

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: FLORIDA POWER AND LIGHT  
COMPANY; DUVAL-RAVEN 230KV  
TRANSMISSION LINE SITING  
APPLICATION NO. TA16-17**

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**DEP OGC Case No. 16-0012  
DOAH Case No. 16-0276TL**

**FINAL ORDER APPROVING TRANSMISSION LINE 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 403.527(6), 403.529(1)(a), and 403.529(4), Florida Statutes. Florida Power and Light Company (FPL) applied under the Florida Electrical Transmission Line Siting Act (TLSA), sections 403.52 – 403.5365, Florida Statutes, for a new 230-kV overhead transmission line and related facilities connecting the existing Duval Substation in southwest Duval County to the planned Raven Substation to be located on FPL property in Columbia County (DR Project).

**BACKGROUND**

On May 23, 2016, the Administrative Law Judge (ALJ) assigned by the Division of Administrative Hearings (DOAH) issued an order closing file and relinquishing jurisdiction. The order granted the parties' request to cancel the certification hearing and relinquish jurisdiction in accordance with section 403.527(6). The order was issued pursuant to a Joint Stipulation and Motion of the Parties to Cancel Certification Hearing and to Relinquish Jurisdiction to DEP for Entry of Final Certification Order (Joint Stipulation). The Joint Stipulation, filed on May 10, 2016, stated that there are no disputed issues of material fact or law to be raised at the certification hearing. The Joint

Stipulation stated that the parties requested cancelation of the certification hearing scheduled to begin on June 6, 2016, and did not object to entry of a Final Order by the Department.

As required, notice of cancelation of the certification hearing was timely published by FPL and DEP. On June 2, 2016, FPL, DEP, and the St. Johns River Water Management District (SJRWMD) submitted a Joint Proposed Final Order with recommended Conditions of Certification attached as Exhibit A.<sup>1</sup> In light of the above, under section 403.529(1)(a) the Secretary of the Department is required to prepare and enter a Final Order.

### **PARTIES**

The following are the parties to this certification proceeding, under section 403.527(2), Florida Statutes: the Department, FPL, and SJRWMD. Those parties are granted party status by statute and timely filed a Notice of Intent to be a Party under section 403.527(2)(b). No other agency identified in section 403.527(2)(a) filed a Notice of Intent to be a Party before the 30th day prior to the scheduled certification hearing.

Section 403.527(2)(c), provides that a “person whose substantial interests are affected and being determined by the proceeding” shall be a party to the proceeding “upon the filing with the administrative law judge of ... a petition for intervention ... no later than 30 days before the date set for the certification hearing.” On May 10, 2016,

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<sup>1</sup> In the Joint Stipulation and/or the Joint Proposed Final Order, the agencies stipulated to the facts set forth within the agency subsections, headed by the agency name, that address matters within that agency’s knowledge or subject matter jurisdiction. The agencies stipulated that the DR Project complies with the nonprocedural requirements of that agency, so long as the DR Project complies with the agencies’ recommended Conditions of Certification in Exhibit A.

Sonja Peterson-Lewis, a private citizen, filed a Petition to Intervene as a Party (Petition).<sup>2</sup> On May 13, FPL filed a Motion to Dismiss the Petition as untimely. On May 16, the ALJ issued an Order to Show Cause why the Petition should not be dismissed. On May 20, Ms. Peterson-Lewis filed her Response to the Order to Show Cause indicating that she could no longer pursue her Motion. On May 23, the ALJ entered an Order recognizing Ms. Peterson-Lewis's withdrawal of the Petition, and finding that she is not a party to the proceeding.

The following agencies submitted Agency Reports regarding FPL's DR Project: Town of Glen St. Mary, Columbia County, Florida Department of Transportation (DOT), Florida Department of Economic Opportunity (DEO), Florida Fish and Wildlife Conservation Commission (FWC), SJRWMD, Florida Department of State Division of Historical Resources (DHR), Baker County, Suwannee River Water Management District (SRWMD), and the City of Macclenny.

### **STATEMENT OF THE ISSUE**

The issue to be decided in this proceeding is whether the Secretary, acting in lieu of the Siting Board, should approve certification in accordance with the Florida Electrical Transmission Line Siting Act (TLSA), sections 403.52 – 403.5365, Florida Statutes, authorizing FPL to construct and operate a new 230-kV overhead transmission line and related facilities connecting the existing Duval Substation in southwest Duval County to the planned Raven Substation to be located on FPL property in Columbia County. The

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<sup>2</sup> The 30th day fell on May 9, 2016. See ALJ's Order of Prehearing Instructions dated March 10, 2016.

certification is subject to the attached Conditions of Certification set forth in Exhibit A to the Joint Stipulation.

### **PRELIMINARY STATEMENT**

FPL filed with DEP a site certification application (SCA) for the DR Project on January 11, 2016. The reviewing agencies submitted reports and proposed Conditions of Certification (COCs). On May 5, 2016, DEP issued its Project Analysis Report (PAR) with recommended COCs based on DEP's analysis and the reports of the various reviewing agencies. On May 9, 2016, the SRWMD filed a Notice of Intent to be a party. On May 10, 2016, Sonja Peterson-Lewis filed a Petition to Intervene. On May 10, 2016, FPL, DEP and SJRWMD filed a Joint Stipulation and Motion to Cancel Certification Hearing and Relinquish Jurisdiction to DEP for Entry of Final Certification Order. On May 23, 2016, the ALJ issued an Order recognizing the withdrawal of the Petition to Intervene and an Order Closing File and Relinquishing Jurisdiction.

