with water quality degradation = 3, some indication of high nutrients, cattails and exotic species; j) direct observation of water quality = 3, evidence of elevated nutrient input due to nuisance/exotic vegetation; K) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.		
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	w/o pres or current: 5	with:
The community structure variable is reduced due to moderate coverage of exotic/nuisance species, mowing, maintenance, herbicide application, and excavated, artificial nature of drainage ditches. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 5, maintenance typically removes shrub/canopy stratum, non-desirable wetland species present; b) invasive exotics or other invasive plant species = 5, moderate coverage of exotic/nuisance species; c) regeneration and recruitment = 5, artificial system, recruitment impacted by surrounding development and maintenance; d) age & size distribution = 3, typical of artificial drainage ditch, impacted due to maintanence; e) density and quality of coarse woody debris, snag, den, and cavity = N/A; f) plant condition = 6, somewhat reduced due to maintenance and herbicide; g) land management practices = 4, due to alteration of community structure by routine maintenance; h) topographic features = 5, artificial excavated system; i) siltation or algal growth in submerged aquatic plant communities = N/A		

Score = sum of above scores/30 (if uplands, divide by 20)	current or w/o pres: 0.50	with:

Delta = [with-current]
0.5

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

If mitigation
Time lag (t-factor) =
Risk factor =

For impact assessment areas
FL = delta x acres = 0.5 x 0.47 ac. = **0.24 credits**; 0.01 ac. temporary impact restored in-situ

For mitigation assessment areas
RFG = delta/(t-factor x risk) =

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		C (617), D (617), AB (617), 2-N (617), and 9 (617)

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
617 (Citrus Grove Mixed Wetland Hardwoods)		Impact	6.84 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 3080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Mixed hardwood wetlands connect to citrus grove irrigation/drainage ditches.

Assessment area description

Ditches that connect to mixed wetland hardwoods supporting a variety of primarily native species of vegetation, including blackgum (*Nyssa biflora*), red maple (*Acer rubrum*), wax myrtle (*Myrica cerifera*), dahoon holly (*Ilex cassine*), and cabbage palm (Sabal palmetto). Understories are vegetated by, coastal plain willow (*Salix caroliniana*), wax myrtle (*Myrica cerifera*), Peruvian primrose willow (*Ludwigia peruviana*), swamp fern (*Blechnum serrulatum*), and royal fern (*Osmunda regali*s).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Citrus groves, pastures, transmission line ROW	Not rare in relation to regional landscape

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, irrigation, drainage, and storage	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Wading birds, herpetofauna, mammals, etc.	Possible occasional use by wading birds such as white ibis (SSC), wood stork (E), little blue heron (SSC), snowy egret (SSC), and tricolor heron (SSC), as well as foraging by American alligator (S/A).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

White-tailed deer, feral pig, marsh rabbit, armadillo, raccoon, American alligator, softshell turtle

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions	Nov-14

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		C (617), D (617), AB (617), 2-N (617), and 9 (617)
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Impact	Arrants, Bullock, Zions, Brookshire	Dec-14

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support w/o pres or current: 6 — with:	Location and landscape support variable is reduced due to ditching and access roads in citrus groves, fencing and adjacency to active pastures. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 6, reduced due to location within citrus groves; b) Invasive exotic species = 7, moderate coverage; c) Wildlife access to and from outside = 6, decreased due to limitations imposed by conversion to agriculture; d) functions that benefit fish & wildlife downstream-distance or barriers = 5, limited benefit; e) Impacts to wildlife listed in Part 1 by outside land uses = 6, reduced due to clearing of native habitat and surrounding agricultural landuse; f) Hydrologically connected areas downstream of assessment area = 5, drainage ditches provide connections; g) Dependency of downstream areas on assessment area = 6, moderate benefit to downstream areas.
.500(6)(b)Water Environment (n/a for uplands) w/o pres or current: 6 — with:	The water environment score is slightly reduced due to location adjacent to citrus groves and alteration of drainage patterns (rim ditching). Individual parameter scores: a) water levels and flows = 5, altered due to land clearing, ditching; b) water level indicators = 6, somewhat reduced compared to typical; c) soil moisture = 5, consistent with expected; d) soil erosion or deposition = 6, minimal erosion; e) evidence of fire history = N/A; f) vegetation community zonation = 6, typical of assessment area, some edge effect and upland encroachment due to clearing; g) hydrologic stress on vegetation = 6, some upland and transitional species encroachment; h) use by animal species with specific hydrological requirements = 6, slightly reduced due to surrounding altered landscape/altered hydrology; i) vegetative species tolerant of and associated with water quality degradation = 6, some exotic species present; j) direct observation of water quality = 6, some nutrient enrichment likely due to presence of nuisance/exotic vegetation, proximity of roadways and associated runoff; K) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community w/o pres or current: 8 — with:	The community structure variable is slightly reduced from disturbance due to rim ditching and areas of exotic species encroachment. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 8, exotics present on edges of forested system, but interior dominated by native species; b) invasive exotics or other invasive plant species = 7, moderate coverage of exotic/nuisance species; c) regeneration and recruitment = 8, interior typical for assessment area; d) age & size distribution = 8, typical of assessment area type; e) density and quality of coarse woody debris, snag, den, and cavity = N/A; f) plant condition = 8, slightly reduced due to rim ditching; g) land management practices = 7, reduced due to agricultural use and ditching; h) topographic features = 7, typical for assessment area; i) siltation or algal growth in submerged aquatic plant communities = N/A

Score = sum of above scores/30 (if uplands, divide by 20)	If preservation as mitigation,	For impact assessment areas
current or w/o pres: 0.67 — with:	Preservation adjustment factor =	FL = delta x acres = 0.67 x 4.71 acres = **3.16 credits**
	Adjusted mitigation delta =	

Delta = [with-current]	If mitigation	For mitigation assessment areas
0.67	Time lag (t-factor) =	RFG = delta/(t-factor x risk) =
	Risk factor =	

MITIGATION AREA

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Ditches

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
511		Mitigation	6.9 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 03080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Excavated ditch system along perimeter of mitigation site, connects to Fort Drum Marsh Conservation Area through herbaceous and forested wetlands

Assessment area description

Ditch system located on the perimeter of the mitigation site. Vegetative community dominated by a mixture of nuisance/exotic and native species such as Peruvian primrose willow (*Ludwigia peruviana*), pickerelweed (*Pontederia cordata*), water lettuce (*Pistia stratiotes*), bushy broomsedge (*Andropogon glomeratus*), wax myrtle (*Myrica cerifera*), cattail (*Typha latifolia*), groundsel tree (*Baccharis halimifolia).*

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Fort Drum Marsh Conservation Area, undeveloped uplands and wetlands, pasture, citrus groves, transmission line right-of-way	Not rare in relation to regional landscape
Functions	**Mitigation for previous permit/other historic use**
Wildlife habitat, drainage, and storage.	N/A
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	**Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)**
Wading birds, forage fish, small mammals, herpetofauna	American alligator (T S/A), and potential occasional use by wading birds such as white ibis (SSC), little blue heron (SSC), snowy egret (SSC), or tricolor heron (SSC).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

American alligator, great egret, little blue heron

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	December 2014 through July 2015

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Ditches
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Mitigation	Arrants, Bullock, Zions, Brookshire	Dec 2014 through August 2015

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	**Current**: Location and landscape support variable is slightly reduced due to presence of invasive vegetation and adjacent pasture. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 6, due to surrounding habitats ; b) Invasive exotic species = 7, minimal coverage; c) Wildlife access to and from outside = 6, slightly decreased due to limitations imposed by adjacent cleared pastures; d) functions that benefit fish & wildlife downstream-distance or barriers = 6, some functions; e) Impacts to wildlife listed in Part 1 by outside land uses = 6, slightly reduced due to surrounding habitat loss; f) Hydrologically connected areas downstream of assessment area = 6, connected through ditching to other ditches and wetlands; g) Dependency of downstream areas on assessment area = 6, some benefit to downstream areas.
w/o pres or current: 6 / with: 6	**With**: No change. Preservation of mitigation parcel will slightly increase location and landscape support variable, but the proximity of the perimeter ditch to the OCEC offsets the benefit to location and landscape support.
.500(6)(b)Water Environment (n/a for uplands)	**Current**: The water environment variable is reduced due to man-made excavated nature of the perimeter ditch, modifying natural water flow. Individual parameter scores: a) water levels and flows = 5, altered water level; b) water level indicators = 4, less than expected; c) soil moisture = 7, typical for community type; d) soil erosion or deposition = 6, some areas of moderate erosion; e) evidence of fire history = N/A; f) vegetation community zonation = 6, slightly altered due to minimal presence of invasives, upland species; g) hydrologic stress on vegetation = 6, some due to altered hydrologic regime; h) use by animal species with specific hydrological requirements = 5, due to lack of open water connection and resultant reduction in number of fish species; i) vegetative species tolerant of and associated with water quality degradation = 5, moderate; j) direct observation of water quality = 8, no discoloration, turbidity, or sheen; k) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
w/o pres or current: 5 / with: 5	**With**: No change. The water environment variable may be slightly increased due to preservation and ongoing land management, but no specific hydrologic improvements are proposed, therefore the water environment variable score is same as current score.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	**Current**: The community structure variable is reduced due to presence of invasive species, excavated nature of ditches. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 5, mix of exotic and native species; b) invasive exotics or other invasive plant species = 5, moderate coverage; c) regeneration and recruitment = 5, slightly less than expected; d) age & size distribution = 5, less than expected; e) density and quality of coarse woody debris, snag, den, and cavity = 5, not adequate for system type; f) plant condition = 5, due to dead stems and low productivity; g) land management practices = 5, due to alteration of community structure; h) topographic features = 5, less than optimal; i) siltation or algal growth in submerged aquatic plant communities = N/A.
w/o pres or current: 5 / with: 6	**With**: The community structure variable is slightly increased due to invasive exotic vegetation control and preservation of the mitigation parcel. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 6, mostly native species; b) invasive exotics or other invasive plant species = 6, some coverage; c) regeneration and recruitment = 6, mostly consistent with expected; d) age & size distribution = 6, slightly less than expected; e) density and quality of coarse woody debris, snag, den, and cavity = 6, mostly adequate for system type; f) plant condition = 6, improved due to improved hydrology in surrounding area; g) land management practices = 6, improved; h) topographic features = 5, less than optimal; i) siltation or algal growth in submerged aquatic plant communities = N/A.