### **FINDINGS OF FACT<sup>3</sup>**

#### **The Applicant & Proposed Project**

##### *The Applicant*

1. FPL, a subsidiary of NextEra Energy, Inc., is headquartered at 700 Universe Boulevard, Juno Beach, FL 33408. FPL is the largest electric utility in Florida, with a service area of approximately 27,650 square miles. It serves approximately 4.7 million customer accounts, with a service territory in all or parts of 35 Florida counties. FPL's bulk transmission system is composed of approximately 6,888 circuit miles of

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<sup>3</sup> These factual findings are supported by the SCA and DEP's Project Analysis Report dated May 5, 2016, and attachments thereto.



transmission lines. Integration of the generation, transmission, and distribution systems is achieved through FPL's approximately 596 substations.

#### *The DR Project*

2. The SCA seeks to certify a corridor to construct a new 230-kilovolt (kV) transmission line, the DR Project, which is scheduled to be in service by December 2018. The DR Project will extend approximately 39 miles, traverse through four counties and three municipal jurisdictions, and be situated almost entirely within an existing 100- and 170-foot-wide right-of-way. Approximately 96 percent of the DR Project is located within FPL's existing right-of-way. Areas requiring new right-of-way are in the City of Macclenny, in the area adjacent to the planned Raven substation and potentially at "large angled" areas of the corridor that may require additional guy wiring.

3. The DR Project originates at FPL's existing Duval substation located in Duval County/City of Jacksonville and terminates at FPL's planned Raven substation located in Columbia County.

4. The planned Raven substation is currently in the design and permitting phases and will be permitted outside of the TLSA process. FPL will separately obtain all required local government and regulatory agency permits for the planned Raven substation.

#### *Methodology for Identifying Corridor*

5. To identify a preferred corridor for the development of the DR Project, FPL established a multidisciplinary project team consisting of specialists in engineering, environmental science, land use planning, construction, operations, system planning, real estate, and corporate marketing and communications. This team focused on

identifying and evaluating alternative routes that would ultimately lead to the establishment of a corridor that would appropriately balance environmental and land use considerations, public input, reliability, safety, and constructability criteria.

6. Corridor selection methods were designed to be:

- Integrative of multidisciplinary siting criteria
- Rational and objective in decision making
- Sensitive to social and environmental conditions
- Responsive to regulatory requirements
- Reflective of potential community concerns and issues
- Capable of documentation and verification

7. The corridor selection study included:

- Establishment of evaluation criteria, a geographic information systems (GIS) database, and study areas
- Identification and evaluation of route segments and multi-segment alignments
- Public involvement
- Corridor development

8. Based on the characteristics of the study areas, environmental, land use, engineering, safety, and cost criteria were developed in order to evaluate route segments and multi-segment alignment options. Criteria were evaluated both quantitatively and qualitatively. The quantitative evaluation criteria were developed by identifying the measurement of a series of environmental, land use, engineering, and cost variables, and then were used to identify route segments for further detailed evaluations. The qualitative evaluation was based on project requirements and included information gathered through state and county agency discussions, and field reconnaissance.

9. During the route identification study, a GIS database was established to evaluate available information concerning governmental jurisdictions as well as

environmental resources, land use, cultural resources, and infrastructure systems. The data sources used included:

- FWC protected wildlife species data
- Florida Department of Agriculture and Consumer Services protected plant species data
- Florida Natural Areas Inventory (FNAI) element occurrence data
- SJRWMD and SRWMD land use/land cover data
- Information from the counties and municipalities regarding existing and proposed schools, community facilities, parks, and roadway improvements
- GIS databases from counties consisting of property ownership maps, public records, and aerial photography
- Comprehensive plans, future land use maps, and land development codes for counties and municipalities

10. Additional field reconnaissance of environmental, land use, and existing infrastructure was conducted for the route segments accessible by public roads. In the field, the team recorded its environmental and land use observations on aerial photographs. All of this information, including data gathered during the field reconnaissance, was incorporated into the project GIS database.

11. Based on the characteristics of the areas within the City of Macclenny and area around the planned Raven substation, the project team established study area boundaries that would allow for route segments and multi-segment alignments to be developed and evaluated for these specific areas.

12. Factors used to identify initial route segments for review included:

- Maximization of co-location with existing transmission/distribution lines and other linear features
- Maximization of locations following previously disturbed alignments through Florida Managed Areas, wetlands, and upland forested areas
- Minimization of locations close to residences, schools, community facilities, known eagle's nests, sites listed in the National Register of Historic Places, state lands or other conservation areas and parks
- Minimization of traffic congestion and business interference
- Consistency with airspace requirements
- Minimization of severance of land under common ownership.

13. The identified routes were evaluated using sets of both quantitative and qualitative criteria (e.g., the number of residences within 100 feet of the centerline of the alignment and the amount of specific types of wetlands within the alignment). Multi-segment alignments were removed from further consideration for various reasons, such as engineering constraints or relative proximity to residential dwellings or community facilities.

14. After a series of iterative evaluations of all the route segments and multi-segment alignments that were under consideration, the project team identified the route segments and multi-segment alignments in the Macclenny Substation, Macclenny East-West, and Planned Raven Substation studies for further detailed evaluations. All of the route segments and multi-segment alignments in the I-10 and Railroad study area were removed from further evaluation largely because of greater impacts, the increased length of new right-of-way, and associated transmission line construction that would be required.

#### *Public Involvement in Corridor Selection*

15. The project team developed a public outreach program with the primary goals of providing accurate, clear, and timely information to the public on the DR Project and to solicit comment. The information provided during the public outreach program included the need for the DR Project, existing conditions within the study areas, and the required siting and regulatory approval process. FPL held an open house event on November 12, 2015, to provide project information and solicit comments. Letters of invitation and newspaper advertisements were used to announce the open house and

encourage participation. An additional meeting was held by FPL on April 28, 2016, upon request for the Knabb's Addition and Lewis Subdivision communities in Macclenny.

16. Based on the comprehensive evaluation of environmental, land use, safety, engineering, and cost criteria as set forth herein, the DR project team developed the corridor to include all of the route segments that were evaluated in the existing FPL Macclenny Substation, Macclenny East-West, and Planned Raven Substation studies. The corridor in these areas allows for multiple route options to be evaluated in more detail post certification in order to minimize impacts to the surrounding area and allow for flexibility in the establishment of transmission line right-of-way and the location of transmission line structures.

#### *Corridor Description*

17. The corridor originates at the existing FPL Duval substation in Duval County/City of Jacksonville and terminates at the planned Raven substation in Columbia County. The overall length of the corridor is approximately 39 miles. The width of the corridor ranges from 100 feet to approximately 2,000 feet. The corridor is co-located with a 230-kV transmission line from the Duval to Baldwin substations and with a 115-kV transmission line from Baldwin to a point approximately 700 feet from the northern parcel line of the planned Raven substation.

18. The 230-kV transmission line will be located within the existing 115-kV transmission line right-of-way except in the vicinity of the City of Macclenny, the planned Raven substation, and potentially at several points where a new angle or corner structure is anticipated to be needed along the existing 115-kV transmission line right-of-way, including the crossings of the CSX railroad, US 301, I-10, and SR 100. Along



the project, FPL intends to replace the predominant existing H-frame structures or two existing single-pole structures with monopole structures to accommodate both circuits, other than along the new right-of-way required for the section within the City of Macclenny. The existing H-frame in the Duval to Baldwin right-of-way will remain in place.

19. The typical right-of-way width to be utilized for the DR transmission line is 100 feet. (SCA, p. 14). The typical existing right-of-way width along the length of the project area is either 100 feet or 170 feet.

#### *Duval Substation to Baldwin Substation*

20. The corridor originates at the existing Duval substation where the corridor is approximately 170 feet wide as it exits the existing Duval substation to the west. From the substation area, the corridor traverses west for approximately 1.7 miles within FPL's fee-owned property until crossing over the CSX railroad and US 301. At this point, the corridor widens to approximately 920 feet for approximately 0.5 mile to the existing Baldwin substation. The widening of the corridor in this area is to allow consideration of multiple alignments for the DR transmission line to cross the railroad and US 301. The existing Duval and Baldwin substations are not included in the certification.

#### *Baldwin Substation to SR 228*

21. The corridor traverses west from the existing Baldwin substation for approximately 4 miles, until turning north. At this point, the corridor turns north for approximately 2,000 feet and then continues west and southwest for approximately 3.5 miles to SR 228. The corridor is FPL's existing 100-foot-wide transmission line right-of-way except for three locations where additional angle and corner structures will be

needed. At these locations, the corridor widens slightly to accommodate new structures and their associated guying.

*SR 228 to South Lowder Street*

22. This section of the corridor traverses west from SR 228 for approximately 0.75 mile through the City of Macclenny to a point west of South Lowder Street. In this section of the corridor, it widens to approximately 2,000 feet to provide multiple routing alignments within the City of Macclenny. The corridor includes existing FPL right-of-way and other privately and publicly owned land. The existing Macclenny substation is not being connected to the DR transmission line and therefore is not included in the certification.

*South Lowder Street to SR 100*

23. The corridor traverses west and southwest from South Lowder Street for approximately 25 miles until the corridor intersects SR 100. The corridor is within FPL's existing 100- or 170-foot-wide transmission line right-of-way except in five locations where small additions of new right-of-way may be required to accommodate potential angle or corner poles and their associated guying. Two of the locations are to provide additional flexibility, if necessary, to cross I-10.

*SR 100 to the Planned Raven Substation*

24. At this point, the corridor widens to approximately 970 feet to provide multiple options to terminate at the planned Raven substation. The corridor includes existing FPL right-of-way and other privately and publicly owned land. The planned Raven substation property is not included in this certification.

### *Transmission Line Design*

25. The DR Project will be constructed using primarily single-pole spun unguyed concrete or tubular steel structures directly embedded into the ground. Special structures and conductor configurations may be required at specific locations, such as the crossings of major roads, intersections, railroads, and waterbodies. Some structures may require guys and anchors where the transmission line turns angles or crosses other major linear facilities.