Score = sum of above scores/30 (if uplands, divide by 20)

current or w/o pres	with
0.53	0.57

Delta = [with-current]

0.04

If preservation as mitigation,

Preservation adjustment factor =

Adjusted mitigation delta =

If mitigation

Time lag (t-factor) = 1.03 (2 years)*

Risk factor = 1.25; **TL x R = 1.2875**

***USACE t-factor = 1.017; TL x R = 1.2713**

For impact assessment areas

FL = delta x acres =

For mitigation assessment areas

RFG = delta/(t-factor x risk) = **0.03**

6.9 acres x 0.03 = 0.21 credits

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Forested Wetlands

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
617 (Mixed Wetland Hardwoods), 625 (Hydric Pine), and 630 (Wetland Forested Mixed)		Mitigation	79.6 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 03080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Forested wetlands located in the interior of the mitigation parcel, hydrologically connected to Fort Drum Conservation Area

Assessment area description

Forested wetlands supporting a variety of primarily native species of vegetation, including red maple (*Acer rubrum*), pop ash (*Fraxinus caroliniana*), cabbage palm (*Sabal palmetto*), coastal plain willow (*Salix caroliniana*), blackgum (*Nyssa sylvatica*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), slash pine (*Pinus elliottii*), wax myrtle (*Myrica cerifera*), persimmon (*Dyspyros virginiana*), American elm (*Ulmus alata*), dahoon holly (*Ilex cassine*), arrowhead (*Sagittaria lancifolia*), maidencane (*Panicum hemitomon*), fireflag (*Thalia geniculata*), Peruvian primrose willow (*Ludwigia peruviana*), swamp fern (*Blechnum serrulatum*), Brazilian pepper (*Schinus terebinthifolius*), sawgrass (*Cladium jamaicense*), and Virginia chain fern (*Woodwardia virginica*).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Fort Drum Marsh Conservation Area, undeveloped uplands and wetlands, pasture, citrus groves, transmission line right-of-way	Not rare in relation to regional landscape
Functions	**Mitigation for previous permit/other historic use**
Wildlife habitat, water treatment and storage	N/A
Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	**Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)**
Wading birds, herpetofauna	Likely occasional use by wading birds such as white ibis (SSC), wood stork (E), little blue heron (SSC), snowy egret (SSC), and tricolor heron (SSC), as well as foraging by American alligator (S/A).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Swallow-tailed kite, feral pig

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	December 2014 through July 2015

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Forested Wetlands
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Mitigation	Arrants, Bullock, Zions, Brookshire	Dec 2014 through August 2015

Scoring Guidance
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed

Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	w/o pres or current: 7	with: 8	**Current**: Location and landscape support variable is slightly reduced due to presence of invasive vegetation and adjacent agricultural uses. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 7, slightly reduced due to adjacent agricultural landuse ; b) Invasive exotic species = 7, minimal coverage; c) Wildlife access to and from outside = 7, minimally decreased due to limitations imposed by adjacent agricultural landuse; proximity of Fort Drum Conservation Area provides benefit; d) functions that benefit fish & wildlife downstream-distance or barriers = 7, some benefit to downstream systems; e) Impacts to wildlife listed in Part 1 by outside land uses = 7, slightly reduced due to adjacent agricultural areas, fire suppression in adjacent natural uplands; f) Hydrologically connected areas downstream of assessment area = 7, connected through wetlands and ditches; g) Dependency of downstream areas on assessment area = 7, moderate benefit to downstream areas.
			With: Location and landscape support variable increased slightly due to preservation of mitigation site and improved land management practices. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 8, increased due to improvement of surrounding habitats; b) Invasive exotic species = 8, decreased coverage due to invasive/exotic vegetation control; c) Wildlife access to and from outside = 8, due to improvement of surrounding habitats; d) functions that benefit fish & wildlife downstream-distance or barriers = 7, due to improvement in surrounding habitats; e) Impacts to wildlife listed in Part 1 by outside land uses = 7; f) Hydrologically connected areas downstream of assessment area = 7, similar to existing condition; g) Dependency of downstream areas on assessment area = 7, similar to existing condition.
.500(6)(b)Water Environment (n/a for uplands)	w/o pres or current: 8	with: 8	**Current**: The water environment score is slightly reduced due to historical hydrologic modifications resulting from ditching. Individual parameter scores: a) water levels and flows = 8, typical for community type; b) water level indicators = 8, lichen lines indicate regular seasonal inundation; c) soil moisture = 8, typical for community type; d) soil erosion or deposition = 8, minor areas of erosion, primarily due to wildlife (feral pig); e) evidence of fire history = N/A; f) vegetation community zonation = 7, typical, but slightly altered due to presence of invasives; g) hydrologic stress on vegetation = 8, none noted; h) use by animal species with specific hydrological requirements = 8, high quality forested wetlands provide suitable habitat; i) vegetative species tolerant of and associated with water quality degradation = 8, minimal; j) direct observation of water quality = 8, no discoloration, turbidity, or sheen; k) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
			With: No change. The water environment variable may be slightly increased due to preservation and ongoing land management, but no specific hydrologic improvements are proposed, therefore the water environment variable score is same as current score.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	w/o pres or current: 8	with: 9	**Current**: The community structure variable score reflects the dominance of desirable native wetland species and minimal presence of invasive exotic species. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 8, dominated by native species; b) invasive exotics or other invasive plant species = 8, minimal coverage; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 8, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, adequate for system type; f) plant condition = 9, no indication of poor health or low productivity; g) land management practices = 7, slightly reduced due to fire supression; h) topographic features = 8, typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.
			With: The community structure variable is slightly increased due to invasive/exotic vegetation control and preservation of the mitigation site. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 9, dominated by native species; b) invasive exotics or other invasive plant species = 9, site to be managed to control invasive/exotic vegetation; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 8, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, adequate for system type; f) plant condition = 9, no indication of poor health or low productivity; g) land management practices = 9, slightly increased due to preservation and use of prescribed fire; h) topographic features = 8, typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.

Score = sum of above scores/30 (if uplands, divide by 20)

current or w/o pres	with
0.77	0.83

Delta = [with-current]
0.06

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

If mitigation
Time lag (t-factor) = 1.03 (2 years)*
Risk factor = 1.25; **T x R = 1.2875**

***USACE t-factor = 1.017; T x R = 1.2713**

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = **0.047**

79.6 acres x 0.047 = 3.74 credits

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Freshwater Marsh and Wetland Shrub

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
631 and 641		Mitigation	97.47 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 03080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Herbaceous and shrub wetlands located in the interior of the mitigation parcel, hydrologically connected to Fort Drum Conservation Area

Assessment area description

Areas of freshwater marshes are concentrated along the eastern edge of the mitigation area, contiguous with parcels of mixed wetland hardwoods and wetland shrubs. The herbaceous vegetative community is diverse, with dominant species including maidencane (*Panicum hemitomon*), St. John's wort (*Hypericum* spp.), and cordgrass (*Spartina bakeri*) and a variety of subdominant species such as pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), buttonbush (*Cephanlanthus occidentalis*), redroot (*Lachnanthes caroliniana*), blue maidencane (*Amphicarpum muhlenbergianum*), and fireflag (*Thalia geniculata*). Shrub and canopy species along the edges and occasionally within the interior of freshwater marsh wetlands include wax myrtle (*Myrica cerifera*), dahoon holly (*Ilex cassine*), blackgum (*Nyssa sylvatica*), red maple (*Acer rubrum*), cabbage palm (*Sabal palmetto*), and coastal plain willow (*Salix caroiniana*). Wetland shrub habitat occurs within the east-central portion of the mitigation area, with a vegetative community dominated by a mixture of shrub and groundcover species and a scattered overstory of wetland trees. Common species include saw palmetto (*Serenoa repens*), fetterbush (*Lyonia lucida*), wax myrtle, St. John's wort, gallberry (*Ilex glabra*), redroot, carpet grass (*Axonopus fissifolius*), camphorweed (*Pluchea odorata*), maidencane, candyroot (*Polygala* sp.), bogbuttons (*Lachnocaulon* sp.), red maple, blackgum, dahoon holly, cabbage palm, slash pine (*Pinus elliottii*), and live oak (*Quercus virginiana*).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Fort Drum Marsh Conservation Area, undeveloped uplands and wetlands, pasture, citrus groves, transmission line right-of-way	Not rare in relation to regional landscape

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, water treatment and storage	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Wading birds, herpetofauna	Possible occasional use by wading birds such as white ibis (SSC), wood stork (E), little blue heron (SSC), snowy egret (SSC), and tricolor heron (SSC).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Swallow-tailed kite, bald eagle, feral pig, southern cricket frog, little blue heron, white ibis, wild turkey

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	December 2014 through July 2015

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Wetland Shrub and Freshwater Marsh
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Mitigation	Arrants, Bullock, Zions, Brookshire	Dec 2014 through August 2015

Scoring Guidance	Optimal (10)	Moderate(7)	Minimal (4)	Not Present (0)
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support		**Current**: Location and landscape support variable is slightly reduced due to presence of invasive vegetation and adjacent agricultural uses. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 7, slightly reduced due to adjacent agricultural landuse ; b) Invasive exotic species = 7, minimal coverage; c) Wildlife access to and from outside = 7, minimally decreased due to limitations imposed by adjacent agricultural landuse; proximity of Fort Drum Conservation Area provides benefit; d) functions that benefit fish & wildlife downstream-distance or barriers = 7, some benefit to downstream systems; e) Impacts to wildlife listed in Part 1 by outside land uses = 7, slightly reduced due to adjacent agricultural areas, fire suppression in adjacent natural uplands; f) Hydrologically connected areas downstream of assessment area = 7, connected through wetlands and ditches; g) Dependency of downstream areas on assessment area = 7, moderate benefit to downstream areas.
w/o pres or current: 7	with: 8	**With**: Location and landscape support variable increased slightly due to preservation of mitigation site and improved land management practices. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 8, increased due to improvement of surrounding habitats; b) Invasive exotic species = 8, decreased coverage due to invasive/exotic vegetation control; c) Wildlife access to and from outside = 8, due to improvement of surrounding habitats; d) functions that benefit fish & wildlife downstream-distance or barriers = 7, due to improvement in surrounding habitats; e) Impacts to wildlife listed in Part 1 by outside land uses = 7; f) Hydrologically connected areas downstream of assessment area = 7, similar to existing condition; g) Dependency of downstream areas on assessment area = 7, similar to existing condition.
.500(6)(b)Water Environment (n/a for uplands)		**Current**: The water environment score is slightly reduced due to historical hydrologic modifications resulting from ditching and off road vehicle access pathways. Individual parameter scores: a) water levels and flows = 7, typical for community type; b) water level indicators = 7, typical seasonal inundation; c) soil moisture = 8, typical for community type; d) soil erosion or deposition = 7, some areas of erosion, primarily due to wildlife (feral pig) as well as off-road vehicle access; e) evidence of fire history = less than typical for community type; f) vegetation community zonation = 7, typical, but slightly altered due to presence of invasives; g) hydrologic stress on vegetation = 8, none noted; h) use by animal species with specific hydrological requirements = 8, high quality herbaceous and shrub wetlands provide suitable habitat; i) vegetative species tolerant of and associated with water quality degradation = 8, minimal; j) direct observation of water quality = 7, no discoloration, turbidity, or sheen; k) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
w/o pres or current: 7	with: 7	**With**: No change. The water environment variable may be slightly increased due to preservation and ongoing land management, but no specific hydrologic improvements are proposed, therefore the water environment variable score is same as current score.
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community		**Current**: The community structure variable score reflects the dominance of desirable native wetland species and minimal presence of invasive exotic species. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 8, dominated by native species; b) invasive exotics or other invasive plant species = 8, minimal coverage; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 8, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, adequate for system type; f) plant condition = 9, no indication of poor health or low productivity; g) land management practices = 7, slightly reduced due to fire supression; h) topographic features = 8, typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.
w/o pres or current: 8	with: 9	**With**: The community structure variable is slightly increased due to invasive/exotic vegetation control and preservation of the mitigation site. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 9, dominated by native species; b) invasive exotics or other invasive plant species = 9, site to be managed to control invasive/exotic vegetation; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 8, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, adequate for system type; f) plant condition = 9, no indication of poor health or low productivity; g) land management practices = 9, slightly increased due to preservation and use of prescribed fire; h) topographic features = 8, typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.

Score = sum of above scores/30 (if uplands, divide by 20)

current or w/o pres	with
0.73	0.80

Delta = [with-current]
0.07

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

If mitigation
Time lag (t-factor) = 1.03 (2 years)*
Risk factor = 1.25; **T x R = 1.2875**

***USACE t-factor = 1.017; T x R = 1.2713**

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = **0.054**

97.47 acres x 0.054 = 5.26 credits

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Wet Prairies

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
643		Mitigation	3.95

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
Upper St. John's / HUC 03080101		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Freshwater prairie wetland within and adjacent to unimproved pasture and mitigation area access pathway, connected to forested wetlands and shrub and brushland

Assessment area description

Approximately 4 acres of wet prairie occur adjacent to unimproved pasture along the western edge of the mitigation area. These are areas of hydric soil that support low-growing herbaceous wetland vegetation but typically are not inundated. Common species include yellow-eyed grass (*Xyris* sp.), St. Johns wort (*Hypericum* sp.), mermaidweed (*Proserpinaca pectinata*), bushy bluestem (*Andropogon glomeratus*), marsh pennywort (*Hydroctyle umbellata*), blue maidencane (*Amphicarpum muhlenbergianum*), sedges (*Cyperus* sp.), and sundews (*Drosera* sp.).

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Fort Drum Marsh Conservation Area, undeveloped uplands and wetlands, pasture, citrus groves, transmission line right-of-way	Not rare in relation to regional landscape

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, grazing, water treatment and storage	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Wading birds, herpetofauna	Possible occasional use by wading birds such as sandhill crane (T), white ibis (SSC), little blue heron (SSC), snowy egret (SSC), and tricolor heron (SSC).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Swallow-tailed kite, feral pig

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	December 2014 through July 2015

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Wet Prairie
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Mitigation	Arrants, Bullock, Zions, Brookshire	Dec 2014 through August 2015

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support		**Current**: Location and landscape support variable is reduced due to adjacent improved pasture and access pathways. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 6, slightly reduced due to adjacent agricultural landuse ; b) Invasive exotic species = 8, minimal coverage; c) Wildlife access to and from outside = 6, minimally decreased due to limitations imposed by adjacent agricultural landuse; proximity of Fort Drum Conservation Area provides benefit; d) functions that benefit fish & wildlife downstream-distance or barriers = 6, moderate benefit to downstream systems; e) Impacts to wildlife listed in Part 1 by outside land uses = 6, slightly reduced due to adjacent agricultural areas, fire suppression in adjacent natural uplands; f) Hydrologically connected areas downstream of assessment area = 5, limited connection to downstream wetlands and ditches; g) Dependency of downstream areas on assessment area = 6, moderate benefit to downstream areas.
w/o pres or current	with	**With**: Location and landscape support variable increased slightly due to preservation of mitigation site and improved land management practices. Individual parameter scores: a) Support to wildlife listed in Part 1 by outside habitats = 7, increased due to improvement of surrounding habitats; b) Invasive exotic species = 8, decreased coverage due to invasive/exotic vegetation control; c) Wildlife access to and from outside = 7, due to improvement of surrounding habitats; d) functions that benefit fish & wildlife downstream-distance or barriers = 7, due to improvement in surrounding habitats; e) Impacts to wildlife listed in Part 1 by outside land uses = 7; f) Hydrologically connected areas downstream of assessment area = 5, similar to existing condition; g) Dependency of downstream areas on assessment area = 6, similar to existing condition.
6	7	
.500(6)(b)Water Environment (n/a for uplands)		**Current**: The water environment score is reduced due to historical hydrologic modifications resulting from ditching, conversion to pasture, and off road vehicle access pathways. Individual parameter scores: a) water levels and flows = 7, typical for community type; b) water level indicators = 6, occasional seasonal inundation; c) soil moisture = 7, typical for community type; d) soil erosion or deposition = 6, some areas of erosion, primarily due to access pathways; e) evidence of fire history = 6, less than typical for community type; f) vegetation community zonation = 6, typical, but slightly altered due to upland species encroachment; g) hydrologic stress on vegetation = 7, none noted; h) use by animal species with specific hydrological requirements = 5; i) vegetative species tolerant of and associated with water quality degradation = 8, minimal; j) direct observation of water quality = 7, no discoloration, turbidity, or sheen; k) existing water quality data = N/A; l) water depth wave, wave energy, currents and light penetration = N/A.
w/o pres or current	with	**With**: No change. The water environment variable may be slightly increased due to preservation and ongoing land management, but no specific hydrologic improvements are proposed, therefore the water environment variable score is same as current score.
6	6	
.500(6)(c)Community structure		**Current**: The community structure variable score is slightly reduced due to conversion to unimproved pasture adjacent to wet prairies, access pathways, and minimal presence of invasive exotic species. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 7, dominated by native species; b) invasive exotics or other invasive plant species = 7, minimal coverage; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 7, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, typical for system type; f) plant condition = 7, some indication of low productivity within area adjacent to unimproved pasture; g) land management practices = 7, slightly reduced due to fire supression; h) topographic features = 6, slighly reduced compared to typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.
1. Vegetation and/or 2. Benthic Community		
w/o pres or current	with	**With**: The community structure variable is slightly increased due to invasive/exotic vegetation control and preservation of the mitigation site. Individual parameter scores: a) plant community species in the canopy, shrub, or ground stratum = 9, dominated by native species; b) invasive exotics or other invasive plant species = 9, site to be managed to control invasive/exotic vegetation; c) regeneration and recruitment = 8, typical for assessment area; d) age & size distribution = 8, mixed age & size typical of community type; e) density and quality of coarse woody debris, snag, den, and cavity = 7, adequate for system type; f) plant condition = 9, no indication of poor health or low productivity; g) land management practices = 9, slightly increased due to preservation and use of prescribed fire; h) topographic features = 8, typical for community type; i) siltation or algal growth in submerged aquatic plant communities = N/A.
7	8	

Score = sum of above scores/30 (if uplands, divide by 20)	
current or w/o pres	with
0.63	0.70

Delta = [with-current]
0.07

If preservation as mitigation,
Preservation adjustment factor =
Adjusted mitigation delta =

If mitigation
Time lag (t-factor) = 1.03 (2 years)*
Risk factor = 1.25; **T x R = 1.2875**

***USACE t-factor = 1.017; T x R = 1.2713**

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta/(t-factor x risk) = **0.054**

3.95 acres x 0.054 = 0.21 credits

PART I – Qualitative Description
(See Section 62-345.400, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Upland Enhancement - Shrub and Brushland, Pine Flatwoods, Hardwood-Conifer Mixed Forest

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
Shrub and Brushland (320), Pine Flatwoods (411), Hardwood-Conifer Mixed Forest (434)		Mitigation - Preservation	165.81 acres

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
		none

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

Native uplands adjacent to freshwater marsh, wetland shrub, and forested wetland systems.

Assessment area description

Native upland forest and shrub and brushland communities adjacent to wetland systems. Shrub and brushland (approximately 98 acres) is dominated by saw palmetto (*Serenoa repens*), with a variety of subdominant shrub species include gallberry (*Ilex glabra*), rusty lyonia (*Lyonia ferruginea*), fetterbush (*Lyonia lucida*), wax myrtle (*Myrica cerifera*), American beautyberry (*Callicarpa americana*), and running oak (*Quercus pumila*), as well as occasional trees including cabbage palm (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), slash pine (*Pinus elliottii*), and persimmon (*Diospyros virginiana*). Areas of pine flatwoods (approximately 13.5 acres) are dominated by slash pine, with occasional laurel oak and an understory dominated by saw palmetto with additional shrub species include wax myrtle, gallberry, running oak, fetterbush, and rusty lyonia. A total of approximately 54 acres of mature upland hardwood-coniferous forest are located within the mitigation area, with canopy dominated by slash pine, cabbage palm, and live oak, with occasional water oak and laurel oak also present.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Freshwater marsh, wetland shrubs, forested wetlands within mitigation site; agricultural areas, transmission line ROW, and Fort Drum Marsh Conservation Area adjacent to site.	Not unique

Functions	Mitigation for previous permit/other historic use
Wildlife habitat, water treatment, threatened and endangered species foraging	no

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Gopher tortoise, bald eagle, white tailed deer, feral pig	Suitable habitat for gopher tortoise (T), Sherman's fox squirrel (SSC), and gopher tortoise burrow commensal species, including gopher frog (SSC), Florida mouse (SSC), and Eastern indigo snake (T).