26. The proposed conductor for the DR Project is to be a single conductor 1431 thousand-circular mil aluminum conductor steel reinforced Alumoweld core. The maximum current rating (MCR) is 1,905 amperes. The MCR is the nominal value that would be expected to cause the conductor to reach its design temperature limit of 115 degrees Celsius.

27. The typical structures to be used for the DR Project will be single-pole double-circuit 230-/115-kV structures, generally co-locating the DR transmission line with the existing 115-kV line in the existing right-of-way. These structures will have two overhead ground wires (OHGW). Short sections of the DR transmission line (Duval-Baldwin section, new right-of-way in City of Macclenny, short section north of planned Raven substation) will utilize single-pole single-circuit 230-kV structures, with one OHGW. The conductors will be attached to the structure using either unbraced or braced post insulators.

28. In some instances the transmission line may also provide for other attachments such as electric distribution lines, communication facilities, or other utility companies' equipment. The typical span lengths between structures will range from

approximately 550 feet to 850 feet along the existing FPL right of-way and approximately 250 feet to 350 feet along the proposed new right-of-way within the City of Macclenny. The typical aboveground structure heights will range from approximately 87 feet to 95 feet, depending on the structure design used and site-specific conditions. The individual span lengths will be based on the topography of the specific route, the width of the right-of-way, and other transmission engineering design parameters.

29. Transmission line conductor vertical clearances will vary along the length of the transmission line. In all instances, the transmission line will comply with the National Electrical Safety Code (NESC). Clearance will also be provided for operational requirements of regulatory agencies, such as over county and DOT roads.

30. Access roads and structure pads are required to provide efficient and safe ingress and egress to the transmission line structures for construction and long-term maintenance of the transmission line. Access roads are necessary for initial line construction and will remain in place for routine access and maintenance for the life of the transmission line.

31. Unpaved access roads are in place within the existing right-of-way and will be utilized for construction and maintenance of the DR Project. Based on their condition, some improvements to these existing access roads may be required. Structure pads are to be constructed adjacent to the existing access roads to facilitate construction and maintenance of the new transmission line.

32. Where adequate access roads or structure pads do not exist along the DR transmission line, new roads and pads may be constructed. These roads will be unpaved, with a top elevation set a minimum of 6 inches above expected seasonal high

water table and with a top road width of approximately 14 feet. Where required, new transmission structure pads with areas ranging from approximately 2,000 to 3,500 square feet would be constructed adjacent to the access road. No new bridges are anticipated to be constructed for the DR transmission line.

#### *Transmission Line Construction*

33. The DR corridor coincides with an existing FPL transmission line right-of-way for the majority of its approximately 39-mile length, except for approximately 0.75 mile within the City of Macclenny where the corridor widens to approximately 2,000 feet and approximately 0.1 mile at the terminus at the planned Raven substation. Right-of-way preparation and transmission line construction will be conducted in a manner so as to minimize effects on human populations, waterbodies, archaeological and historic sites, vegetation, and wildlife to the greatest extent practicable.

34. It is anticipated that only moderate right-of-way clearing will be required for the DR Project due to the vast majority of the preferred corridor being coincident with FPL existing right-of-way and the expected co-location of the DR transmission line and existing 115-kV transmission line on a common structure where clearing is required. FPL's typical practice is to clear all trees and shrubs whose mature height could exceed 14 feet. Additional minimal amounts of clearing/mowing may be required for installation of the structure pads and anchors for guyed structures. In addition, where easement rights allow or permission is obtained from the underlying landowner, conflict timber outside the right-of-way that poses a risk of falling into the transmission line conductors will be removed. Vegetation in wetland areas will be cleared using restrictive clearing techniques.



35. Where necessary, construction of access roads and pads in uplands will be conducted by first completing the clearing and grubbing of the road footprint and then placing, spreading, shaping, and compacting hauled clean fill or soil from both sides of the road surface to the design elevation using bulldozers. FPL may also consider the construction of at-grade access roads where new access roads are required in either uplands or wetlands.

36. Where construction of access roads and structure pads is required in wetlands, FPL will use erosion control best management practices (BMPs) such as silt fencing, staked turbidity barriers, or floating turbidity screens, to minimize any secondary impacts to wetlands and waterbodies and ensure that state water quality standards for turbidity are met. Where applicable, specific locations and design of access roads or pads within wetlands will be part of the final design of the transmission line to be submitted to agencies as a post-certification submittal in compliance with the conditions of certification.

#### *Transmission Line Operation*

37. Safe and reliable operation of the new transmission lines will be maintained through regular inspection of the poles, conductors, insulators, hardware, access areas, and vegetation in proximity to the facilities. In general, maintenance of the right-of-way will consist of mowing, pruning, and removal of conflict timber, as well as herbicide treatments. The exact manner in which maintenance will be performed will depend on the location, type of terrain, and surrounding environment. Each area of the right-of-way will be addressed based on site-specific vegetation and habitat.

38. Some vegetation maintenance activities outside the right-of-way are occasionally necessary. To enhance the safe, reliable operation of the proposed transmission lines, FPL may trim or remove conflict timber outside the FPL right-of-way in coordination with the adjacent property owner(s).