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Armadillo (Dasypus novemcinctus), feral pig (*Sus scrofa*), black vulture (*Coragyps atratus*), bald eagle (*Haliaaetus leucocephalus*), turkey (*Meleagris gallopavo*), swallow-tailed kite (*Elanoides forficatus*), red shouldered hawk (*Buteo lineatus*), red tailed hawk (*Buteo jamaicense*).

Additional relevant factors:

Preservation of native upland habitat adjacent to wetlands will facilitate improvement in vegetative community, perserve threatened species habitat, and support regional conservation/restoration goals.

Assessment conducted by:	Assessment date(s):
M. Arrants, K. Bullock, A. Zions, C. Brookshire	December 2014 through July 2015

PART II – Quantification of Assessment Area (impact or mitigation)
(See Sections 62-345.500 and .600, F.A.C.)

Site/Project Name	Application Number	Assessment Area Name or Number
FPL Okeechobee Clean Energy Center		Upland Enhancement
Impact or Mitigation	**Assessment conducted by:**	**Assessment date:**
Mitigation	Arrants, Bullock, Zions, Brookshire	Dec 2014 through August 2015

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface waterfunctions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

.500(6)(a) Location and Landscape Support	w/o pres or current: 7	with: 7	No increase in location and landscape support variable for upland enhancement and preservation is proposed, although preservation of upland buffers coupled with enhancement activities will increase functions of wildlife habitat and native vegetation to surrounding landscape.
.500(6)(b)Water Environment (n/a for uplands)	w/o pres or current:	with:	Upland enhancement and preservation - N/A
.500(6)(c)Community structure 1. Vegetation and/or 2. Benthic Community	w/o pres or current: 6	with: 7	Proposed exotic vegetation control will enhance native vegetative communities. Preservation will ensure continued protection of threatened species habitat and wetland buffers in perpetuity.

Score = sum of above scores/30 (if uplands, divide by 20)	current or w/o pres	with
	0.65	0.70

Delta = [with-current]
0.05

If preservation as mitigation,
Preservation adjustment factor = 0.6
Adjusted mitigation delta = 0.03

If mitigation
Time lag (t-factor) =
Risk factor =

For impact assessment areas
FL = delta x acres =

For mitigation assessment areas
RFG = delta x preservation adjustment factor = 0.03

165.81 acres x 0.03 = 4.97 credits

APPENDIX B

SITE PHOTOGRAPHS

Photograph 1. Unimproved pasture (FLUCFCS 212), southern portion of mitigation area

Photograph 2. Shrub and brushland (FLUCFCS 320), central portion of mitigation area

Photograph 3. Pine flatwoods (FLUCFCS 411), northern portion of mitigation area

Photograph 4. Mixed hardwood/conifer upland forest (FLUCFCS 434), located within the southern portion of mitigation area

Photograph 5. Ditch (FLUCFCS 511) along western edge of mitigation area

Photograph 6. Mixed wetland hardwood forest (FLUCFCS 617) dominated by pop ash (*Fraxinus caroliniana*), northeast portion of mitigation area

Photograph 7. Mixed wetland hardwoods (FLUCFCS 617) dominated by mixture of red maple (*Acer rubrum*) and blackgum (*Nyssa sylvatica*), west-central portion of mitigation area

Photograph 8. Hydric pine flatwoods (FLUCFCS 625), located in west-central portion of mitigation area

Photograph 9. Mixed hardwood/conifer wetland forest (FLUCFCS 630), western portion of mitigation area

Photograph 10. Wetland shrub (FLUCFCS 631), located in eastern portion of mitigation area

Photograph 11. Wetland shrub (FLUCFCS 631) with St. John's wort (*Hypericum* sp.) in foreground, eastern portion of mitigation area

Photograph 12. Freshwater marsh (FLUCFCS 641) located in northeastern portion of mitigation area

Photograph 13. Freshwater marsh (FLUCFCS 641) dominated by arrowhead (*Sagittaria lancifolia*), east-central portion of mitigation area

Photograph 14. Wet prairie (FLUCFCS 643) located in western portion of mitigation area

ATTACHMENT D: SJRWMD Well Interference Monitoring, Avoidance and Mitigation Plan

ATTACHMENT D

FLORIDA POWER & LIGHT
OKEECHOBEE CLEAN ENERGY CENTER
WELL INTERFERENCE MONITORING, AVOIDANCE AND MITIGATION PLAN

Background

Florida Power & Light's (FPL) Okeechobee Clean Energy Center (OCEC) will use groundwater from the Upper Floridan Aquifer (UFA) and the surficial aquifer for plant purposes. As part of the St. Johns River Water Management District's (SJRWMD) non-procedural review criteria, FPL (or "Licensee") must demonstrate that these proposed uses of groundwater will not interfere with prior existing legal users or, if such interference does occur, that Licensee will mitigate for such interference. The groundwater modeling performed as part of the OCEC Site Certification Application (SCA) demonstrated that water withdrawals will not interfere with any prior existing legal user of the surficial aquifer. The modeling, however, did indicate that, although unlikely, a potential exists for OCEC groundwater withdrawals from the UFA to interfere with a limited number of prior existing legal user wells that withdraw from the UFA. This document outlines Licensee's plan for monitoring for interference, avoiding interference, and then mitigating such interference in the unlikely event it occurs.

Scope of Applicability

The scope of this well interference monitoring, avoidance and mitigation plan is limited to adverse effects to prior existing legal users caused by OCEC UFA withdrawals. Based upon groundwater modeling accepted by the SJRWMD as part of the SJRWMD's review of the OCEC SCA, the geographic area in which prior existing legal users of the UFA may be potentially interfered with by OCEC UFA withdrawals is shown on Exhibit 1 to this plan.

Additionally, as further described in the OCEC SCA, a small quantity of the OCEC water needs will be withdrawn directly from the surficial aquifer through surficial aquifer wells. The extent of reduction in surficial aquifer potentiometric surface resulting from these withdrawals was modeled and determined not to interfere with any prior existing legal user. Furthermore, groundwater modeling demonstrated that OCEC UFA withdrawals would not cause a drawdown in the potentiometric surface of the surficial aquifer sufficient to interfere with any prior existing legal user of the surficial aquifer. Therefore, this plan does not apply to any prior existing legal user of the surficial aquifer or any prior existing legal user of surface water.

This well interference monitoring, avoidance and mitigation plan applies only to prior existing legal users of the UFA located within the area shown on Exhibit 1 to this plan. A prior existing legal user under this plan is an entity legally entitled to withdraw, and actually withdrawing, groundwater from the UFA as of September 25, 2015, the date of submission of the OCEC SCA.

Entities that first initiated their legal withdrawal of groundwater from the UFA after September 25, 2015, are not prior existing legal users and are not covered by this plan.

Monitoring for Potential Interference

Licensee will install a monitoring well(s) and monitor the potentiometric surface and water quality to determine the effects of OCEC pumping on the UFA. The specific location and nature

of the monitoring well(s) and the means of monitoring will be set forth in a monitoring plan submitted post certification as required by the conditions of certification. This monitoring plan shall specify the location and construction specifics of the monitoring well(s) and should include, at a minimum:

1. Monitoring of the UFA between the proposed production well sites and the closest adjacent legal users. This monitoring well shall measure water levels and water quality of the same zone of use of the closest adjacent legal user(s). The best available well depth and casing information for closest adjacent legal users must be used to determine the monitoring zone.
2. Determine an appropriate monitoring well drawdown threshold (i.e., number of feet of drawdown) that would trigger the actions described in "Avoiding Potential Interference" below
3. Quarterly major ion chemical analyses for all production and monitoring wells.
4. Daily water level measurements of the UFA monitoring wells.

The monitoring plan shall be reviewed and approved by SCO and SJRWMD in accordance with Condition XX, "Procedures for Post Certification Submittal." Licensee will use this monitoring information to assist in evaluating claims of interference as further described below.

Avoiding Potential Interference

If the potentiometric surface of the UFA in the monitoring well is below the monitoring well drawdown threshold established in the Monitoring Plan, Licensee will rotate pumping from its OCEC UFA wells to attempt to avoid potential interference so long as the pumping rotation does not impact plant operation or production from the wells.

Notification to Floridan Aquifer Well Owners within Area of Potential Interference

For those existing legal users entitled to interference mitigation prior to commencement of commercial operation of OCEC Unit 1 pursuant to the terms of OCEC Condition of Certification B.III.AA, Licensee will notify in writing those existing legal users of Licensee's offer of well mitigation payment, as specified in this Plan, no later than 90 days after the SJRWMD approves the updated modeling report referenced in that condition. For all other existing legal users covered by this Plan, Licensee will utilize publicly available Okeechobee and Indian River County well databases, and the SJRWMD consumptive use permitting database and well completion search tool to obtain the mailing address for property owners located within the area depicted on Exhibit 1 that are known to have an UFA well. Licensee will then mail a letter to these property owners informing them that the OCEC's UFA use may have the potential to interfere with the operation of UFA wells, and describe Licensee's willingness to investigate and mitigate for wells that have suffered interference. The letter will give the well owner a Licensee (FPL) contact phone number to call if they experience difficulties with the operation of their well. This notice will be sent 90 days after final issuance of the OCEC Site Certification. The notification letter language is shown on Exhibit 2.

Claim Investigation and Mitigation,

If a well owner notifies Licensee of possible impacts to their well, Licensee will send one or more representatives, investigate the claim. The well owner must allow the Licensee representatives access to their property and well to investigate their well impact claim. If Licensee's analysis of monitoring data, measurement, or modeling determines that pumping of groundwater from the UFA for OCEC operations has resulted in a decline in the potentiometric

surface of the Floridan Aquifer at the existing user's well location, and is sufficient to cause a reduction in flow resulting in interference to that well (as defined in Section 3.6 of the SJRWMD Applicant's Handbook; Consumptive Use of Water dated November 3, 2015), Licensee will pay the cost to modify that well to restore the capacity of that well to the condition existing immediately prior to Licensee's initiation of OCEC UFA withdrawals. The analysis of the monitoring data, measurement, or modeling will consider the potentiometric surface elevations of the UFA immediately prior to initiation of OCEC UFA withdrawals accounting for the effects of withdrawals from all other UFA users in the area. The analysis of the monitoring data, measurement or modeling will determine whether the additional reduction in the UFA potentiometric surface elevations resulting solely from OCEC UFA withdrawals has produced the reduction in flow referenced above. Licensee shall not be obligated to pay or otherwise mitigate for impacts to prior existing users of the UFA resulting from groundwater withdrawals other than from OCEC UFA withdrawals. Licensee will pay for one or more of the following to restore the capacity of a well suffering interference, as determined applicable by a licensed engineer or water well contractor retained by Licensee:

- Construction to deepen the well or to lower an existing pump.
- Installation of piping.
- Installation of well pumps powered by fuel (liquid or gas) or by electrical power and wiring and other necessary infrastructure needed to support such pumps.
- Installation of new well casing or screening.

If a legal user of water which existed at the time of application for the site certification experiences interference, and the well previously operated as a free flowing well solely under artesian pressure, and such well must be equipped with a pump to restore the capacity of the well, Licensee will make payment to the well owner to reimburse the well owner for the cost of fuel or electric power to operate the pump for an initial 20-year period of time beginning on the date the well owner notifies Licensee of the impact to their well and subsequent 10-year periods thereafter. After the initial 20-year period, reimbursement will continue in subsequent 10-year increments provided the well use type (e.g., agricultural type use) remains unchanged from the time of initial impact, and only for the amount of water use permitted or determined upon initial reimbursement period. Licensee shall cease the 10-year increments if either (a) the well changes use (e.g., from agricultural to landscape irrigation or other use), or (b) Licensee's withdrawals no longer impact the well (e.g. Licensee decreases or ceases withdrawals; Licensee modifies its wellfield or wells).

If the pump is powered by fuel (liquid or gas) or electric power, the initial 20-year payment and subsequent 10-year periods shall account for the incremental cost of fuel or electric power needed to restore the capacity of the well as described above as long as the well use type remains unchanged. The incremental cost of fuel or electric power will be based on the average unit cost of the fuel or electric power sold in the county for the preceding year times the projected units of fuel or electric power needed to produce the total remaining gallons of water to be pumped from that well over a period of time beginning on the date the well owner notifies Licensee of the impact to their well and ending on the date occurring 20 years after final issuance of the OCEC Site Certification. For the purpose of this payment calculation, the total gallons of water to be pumped from the well shall be the average annual gallons used per year based upon the water use reports for that well from the previous five years times the number of years occurring within a

period of time beginning on the date the well owner notifies Licensee of the impact to their well and ending on the day occurring 20 years after final issuance of the OCEC Site Certification and subject to 10-year reimbursement periods thereafter if well use type remains unchanged.

For artesian or free flowing wells used for domestic purposes which did not require a consumptive use permit from the SJRWMD, the fuel or electrical payment shall be based upon the gallons of fuel or kilowatts of electric power needed to produce 280 gallons per day for 365 days given the fuel or electric power needs and production capability of the pump installed times an initial 20 year period and subsequent 10-year increment payment periods if the well use type remains unchanged. The cost of fuel or electric power used for the initial payment will be based on the average unit cost of the fuel or electric power sold in the county for the year preceding the well owner's notification to Licensee, and for subsequent 10-year period payments, the year preceding such subsequent 10-year period. Licensee will also make a payment to the well owner for incremental costs associated with maintaining pumps and power equipment that are required to restore the capacity of the well as described above for a period of time beginning on the date the well owner notifies Licensee of the impact to their well and ending on the date occurring 20 years after final issuance of the OCEC Site Certification and subsequent 10-year reimbursement intervals as described above.

Licensee's obligation to pay costs of fuel, costs of electric power, and the costs to maintain pumps and other well equipment to address interference shall cease upon change of use type or abandonment of the well. Licensee's obligation to pay for any well modification, fuel or electric, or maintenance costs shall also cease if the property and well are sold or transferred to a new owner.
Licensee shall not be responsible to pay for wells, pumps or piping equipment; or fuel, electric power or maintenance costs; in instances in which water flow through the well is reduced or ceases, or the well otherwise fails to adequately perform, due to damage caused by improper well operation or maintenance or due to damage to the well equipment caused by accidental or intentional actions unrelated to OCEC UFA withdrawals. Licensee shall also not be responsible for mitigating well interference or otherwise offsetting loss of well production capability caused by groundwater pumping from other entities in this area, but only for the contribution of impact caused by OCEC UFA withdrawals. Licensee shall also not be responsible to pay for interference to a user's increased allocation after September 25, 2015, but only for the amount of water use permitted as of September 25, 2015.

If Licensee's analysis of monitoring data, measurement, or modeling determines that pumping of groundwater from the UFA for OCEC operations did not result in a potentiometric surface decline sufficient to cause a reduction in flow resulting in interference to that well, Licensee shall provide written notice of the same to the FDEP SCO and the SJRWMD, within 90 days of the completion of the well site investigation, which notice shall briefly explain the basis for Licensee's conclusion and include copies of any information related to the conclusion. If after receiving this notice, SJRWMD disagrees with Licensee's conclusion, disputes shall be resolved in accordance with Condition XI ("Dispute Resolution").

ATTACHMENT D

Reporting

No later than 30 days after Licensee receives a claim from a well owner of potential impacts to their well, Licensee will notify the FDEP SCO of the same with a copy to the SJRWMD.

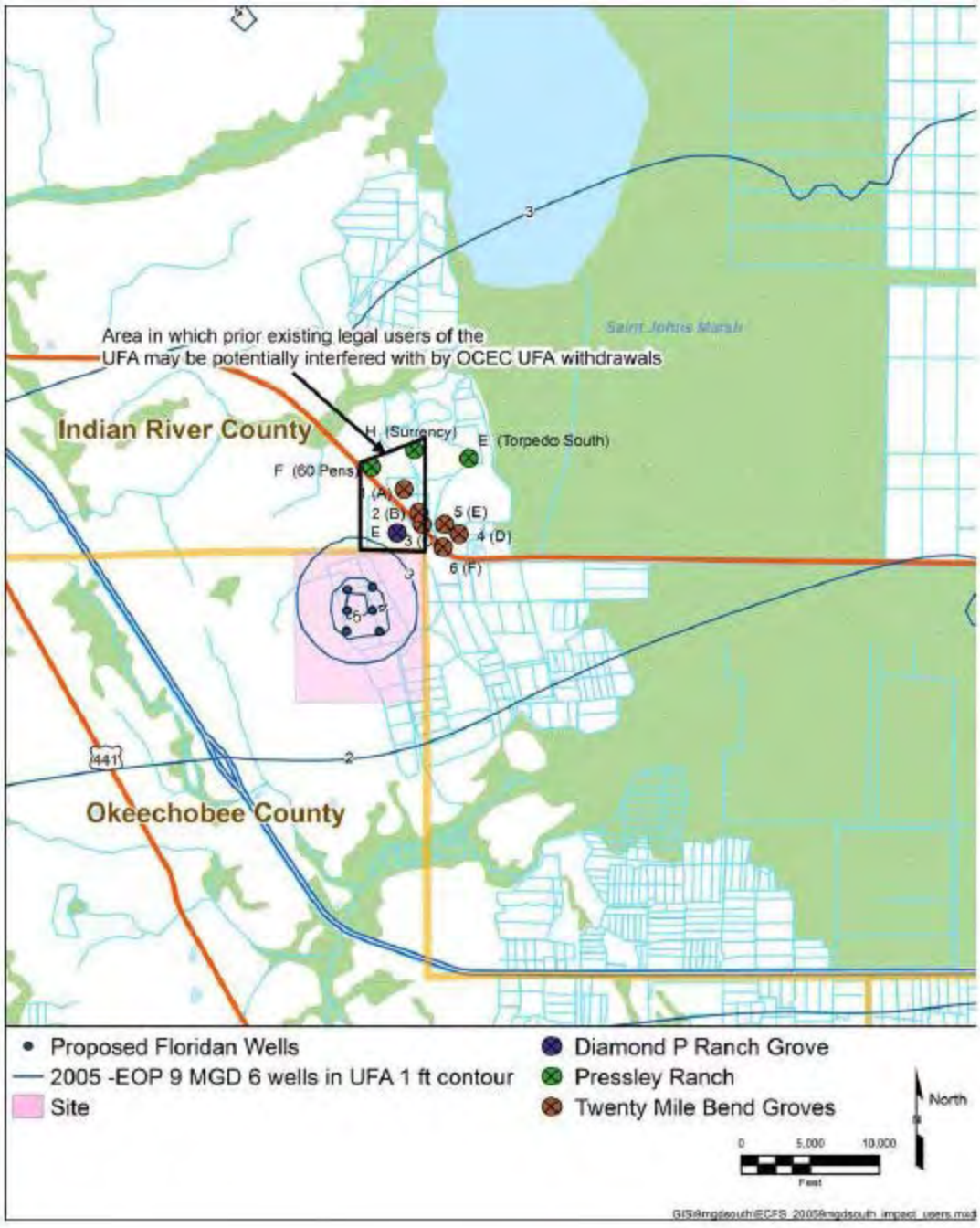
Additionally, on August 1 of each year, Licensee will prepare and submit to the FDEP SCO, with a copy to the SJRWMD, a summary report listing all well owners who have contacted Licensee about possible well interference and the resolution of all well interference claims, including any mitigation performed by Licensee. This summary report will include the following:

- The name and address of the well owner
- The date and nature of the complaint
- The date the complaint was investigated.
- A summary of the investigation
- Details of any mitigation performed.
- Beginning 20 years after licensing, Licensee must provide written report of 10-year period reimbursement(s) to SJRWMD.

If no well owners have contacted Licensee, Licensee may satisfy this requirement by submitting a brief statement by electronic correspondence that no well interference claims were submitted for the reporting period. Licensee may discontinue this annual reporting beginning on the sixth (6th) year after OCEC initiates operation. Beginning with the sixth (6th) year after initiation of OCEC UFA withdrawals for cooling tower makeup, Licensee shall only submit a report if Licensee receives a notification from a well owner of potential impacts to their well.