### **Social and Political Environment of the Corridor Area**

#### *Governmental Jurisdictions*

39. The DR corridor crosses through portions of Duval County/City of Jacksonville, Nassau County, the City of Macclenny, the Town of Glen St. Mary, Baker County, and Columbia County.

40. None of the following are located within the DR corridor or within 0.5 mile of the DR corridor:

- National Parks
- National Forests
- National Seashores
- National Wildlife Refuges
- National Wilderness Areas
- National Memorials or Monuments
- National Historic Landmarks
- Marine Sanctuaries
- Estuarine Sanctuaries
- Roadless Area Review and Evaluation Areas
- National Wild and Scenic Rivers
- Critical Habitat of Endangered Species
- State Parks
- State Marine Sanctuaries
- State Forests
- State Wildlife Refuges
- State Wilderness Areas
- Areas of Critical State Concern
- Save Our Rivers Lands
- State Archaeological Landmarks or Landmark Zones
- Aquatic Preserves
- Florida Springs
- Florida Wild and Scenic Rivers

- Indian Reservations
- Military Reservations

41. The DR corridor crosses 1) one mitigation bank: the Loblolly Mitigation Area; 2) three recreation trails: Jacksonville Baldwin corridor (in Duval County/City of Jacksonville, Nassau County, and Baker County), Plum Creek Timberland Trail (in Baker County), and the Palatka to Lake City corridor (in Columbia County); and 3) one river system: Santa Fe River System (in Baker County). At the recreation trails and river crossings, the DR transmission line will be located within FPL's existing right-of-way.

42. Within 0.5 mile of the DR corridor, there are two conservation areas: the Peterson Tract in Duval County/City of Jacksonville, and the Olustee Creek Conservation Area in Columbia County.

*Easements, Title, Agency works*

43. Easements may be necessary to cross lands under the jurisdiction of the Board of Trustees of the Internal Improvement Trust Fund before construction of the DR Project begins. The lands lying below the ordinary high water line of the South Prong of St. Mary's River are state-owned and the crossing will require submittal of an application for authorization to use state-owned submerged lands.

44. Anticipated road crossings include US 301, US Interstate 10, State Road 100, State Road 228/Fifth Street, State Road 121/Sixth Street, South Lowder Street, County Road 125, and County Road 229. All crossing of state and local roads will conform to the specifications in the FDOT's Utility Accommodation Guide or local standards for use of the right-of-way.

### *Area Scenic, Cultural and Natural Landmarks*

45. Within 0.5 mile of the DR corridor there are no federal jurisdictions identified, nor are there any scenic, natural, or recreational landmarks. Within 0.5 mile of the DR corridor, there are two conservation areas: the Peterson Tract located in Duval County/City of Jacksonville, which is approximately 2,746 acres of land owned by the Jacksonville Electric Authority; and the Olustee Creek Conservation Area located in Columbia County, which is approximately 1,268 acres of land and is owned by the SRWMD.

46. There are two municipal parks within 0.5 mile of the DR corridor: Celebration Park (in the Town of Glen St. Mary) and Heritage Park (in the City of Macclenny).

47. There is one mitigation bank within 0.5 mile of the DR Corridor: the Loblolly Mitigation Area.

48. No adverse impacts are anticipated to area scenic, cultural, or natural landmarks as a result of DR transmission line construction between the Duval substation and planned Raven substation because approximately 96 percent of the corridor is within existing transmission line right-of-way.

### *Archaeological and Historic Sites*

49. A review of the Florida Master Site File (FMSF) revealed that there are no known cultural resources within the DR corridor. There are 15 known cultural resources within 0.25 mile of the DR corridor.

50. Within 0.25 mile of the DR corridor there is one National Register of Historic Places (NRHP) site within the Town of Glen St. Mary: The Glen St. Mary

Nurseries Company. There are two previously recorded archaeological sites within 0.25 mile of the DR corridor: a prehistoric burial mound (which is 0.25 mile south of the DR corridor) and a lithic scar/quarry area (which is approximately 780 feet south of the DR corridor). The burial mound was recorded as having the potential to contain human remains and is likely eligible for the NRHP, but has not been evaluated by the State Historic Preservation Office (SHPO). The lithic scar/quarry area has not been evaluated by the SHPO.

51. The FMSF identified 12 previously recorded historic structures within 0.25 mile of the DR corridor. Two of these identified historic structures are ineligible for NRHP listing, one location has been identified as destroyed, and the remaining 9 have not been evaluated by the SHPO.

52. Following the certification of the DR corridor and selection of the right-of-way, a cultural resource assessment survey will be conducted that meets the requirements of chapter 267, Florida Statutes, and chapter 1A-46 (Archaeological and Historical Report Standards and Guidelines), Florida Administrative Code. The results of this cultural resource assessment survey will be documented in a report submitted to the SHPO. If significant resources are identified, FPL will avoid these resources. If avoidance is not feasible, then FPL will coordinate with the SHPO to develop a strategy to minimize or mitigate impacts. If any cultural resource finds are discovered during construction, construction activities will be immediately halted in the vicinity and the DHR will be notified. A determination of the significance of the find will be conducted, as appropriate, and FPL will coordinate with the DHR to evaluate mitigation measures necessary to protect the area from adverse impacts.