ATTACHMENT D

Exhibit 1



ATTACHMENT D

Exhibit 2

SAMPLE WELL OWNER NOTIFICATION LETTER

John Doe Well
Owner 123
Address

Okeechobee, FL

11111 Dear Mr.

Well Owner,

FPL currently expects to begin operation of its new Okeechobee Clean Energy Center on or about [DATE]. This Energy Center will use groundwater for plant purposes to provide needed electricity to FPL's customers. If you own a well that withdraws water from the Floridan Aquifer and begin to experience low water pressure or other difficulties operating your well, please contact an FPL representative at [telephone number]. FPL will investigate all claims of well impacts and mitigate interferences to Floridan aquifer wells pursuant to a well interference monitoring, avoidance, and mitigation plan approved as part of the Okeechobee Clean Energy Center Site Certification.

Sincerely,

FPL Representative

APPENDIX I – FINAL CLASS V EXPLORATORY UIC PERMIT

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

SENT VIA ELECTRONIC MAIL

In the Matter of an Application for Permit by: 14 April 2015

Mr. Randall R. LaBauve, Vice President
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
Randall.R.LaBauve@FPL.com

FDEP File No.: 0330373-001-UC/1EX
FDEP WACS No.: 102139
Okeechobee County
Okeechobee Exploratory Well
Class V Exploratory Permit

NOTICE OF PERMIT

Enclosed is Permit Number: 0330373-001-UC/1EX to construct an exploratory Class V well, at the Florida Power & Light Company Okeechobee Exploratory Well site.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency_clerk@dep.state.fl.us; 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 this Notice is filed with the Clerk of the Department.

Executed in Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Joseph Haberfeld

Joseph Haberfeld
Aquifer Protection Administrator

PERMITTEE: Mr. Randall R. LaBauve, Vice President
FP&L Company Okeechobee County
Class V, Injection Well System

WACS ID Number: 102139
Permit Number: 0330373-001-UC/1EX
Date: April 14, 2015

CERTIFICATE OF SERVICE

The undersigned designated clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on Tuesday, April 14, 2015, to the listed persons.

FILING AND ACKNOWLEDGMENT

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

_____
Clerk

_____
Date

Copies Furnished To:

Joseph Haberfeld, FDEP/TLH	*joe.haberfeld@dep.state.fl.us*
Neil Campbell, FDEP/TLH	*neil.i.campbell@dep.state.fl.us*
George Heuler, FDEP/TLH	*george.heuler@dep.state.fl.us*
Len Fishkin, FDEP/WPB	*len.fishkin@dep.state.fl.us*
Agnes Ramsey, ES/FPL	*agnes.ramsey@fpl.com*
Matthew Raffenberg, EM/FPL	*matthew.raffenberg@fpl.com*
Andrea Holtz, P.E./Holtz Eng.	*andrea.holtz@holtzconsulting.com*
David McNabb, P.G./MHC	*david@mcnabbhydroconsult.com*
Cathleen McCarty, FDEP/TLH	*cathleen.mccarty@dep.state.fl.us*
Leandro Garcia FDEP/TLH	*leandro.garcia@dep.state.fl.us*
Mary Genung, FDEP/TLH	*mary.genung@dep.state.fl.us*
Nancy Marsh, USEPA/ATL	*marsh.nancy@epa.gov*

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

Underground Injection Control
Class V
Exploratory Well Permit

Permittee:
Florida Power & Light Company

Responsible Official:
Mr. Randall R. LaBauve, Vice President
700 Universe Boulevard
Juno Beach, Florida 33408
Randall.R.LaBauve@FPL.com

Facility
FPL Okeechobee County Site
3193 Northeast 366th Trail
Okeechobee, Florida 34972

Permit/Certification

Permit ID Number:	0330373-001-UC/1EX
WACS ID Number:	102139
Date of Issuance:	April 14, 2015
Date of Expiration:	April 13, 2020
Permit Processor:	Neil I. Campbell

Section/Township/Range: Sec2 / T33S / R35E

Location

County:	Okeechobee
Latitude:	27° 38' 00.122" North
Longitude:	80° 47' 42.2749" West

Project: Class V, Exploratory Well

This permit is issued under the provisions of Chapter 403, Florida Statutes, and the rules adopted thereunder. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows.

TO CONSTRUCT: One (1), Class V, exploratory well, identified as "EW-1" and an associated dual-zone monitor well, identified as "DZMW-1" to obtain hydrologic and geologic information to determine the design criteria and feasibility of using an injection well system to dispose of non-hazardous construction-related water during construction of a potential new power plant to be located on the site of EW-1 and non-hazardous industrial wastewater from the operation of this potential power generation plant. The proposed EW-1 will have a tubing and packer design consisting of a pit pipe with a minimum diameter of 64-inches and 54-, 44-, 34-, and 24-inch diameter concentric steel casings and a nominal 18-inch (16.60-inch inside diameter) fiberglass reinforced pipe (FRP) tubing set inside the 24-inch diameter casing on a positive-seal packer. It is anticipated that the 24-inch diameter casing will be installed to a depth of approximately 2,600 feet below land surface (bls)and the well will have an anticipated total depth of approximately 3,200 feet bls. The annulus between the 24-inch casing and the FRP tubing will be filled with Baracor 100 mixed to a 1% solution to provide corrosion protection.

IN ACCORDANCE WITH: The Application to Construct an exploratory well, DEP Form No. 62-528.900(1) received, October 24, 2014, responses to the Department's November 19, 2014, and December 22, 2014 request for additional information, and supporting information submitted to this agency.

LOCATION: FPL Okeechobee County Site, 3193 Northeast 366th Trail, Okeechobee, Florida 34972 in the county of Okeechobee, Florida.

The exploratory and monitoring wells at this facility are designated as follows:

Exploratory Well:

Well Name	*WACS Effluent Testsite ID*	*Total Well Depth **	*Casing Diameter (inches)*	*Casing or Tubing Type*	*Casing or Interval**
EW-1	14023	3200	64	Steel	40
			54	Steel	225
			44	Steel	425
			34	Steel	1700
			24	Steel	2600
			18	FRP	2590
			Open hole		From 2600 to 3200

* Estimated Approximate Depth in Feet Below Land Surface (BLS)

Monitoring Well:

Well Name	*WACS Testsite ID*	*Total Well Depth **	*Casing Diameter (inches)*	*Casing Type or Interval*	*Casing or Interval Depth**
DZMW-1	29465A	1870	44	Steel	40
			34	Steel	225
			24	Steel	425
			16	Steel	1600
					From 1600 to 1620
	29465B		6.625	FRP	1850
			Open Hole		From 1850 to 1870

* Estimated Approximate Depth in Feet Below Land Surface (BLS)

SUBJECT TO: Specific Conditions I-VI and General Conditions 1- 24.

Specific Conditions

I. CONSTRUCTION REQUIREMENTS

A. General

1. This permit is for FPL Okeechobee County Site to construct one Class V, exploratory well (EW-1), monitoring well (DZMW-1), and water table monitoring wells surrounding the well pads. This permit does not authorize the construction of any other well or wells. *[62-528.440(2)(a)]*

2. No underground injection is allowed that causes or allows movement of fluid into an underground source of drinking water (USDW) if such fluid movement may cause a violation of any Primary Drinking Water Standard or may otherwise affect the health of persons. *[62-528.440(2)(c)]*

3. In the event a well must be plugged or abandoned, the permittee shall obtain a permit from the Department as required by Chapter 62-528, Florida Administrative Code (F.A.C.). When no longer used for their intended purpose, these wells shall be properly plugged and abandoned. Within 180 days of well abandonment, the permittee shall submit to the Department the proposed plugging method, pursuant to Rule 62-528.460, F.A.C. *[62-528.460(1) and 62-528.435(6)]*

4. If construction is to continue beyond the expiration date of this permit the permittee shall apply for, and obtain a construction permit renewal. The permittee shall apply for renewal of the construction permit at least 60 days prior to the expiration date of this permit. *[62-528.307(2)(a)]*

II. SITE REQUIREMENTS

1. A drilling pad shall be provided to collect spillage of contaminants and to support the heaviest load that will be encountered during drilling. *[62-528.410(9)(b)]*

2. No drilling operations shall begin without an approved disposal site for drilling fluids, cuttings, or waste. It shall be the permittee's responsibility to obtain the necessary approval(s) for disposal prior to the start of construction. A detailed disposal plan shall be submitted to the Department prior to the commencement of drilling activities for the exploratory and monitoring wells. *[62-528.410(9)(a)]*

3. Specific drilling pad dimensions and design drawings for Department record shall be provided prior to commencing construction and shortly after selection of the drilling contractor. *[62-528.410(9)(b)]*

4. The water table monitoring wells surrounding the well pads shall be sampled and analyzed prior to drilling the test exploratory or monitoring wells and then weekly thereafter. Sampling shall include specific conductance (umhos/cm), pH (standard units), chloride (mg/L), temperature (C) and water level (feet or PSI). *[62-528.410(9)(b)]*

5. Hurricane Preparedness – Upon the issuance of a "Hurricane Watch" by the National Weather Service, the permittee shall secure the site to prevent damage. Preparations to be made include but are not necessarily limited to the following:

   a. Secure all on-site salt and stockpiled additive materials to prevent surface and/or groundwater contamination.
   b. Properly secure drilling equipment and rig(s) to prevent damage to well(s) and on-site treatment process equipment.

   [62-528.307(1)(f)]

III. CONSTRUCTION AND TESTING REQUIREMENTS

A. *General*

1. Any construction, modification, repair, or abandonment of a well shall be performed by a Florida licensed water well contractor, licensed under Chapter 62-532, F.A.C., to engage in the business of construction, modification, repair or abandonment of a well. *[62-532.200]*

2. Well construction shall follow the requirements of Rule 62-532.500 for Water Well Construction Standards. *[62-532.500]*

3. The measurement points for drilling and logging operations shall be surveyed and referenced to the North American Vertical Datum of 1988 (NAVD 88) prior to the onset of drilling activities for the exploratory well and associated dual zone monitoring well. *[62-160.240(2)]*

4. Blow-out preventers or comparable flow control devices shall be installed on the wells prior to penetration of the Floridan aquifer system. *[62-528.410(9)(c)]*

5. The Department shall be notified 7 days prior to the initiation of drilling operations to the site. *[62-528.307(1)(g)]*

6. Waters spilled during construction or testing of the exploratory well system shall be contained and properly disposed. *[62-528.410(9)(b)]*

7. If additives that were not approved in the permit application are used during grouting, for lost circulation or for any other reason, information on their properties shall be submitted to the Department for review and approval prior to their use. *[62-528.410(5)(c)]*

B. ***Evaluation and Testing***

1. The construction, geophysical logging program, and packer testing program shall be implemented in accordance with this permit and as proposed in the following submittals:
   - October 24, 2014, "Well Construction Application";
   - November 19, 2014 (received December 19, 2014), Response to RFI;
   - December 22, 2014 (received December 23, 2014), Response to RFI;

   [62.528.307(1)(b)]

2. Exact depths of casing seats and monitoring intervals will be determined based on field conditions and the results obtained during the construction and testing program, and are subject to the conditions of this permit. The exploratory well will be constructed first followed by the monitoring well. *[62-528.410(4)(c)]*

3. Packer tests shall be conducted in EW-1and DZMW-1 to identify confinement and the base of the USDW.
   a. The EW-1 packer testing program shall, at a minimum include seven packer tests, at intervals which are to be field determined.
   b. At least one packer test shall be conducted in both the proposed upper and lower monitoring intervals of DZMW-1.
   c. Packer tests shall be conducted in the anticipated confining intervals, between the lowermost zone of the USDW to the top of the potential injection zone. Results from the packer tests will contribute to the demonstration of confinement. To the extent feasible, the packer tests shall be performed over intervals that are sufficiently narrow so as not to include high hydraulic conductivity beds.
   d. Water samples shall be collected from each packer test, and analyzed for total dissolved solids, chlorides, conductivity, ammonia, total Kjeldahl nitrogen, and sulfate.

   [62-528.405(1)(a) and (2)(a)]

4. Department approval is required for item a. below prior to initiating construction or prior to initiating any changes to Department-approved contract documents and for items b. – g. prior to completing the referenced activity :
   a. Technical Specifications and spud date
   b. Intermediate (34-inch) casing seat in the exploratory well
   c. Final (24-inch) casing seat in the exploratory well
   d. Final seat for tubing and packer in the exploratory well
   e. Intermediate (16-inch) casing seat in the monitoring well
   f. Final (6.625-inch O.D.) casing seat in the monitoring well
   g. Monitoring zone selection (upper and lower zones)

   [62-528.410(4)(c) and 62-528.420(4)(c)]

5. The depth of the USDW and the background water quality of the monitoring zones shall be determined during drilling and testing using the following information:
   a. Water samples from packer test data with analysis and interpretation.
   b. Geophysical logging upon reaching the total depth of the appropriate pilot hole interval including the following logs: caliper, gamma, dual induction, borehole compensated sonic, pumping flowmeter, temperature, and fluid resistivity.
   c. Plots of sonic porosity and apparent formation fluid resistivity (RWA). Interpretation will include calculation of sonic porosity and RWA. The input parameters used to make this calculation shall be provided.

   [62-528.405(1)(a) and 62-528.405(3)(b)]

6. The upper monitoring interval shall be positioned at or slightly below the base of the USDW. This zone must be established within the lowermost portion of the USDW unless it can be demonstrated that no zone is present that can produce adequate water for collection of representative ground water samples. It is acceptable for the total dissolved solids concentration of this zone to be slightly greater than 10,000 mg/L. *[62-528.425(1)(g)4.]*

7. The lower monitoring interval shall be positioned in a zone below the base of the USDW that can produce adequate water for collection of representative ground water samples. The purpose of the lower monitor zone is to verify the effectiveness of the confining unit and external mechanical integrity of the potential injection well. This zone shall be placed far enough below the base of the USDW to function as an early warning for fluid movement. *[62-528.425(1)(g)4.]*

8. The data and analysis supporting the selection of the monitoring intervals shall be submitted to the Department after the collection, interpretation, and analysis of all pertinent cores, geophysical logs, packer tests and analysis of fluid samples. The Department shall approve the final selection of the specific upper and lower monitoring intervals prior to monitor well completion. *[62-528.420(3)(c)]*

9. To identify the upper and lower monitoring zones, the following information from the injection well and all available on-site sources of data shall be analyzed, interpreted and submitted for Department review and approval:
   a. Borehole televiewer or downhole television survey.
   b. The characteristics of the transition zone (especially regarding total dissolved solids) in the vicinity of the USDW.
   c. Packer test data including water quality (total dissolved solids, chlorides, sulfate, specific conductance, ammonia, and total Kjeldahl nitrogen, at a minimum).
   d. The specific capacity of the proposed upper and lower monitoring zones based on packer testing results.
   e. The identification of the base of the USDW.

   [62-528.420(4)(c)]

10. Confinement shall be demonstrated using at a minimum, directly measured lithologic properties, geophysical evidence, and tests performed while pumping the formation. *[62-528.405(2)(c)]*

11. Test results pertaining to confinement shall include and/or specifically reference the following informational and quality control items:
    a. Information that documents the calibration of tools, including field checks prior to testing.
    b. The conditioning/development of the borehole prior to logging, including the techniques used and the time periods in which they were applied, and
    c. Pertaining to packer/pump testing - recording the pumping rate regularly throughout the test to account for possible variations in the pumping rate, and providing information regarding the detection of packer leaks, if any, during testing.

    [62-528.405(2)(c)]

12. Representative samples of circulation fluid shall be collected when drilling with water, air, or reverse air during the drilling of the pilot holes of Exploratory Well EW-1and Dual-Zone Monitoring Well DZMW-1. Representative samples of circulation fluid shall be collected at a minimum of every 90 feet in drilling. The circulation fluid samples shall be analyzed for chloride and specific conductance and any other parameters the Department directs in writing. *[62-528.405(3)(b)]*

13. If effluent is encountered or suspected during pilot hole drilling and testing, the Department shall be notified immediately by telephone and in writing and immediate appropriate precautionary measures shall be taken to prevent any upward fluid movement. *[62-528.440(2)(d)]*

14. The Permittee shall obtain Department approval prior to performing the short term injection test to use a groundwater source with total dissolved solids concentration greater than 3,000 mg/L. In such case, the Permittee shall provide documentation to the Department indicating the total dissolved solids concentration of the water to be used.

C. *Mechanical Integrity*

1. Mechanical Integrity.
    a. Injection is prohibited until the permittee affirmatively demonstrates that the well has mechanical integrity and a construction permit has been applied for and issued for a Class I injection well. Note that for this Class V exploratory well, injection is not allowed even after demonstrating mechanical integrity.
    b. If the Department determines that the injection well lacks mechanical integrity, the Department will notify the permittee in writing.

    [62-528.307(2)(f)]

2. Mechanical integrity of each potential injection well shall be determined pursuant to Rule 62-528.300(6)(b) and (c), F.A.C. For wells with a fluid-filled casing/tubing annulus, this includes both continuous annular monitoring and a pressure test of the casing/tubing annulus every 5 years.

3. Verification of pressure gauge calibration must be provided to the Department representative at the time of the test and in the certified test report. *[62-528.300(6)(f)]*

4. The Department's Southeast District office must be notified a minimum of seventy-two (72) hours prior to pressure testing of the final casing, annular pressure testing after installation of the FRP tubing, and performance of radioactive tracer testing on the potential injection well. The testing procedure must be approved by the Department before testing begins. All testing must be initiated during daylight hours, Monday through Friday. An evaluation of all test results must be submitted with all test data. *[62-528.300(6)(f)]*

D. *Surface Equipment*

1. The integrity of the monitoring zone sampling systems shall be maintained at all times. Sampling lines shall be clearly and unambiguously identified by monitoring zone at the point at which samples are drawn. All reasonable and prudent precautions shall be taken to ensure that samples are properly identified by monitoring zone and that samples obtained are representative of those zones. Sampling lines and equipment shall be kept free of contamination with independent discharges and no interconnections with any other lines. *[62-528.307(1)(f) and 62-528.307(3)(b)]*

2. The surface equipment and piping for the potential injection and monitoring wells shall be kept free of corrosion at all times. *[62-528.307(1)(f) and 62-528.307(3)(b)]*

3. Spillage onto the exploratory well pad(s) during construction activities, and any waters spilled during mechanical integrity testing, other maintenance, testing or repairs to the system(s) shall be contained on the pad(s) and discharged to an approved means of disposal. *[62-528.307(1)(f) and 62-528.307(3)(b)]*

4. The exploratory well pad shall be maintained and retained in service for the life of the well. The exploratory well pad is not, unless specific approval is obtained from the Department, to be used for storage of any material or equipment at any time. *[62-528.307(1)(f) and 62-528.307(3)(b)]*

5. Four surficial aquifer monitoring wells, identified as Pad Monitoring Wells (PMWs), shall be located near the corners of the pads to be constructed for EW-1and DZMW-1, and shall be identified by location number and pad location, i.e. NW, NE, SW, and SE. If located in a traffic area the well head(s) must be protected by traffic bearing enclosure(s) and cover(s). Each cover must lock and be specifically marked to identify the well and its purpose. The PMWs shall be sampled as follows:

a. During the construction and associated testing phases, the PMWs shall be sampled weekly for chlorides (mg/L), specific conductance (µmho/cm or µS/cm), temperature, and water level relative to the North American Vertical Datum of 1988 (NAVD 88).
Initial PMW analyses shall be submitted prior to the onset of drilling activities.
b. The PMWs shall also be sampled for total dissolved solids (mg/L) during the first four weeks of PMW sampling and at all times when specifically requested by the Department.
c. The results of the PMW analyses shall be submitted to the Department in the weekly progress report. The PMWs shall be retained in service throughout the construction phase of the project. Upon completion of construction, the permittee may submit a request to the Department for cessation of sampling followed by capping, or plugging and abandonment of these wells.