### **Biological and Physical Environment of the Corridor Area**

53. The DR corridor is co-located with FPL's existing right-of-way for approximately 96 percent of its length. The majority of the existing transmission line rights-of-way have historically been cleared of canopy species, and where previously necessary, fill was placed for construction of elevated access roads and pads for installation of transmission structures.

54. Land uses within the corridor and vicinity include silviculture, mining, agriculture, roadways, and residential and commercial development.

55. Vegetative communities within and adjacent to the corridor are dominated by areas of planted pines and forest regeneration, upland forest, pasture and shrub and brushland, forested wetlands, ditches, and herbaceous/shrub wetlands.

56. The corridor crosses three named streams: Deep Creek, South Prong of St. Mary's River, and Olustee Creek. In these locations, the existing transmission lines span the surface waters with structures located on adjacent uplands. The DR transmission line will cross these streams similarly. According to section 62-302.400, Florida Administrative Code, there are no designated Class I or II waters within the corridor. Waters crossed by the corridor are considered Class III waters, meaning they are of sufficient quality to support fish and wildlife populations.

57. The DR corridor follows existing transmission line rights-of-way for the majority of its length, and many of the wetlands within the corridor were previously impacted by construction of existing access roads. Additional wetland fill and canopy clearing may be required to construct the DR transmission line. The existing access roads include culverts to maintain wetland hydrology and sheet flow. Should new

access road sections be constructed, the appropriate number and size of culverts will be installed where necessary to maintain wetland and surface water hydrology. Detailed design information, including location and extent of all wetland impacts and appropriate mitigation to offset wetland functional loss, will be provided to the appropriate agencies prior to construction.

58. Ecological resources within the DR corridor and vicinity (0.25 mile) were evaluated utilizing a combination of field reconnaissance, database queries, aerial maps, and literature review. The DR corridor is co-located with FPL's existing right-of-way for approximately 96 percent of its length, traversing areas of freshwater herbaceous and forested wetland habitats as well as upland habitats, primarily in the form of pine plantation. A variety of wildlife species typically found in upland forest and wetland habitats of northern Florida are likely to occur within the DR corridor. Non-listed wildlife species habitat types include pastures, upland forest, ditches, forested wetlands, and non-forested wetlands.

59. Listed species observed within the corridor or likely to occur based on the presence of suitable habitat include several species of wading birds, such as wood stork, white ibis, snowy egret, little blue heron, Florida sandhill crane, limpkin, and tricolored heron, as well as American alligator and gopher tortoise.

60. Since the DR corridor is co-located with existing transmission line rights-of-way for the majority of its length, no significant changes to vegetation, wildlife, and aquatic life are anticipated as a result of construction, operation, or maintenance of the DR transmission line. Potential impacts to wildlife are minimized through co-location on existing transmission line rights-of way.

61. Individuals that may be temporarily displaced from the right-of-way during construction are likely to return following construction. No animal or plant species are expected to be permanently displaced from the right-of-way or vicinity as a result of the construction, operation, or maintenance of the DR transmission line.

62. The corridor does not cross any federally designated critical habitat areas for any listed species. No impacts are anticipated to highly mobile species of wildlife (birds, mammals) during right-of-way clearing and construction. No adverse impact to the local or regional population of any wildlife species, including game species, species of special concern or commercial importance, or listed species is anticipated.

63. Upon completion of detailed transmission line design, any impacts to wetlands providing suitable foraging habitat for wood storks will be quantified, and the appropriate type and amount of compensatory mitigation will be provided in accordance with the USFWS and USACE requirements prior to construction.

64. If gopher tortoise burrows are located within the final DR right-of-way during pre-clearing listed species surveys, FPL will obtain an FWC gopher tortoise permit to excavate burrows and relocate captured individuals either on site within undisturbed areas of the right-of-way or off site at an FWC approved recipient site prior to construction.

### **Impacts on Human Populations**

65. Any inconvenience to human populations attributable to construction of the DR transmission line will be minimal and temporary. In general, because of the temporary nature of the construction activities and the relatively short duration of the construction process at any given location, potential impacts experienced by the human

populations residing or working adjacent to the transmission line corridor are anticipated to be minor.

### **Electric and Magnetic Fields**

66. An Electric and Magnetic Field (EMF) report including calculated EMF values for each segment of proposed transmission line within the rights-of-way was submitted concurrently with the Application. The amount of current carried by the transmission line and the height of the conductors above the ground determine the strength of the magnetic field below. The voltage of the transmission line and the conductor height above the ground determine the electric field. Consequently, the electric field near the transmission line is relatively constant over time, but the magnetic field fluctuates depending on customer demand for power.

67. The electric and magnetic fields produced by the DR transmission line were calculated in accordance with the requirements of section 62-814.460, Florida Administrative Code (Florida EMF rule). The fields associated with the new transmission line will meet the standards set forth in the Florida EMF rule.

### **Other Impacts**

68. The noise level produced by the DR transmission line will comply with any applicable noise regulations in the governmental jurisdictions crossed by the line.

69. Due to the rural nature of the transmission line route and the conservative evaluation method, the overall impact to radio or television reception is expected to be minimal.