[62-528.410(9)(b)]

IV. QUALITY ASSURANCE/QUALITY CONTROL

1. The permittee shall ensure that the construction of this exploratory well system shall be as described in the application and supporting documents. Any proposed modifications to the permit shall be submitted in writing to the Tallahassee office of the Aquifer Protection Program for review and clearance prior to implementation. Changes of negligible impact to the environment and staff time will be reviewed by the program manager, cleared when appropriate and incorporated into this permit. Changes or modifications other than those described above will require submission of a completed application and appropriate processing fee as per Rule 62-4.050, F.A.C. *[62-528.100, 62-4.050]*

2. Proper operation and maintenance include effective performance and appropriate quality assurance procedures; adequate operator staffing and training; and adequate laboratory and process controls. *[62-528.307(2)(b)]*

3. All water quality samples required by this permit shall be collected in accordance with the appropriate Department Standard Operation Procedures (SOP), pursuant to Chapter 62-160, F.A.C., Field Procedures. A certified laboratory shall conduct the analytical work, as provided by Chapter 62-160, F.A.C., Laboratory Certification. Department approved test methods shall be utilized, unless otherwise stated in this permit. All calibration procedures for field testing and laboratory equipment shall follow manufacturer's instrumentation manuals and satisfy the requirements of the Department SOPs. A listing of the SOPs pertaining to field and laboratory activities is available at the FDEP website at: http://www.dep.state.fl.us/water/sas/sop/sops.htm. *[62-4.246, 62-160]*

4. All reports submitted to satisfy the requirements of this permit shall be signed by a person authorized under Rule 62-528.340(1), F.A.C., or a duly authorized representative of that person under Rule 62-528.340(2), F.A.C. All reports required by this permit

which are submitted to the Department shall contain the following certification as required by Rule 62-528.340(4), F.A.C.:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

[62-528.340(1), (2), and (4)]

5. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Southeast District Office as being more representative of ground water conditions. *[62-520.310(5)]*

6. A professional engineer registered pursuant to Chapter 471, Florida Statutes (F.S.), shall be retained throughout the construction period to be responsible for the construction operation and to certify the application, specifications, completion report and other related documents. The Department shall be notified immediately of any change of engineer. *[62-528.440(5)(b)]*

7. Continuous on-site supervision by qualified personnel (engineer and/or geologist, as applicable) is required during all testing and geophysical logging operations. *[62-528.440(5)(b)]*

V. REPORTING REQUIREMENTS

A. *General*

1. The drilling and construction schedule, site layout of drilling pad, and pad monitoring well locations shall be submitted to the Department during site preparation but prior to drilling operation commencement for the injection well system. *[62-528.430(2)(a)]*

2. Weekly progress reports shall be submitted to the Department's Tallahassee and Southeast District offices throughout the construction period for each well. These reports, which may be submitted by electronic mail, shall be submitted within 48 hours of the end of the period of record and shall include at a minimum the following information:
   a. A cover letter summary of the daily engineer report, driller's log and a projection for activities in the next reporting period.
   b. Daily engineers reports and driller's/work logs with detailed descriptions of all drilling progress, cementing, testing, logging, and casing installation activities.

c. Description of daily footage drilled by diameter of bit or size of hole opener or reamer being used.
d. Collection of drilling cuttings every 10 feet and at every formation change.
e. Description of work during installation and cementing of casing, including amounts of casing and cement used. Details of cementing operations shall include the number of cementing stages, and the following information for each stage of cementing: the volume of cement pumped, the theoretical fill depth, and the actual tag depth. From both the physical tag and the geophysical logs, a percent fill shall be calculated. An explanation of any deviation between actual versus theoretical fill shall be provided.
f. Details of the additions of salt or other materials to suppress well flow, including the date, depth and amount of material used.
g. Description of testing accomplished including (but not limited to) pumping and packer tests.
h. Lithologic logs and core descriptions with cuttings description, formation and depth encountered.
i. Geophysical logs, video logs, and deviation survey results.
j. Water quality analyses, including but not limited to the weekly water quality analysis and water levels for the PMWs.
k. Well development records.
l. Description of any construction problems that developed during the reporting period and current status.
m. Interpretations included with all test results and logs submitted.
n. Documentation of disposal of drilling fluids, cuttings, formation water, or waste as per specific condition II.2.
o. Description of any construction problems that developed during the reporting period and current status.
p. Description of any deviation survey conducted.

[62-528.430(1) and 62-528.410(9)(a)]

3. The final selection of specific potential injection and monitoring intervals must be approved by the Department. In order to obtain an approval, the permittee shall submit a written request to the Department's Tallahassee office. All casing seat requests for the injection well(s) and the monitoring well(s) shall be accompanied by technical justification. To the extent possible, each casing seat request should address the following items:
   a. Lithologic and geophysical logs with interpretations, as the interpretations relate to the casing seat.
   b. Water quality data (including but not necessarily limited to total dissolved solids concentrations).
   c. Identification of confining units, including hydrogeologic data and interpretations.
   d. Identification of monitoring zones.
   e. Casing depth evaluation (mechanically secure formation, potential for grout seal.)
   f. Lithologic drilling rate and weight on bit data, with interpretations (related to the casing seat).

g. Identification of the base of the USDW using water quality, RWA plots, and geophysical log interpretations.
h. A certified evaluation of all logging and test results, submitted with test data.
i. Transmissivity or specific capacity of proposed monitoring zone.
j. Packer test drawdown curves and interpretation.

[62-528.410(4)(c), 62-528.420(4)(c) and 62-528.605(2)]

4. Upon completion of analysis of cores and sample cuttings recovered during the construction of wells covered by this permit (when no longer needed by the well owner), the permittee shall contact the Geological & Geotechnical Data Acquisition Program of the Florida Geological Survey (FGS) to arrange for the transfer of the cores and cuttings. The FGS shall also be contacted to arrange for the collection of 100 ml water samples, with nitric acid preservative for metal analysis, at the end of each packer test (where sufficient water is available) and aquifer background sample collection events. *[62-528.450(5)]*

5. All cores, cuttings, and water samples for FGS shall be shipped to the Florida Geological Survey, Geological & Geotechnical Data Acquisition Program, 3915 Commonwealth Boulevard, Tallahassee, Florida 32399. All cores and samples shall clearly identify the site name, well name/number, depths of samples/cores, and the latitude/longitude location of the well(s) using the form in this permit. *[62-528.450(5)]*

6. A final report of the construction and testing of the exploratory well(s) and monitoring well(s), shall be submitted no later than 120 days after the wells are completely constructed or with the Class I construction permit application, pursuant to Rule 62-528.430(1)(e), F.A.C. In addition, a copy of the cover letter for the report shall be sent to the U. S. Environmental Protection Agency, Region 4, UIC program, 61 Forsyth St. SW, Atlanta, GA 30303-8909. This report shall include as a minimum, definitions of the injection interval, all relevant confining units, the depth of the base of the USDW, and all monitoring zones, including all relevant data and interpretations. *[62-528.450(5)]*

VI. ABNORMAL EVENTS

1. In the event the permittee is temporarily unable to comply with any of the conditions of a permit due to breakdown of equipment, power outages or destruction by hazard of fire, wind, or by other cause, the permittee of the facility shall notify the Southeast District office. *[62-528.415(4)(a)]*

2. Notification shall be made in person, by telephone, or by electronic mail (e-mail) within 24 hours of breakdown or malfunction to the Southeast District office. *[62-528.307(1)(x)]*

3. A written report of any noncompliance referenced in Specific Condition (1) above shall be submitted to the Southeast District office and the Tallahassee office within five days

after its occurrence. The report shall describe the nature and cause of the breakdown or malfunction, the steps being taken or planned to be taken to correct the problem and prevent its reoccurrence, emergency procedures in use pending correction of the problem, and the time when the facility will again be operating in accordance with permit conditions. *[62-528.415(4)(b)]*

General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to section 403.141, F.S. *[62-528.307(1)(a)]*

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action. *[62-528.307(1)(b)]*

3. As provided in subsection 403.087(7), F.S., the issuance of this permit does not convey any vested rights or exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. *[62-528.307(1)(c)]*

4. This permit conveys no title to land, water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-528.307(1)(d)]*

5. This permit does not relieve the permittee from liability for harm to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties there from; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. *[62-528.307(1)(e)]*

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, or are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules. *[62-528.307(1)(f)]*

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

a. Have access to and copy any records that must be kept under conditions of this permit;
b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
d. Reasonable time will depend on the nature of the concern being investigated.

[62-528.307(1)(g)]

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
   a. A description of and cause of noncompliance; and
   b. The period of noncompliance, including dates and times; or, if not corrected the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent the recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

   [62-528.307(1)(h)]

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules. *[62-528.307(1)(i)]*

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. *[62-528.307(1)(j)]*

11. This permit is transferable only upon Department approval in accordance with rules 62-4.120 and 62-528.350, F.A.C. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. *[62-528.307(1)(k)]*

12. This permit or a copy thereof shall be kept at the work site of the permitted activity. *[62-528.307(1)(l)]*

13. The permittee shall comply with the following:
    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records shall be extended automatically unless the Department determines that the records are no longer required.
    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation)

required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:
   1) the date, exact place, and time of sampling or measurements;
   2) the person responsible for performing the sampling or measurements;
   3) the dates analyses were performed;
   4) the person responsible for performing the analyses;
   5) the analytical techniques or methods used;
   6) the results of such analyses.

d. The permittee shall furnish to the Department, within the time requested in writing, any information which the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

e. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

[62-528.307(1)(m)]

14. All applications, reports, or information required by the Department shall be certified as being true, accurate, and complete. *[62-528.307(1)(n)]*

15. Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date. *[62-528.307(1)(o)]*

16. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. *[62-528.307(1)(p)]*

17. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-528.307(1)(q)]*

18. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit. *[62-528.307(1)(r)]*

19. This permit may be modified, revoked and reissued, or terminated for cause, as provided in 40 C.F.R. sections 144.39(a), 144.40(a), and 144.41 (1998). The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[62-528.307(1)(s)]*

20. The permittee shall retain all records of all monitoring information concerning the nature and composition of injected fluid until five years after completion of any plugging and abandonment procedures specified under rule 62-528.435, F.A.C. The permittee shall

deliver the records to the Department office that issued the permit at the conclusion of the retention period unless the permittee elects to continue retention of the records. *[62-528.307(1)(t)]*

21. All reports and other submittals required to comply with this permit shall be signed by a person authorized under rules 62-528.340(1) or (2), F.A.C. All reports shall contain the certification required in rule 62-528.340(4), F.A.C. *[62-528.307(1)(u)]*

22. The permittee shall notify the Department as soon as possible of any planned physical alterations or additions to the permitted facility. In addition, prior approval is required for activities described in rule 62-528.410(1)(h). *[62-528.307(1)(v)]*

23. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or injection activity which may result in noncompliance with permit requirements. *[62-528.307(1)(w)]*

24. The permittee shall report any noncompliance which may endanger health or the environment including:
    a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to an underground source of drinking water; or
    b. Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.

    Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

    [62-528.307(1)(x)]

Issued this **14th** day of **April** 2015

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Joseph Haberfeld

Joseph Haberfeld
Aquifer Protection Program Administrator
Division of Water Resource Management