70. FPL's transmission line facilities are designed to comply with all applicable codes, guidelines, and standards. The primary code used in the design of transmission

lines is the NESC, 2012 edition. The NESC is an American National Standards Institute standard that covers electrical clearances and loading and strength requirements, including extreme wind. Codes and standards of other agencies and standards organizations that provide rules, guidelines, and conditions not specified by the NESC were used to design the DR transmission line and include:

- Occupational Safety and Health Administration rules regarding safe minimum approach distances
- American Society of Civil Engineers Manual 74, Guidelines for Electrical Transmission Line Structural Loading, and Standard 48-05, Design of Steel Transmission Pole Structures American Concrete Institute Standards
- FAA guidelines covering requirements in the vicinity of airports
- FDOT 2012 Utility Accommodation Manual

#### **Alternative Corridors and Proposed Intermediate Substations**

71. There have not been any alternative corridors proposed by any party. FPL is not proposing any intermediate substations for the DR Project.

#### **Agencies' Review of FPL's Application and Resulting Determinations**

72. State, regional and local agencies with regulatory authority over the project reviewed FPL's application and submitted agency reports to DEP as to the impact of the proposed DR Project on matters within each agency's jurisdiction, as required by section 403.526(2), Florida Statutes. DEP compiled these reports and recommended approval of the DR Project, subject to appropriate conditions.

#### *Public Service Commission - Determination of Need*

73. On March 4, 2016, the PSC issued a Final Order Approving Determination of Need for an Electrical Transmission Line for the DR Project. The PSC approved the project, taking into account the need for electrical system reliability and integrity, and the need for abundant, low-cost electrical energy to assure the economic well-being of the



residents of this state. The PSC stated in its Decision within the Final Order that “FPL has adequately demonstrated the need for the proposed project according to the criteria prescribed in section 403.537, F.S.”

*Department of Environmental Protection*

74. In its review and evaluation, DEP’s Northeast District Environmental Resource Permit (ERP) Section concluded that the proposed corridor can be certified provided FPL complies with the proposed COCs. Prior to the commencement of construction of new facilities and/or associated facilities, information not submitted in the Application and necessary to complete the ERP review will be submitted to DEP as part of the post-certification reviews. DEP proposed conditions requiring FPL to avoid, minimize or mitigate impacts to wetlands and to submit, as applicable, refined surveys of wetland and surface water areas delineated in accordance with chapter 62-340, Florida Administrative Code, and verified by appropriate agency staff for approval through the post-certification review process.

75. Based on the consideration of recommendations of the agencies with jurisdiction over the construction and operation of the proposed DR transmission line and the DEP’s own analysis and review, DEP concluded that the transmission line corridor filed by FPL is proper for certification and can be constructed, operated and maintained in compliance with the applicable nonprocedural requirements of the reviewing agencies. DEP recommends certification of the DR transmission line subject to the TLSA and the COCs.

*Department of Transportation*

76. DOT filed its agency report with DOAH on April 11, 2016. DOT recommended approval of the project contingent upon FPL meeting recommended COCs. In its report, DOT encouraged FPL to coordinate with CSX Corridor Occupancy Services and Norfolk Southern Utilities to ensure compliance with any requirements applicable to the transmission line crossings of those railroads.

*Department of Economic Opportunity*

77. DEO filed its agency report to DEP on April 11, 2016. DEO reviewed the DR Project Application for consistency with specific goals of the State Comprehensive Plan (section 187.201, Florida Statutes), including Land Use, Public Facilities, and the Economy. Additionally, DEO reviewed the local government comprehensive plans and land development regulations provided in the Application. DEO concluded that "...the proposed project furthers the goals of the State Comprehensive Plan and is an efficient use of an existing electric power transmission line [right-of-way]." DEO recommended approval of the project contingent on the project meeting all applicable certification requirements.

*Florida Fish and Wildlife Conservation Commission*

78. On April 11, 2016, the FWC submitted its agency report to DEP recommending approval of the DR Project contingent on FPL meeting the COCs. Based on the Application's descriptions of preliminary surveys and habitats identified within the corridor, the FWC determined the likelihood of listed species occurring within and immediately adjacent to the project area. On a case-by-case basis, either relocation or incidental take authorizations may be required for each impacted species. If there is

evidence that any individuals of these species are present, then FPL must report the findings to the FWC. If impacts to these species cannot be avoided, then FPL must contact the FWC before taking any action that might result in an impact to those species as indicated in the recommended COCs.

*St. Johns River Water Management District*

79. On April 11, 2016, the SJRWMD filed with DOAH its agency report recommending approval of the DR Project contingent on FPL meeting the COCs. The SJRWMD did not identify any specific water use activities as a result of the proposed project exceeding the thresholds for an individual consumptive use permit or a general permit by rule.

80. SJRWMD holds a conservation easement over a portion of the proposed corridor identified as additional right-of-way that may need to be acquired by FPL in order to construct the project. SJRWMD noted in its agency report that the Loblolly Mitigation Bank is encumbered by a conservation easement in favor of SJRWMD and the Board of Trustees of the Internal Improvement Trust Fund. The conservation easement, recorded in 2003, contains language that expressly prohibits the construction of utilities or other structures on or above the ground. FPL has agreed to a COC prohibiting project activities within the Loblolly Mitigation Bank.

*Suwannee River Water Management District*

81. On April 25, 2016, the SRWMD filed with DOAH its agency report recommending approval of the DR Project contingent on FPL meeting the COCs. The SRWMD noted water use activities associated with the project would either be an exempt use or meet the criteria for a General Permit by Rule. The report also indicated

that SRWMD does not hold any conservation easements over the portion of the proposed corridor within its jurisdiction.

*Department of State*

82. The Department of State submitted its agency report to DEP on April 11, 2016. The DHR staff provided a COC to ensure compliance with state regulations regarding cultural and historical resources. DHR indicated it had no objections to the project.

*Department of Health*

83. The Department of Health's Division of Disease Control and Health Protection, Bureau of Environmental Health (DOH) reviewed the SCA for potential project impacts to potable drinking water systems and existing onsite sewage treatment and disposal systems. Although no agency report was submitted, DOH sent emails to DEP on January 26, 2016 and February 8, 2016 indicating that it had no jurisdictional completeness issues. In an email transmitted on April 5, 2016, DOH stated it did not have additional agency conditions for the project.

*Town of Glen St. Mary*

84. The Town of Glen St. Mary filed its agency report with DOAH on April 7, 2016. The report stated, "[t]he Town is in support of the project and has no conditions to request in reference to the project."

*Columbia County*

85. Columbia County filed its agency report with DOAH on April 11, 2016. The report stated, "[t]he County is in support of the project, has identified no issues of

material fact or law giving rise to an objection to the project, and submits that it has no conditions to request in reference to the project.”

*Baker County*

86. Baker County filed its agency report with DOAH on April 25, 2016. The report stated, “[t]he County is in support of the project and has no conditions to request in reference to the project.”

*Nassau County*

87. Nassau County did not submit an agency report. However, on February 2, 2016, Nassau County emailed DEP stating that it did not anticipate any impacts to Nassau County as a result of the DR Project.

*City of Macclenny*

88. On April 27, 2016 the City of Macclenny filed its agency report with DOAH. The report stated, “[t]he City is in support of the FPL’s Duval-Raven 230 kV project,” and that “it has no specific conditions or objections to certification of the project.”

*Duval County-City of Jacksonville*

89. Duval County/City of Jacksonville did not submit an agency report.

**Conditions of Certification**

90. Baker County, Columbia County, the Town of Glen St. Mary, the City of Macclenny, DOT, FWC, SJRWMD, SRWMD, DHR, and DEO submitted agency reports, pursuant to section 403.526(1), Florida Statutes. Each of these agencies recommended approval subject to recommended COCs or did not object to certification. As noted above, on May 5, 2016, DEP issued its written PAR, pursuant to section 403.526(3),



Florida Statutes. In its PAR, DEP recommended approval of the DR Project provided that FPL complies with the proposed COCs in DEP's PAR, attached hereto as Exhibit A.

91. On May 10, 2016, the DEP, SJRWMD and FPL filed stipulations with DOAH in which FPL agreed to the COCs for the DR Project. FPL and DEP stipulated further that the DR Project complies with the non-procedural requirements of the agencies, so long as the DR Project complies with the recommended COCs. SJRWMD and FPL stipulated that the proposed DR Project complies with the non-procedural requirements of the SJRWMD, and will not adversely impact any proposed use of property of the SJRWMD in the Loblolly Mitigation Bank, so long as the DR Project complies with the recommended COCs.

### **CONCLUSIONS OF LAW**

1. This proceeding is conducted in accordance with the Florida Electrical Transmission Line Siting Act, Part II of chapter 403, Florida Statutes. Under section 403.527(6)(a) and (d) Florida Statutes, the ALJ granted the parties' request to cancel the certification hearing and relinquished jurisdiction to DEP. Therefore, the Secretary of DEP has jurisdiction to enter this Final Order. See § 403.527(6)(a) and (d), Fla. Stat. (2015).

2. All necessary and required state, regional and local governmental agencies participated in the certification process. In accordance with section 403.5363, Florida Statutes, and Chapter 62-17, Florida Administrative Code, proper notice was provided to all persons, entities and parties entitled to such notice, as well as notice to the general public.

3. No proposed alternate corridors were filed as of April 22, 2016, which was the deadline to file alternate corridors, and therefore no alternate corridors were required to be considered.

4. Upon consideration of the criteria set forth in section 403.529, Florida Statutes, and balancing the various factors set forth therein, based upon the information provided by FPL in the SCA and completeness responses, and the information provided by DEP in its PAR and subject to the proposed COCs, the DR Project is eligible for certification.

5. The PSC is the sole forum for the determination of need for the DR Project pursuant to section 403.537, Florida Statutes. The PSC has determined the need for the electric power to be supplied by the DR Project. The DR Project will ensure electric power system reliability and integrity and meet the electrical energy needs of the state in an orderly, economical, and timely fashion under section 403.529, Florida Statutes.

6. The DR Project will comply with applicable nonprocedural requirements of the agencies, as required by section 403.529(4)(c), Florida Statutes. The DR Project is designed to be consistent with the applicable provisions of the local governments' comprehensive plans.

7. Certification of the DR Project effects a reasonable balance between the need for the transmission line, as determined by the PSC, and the impact upon the public and the environment resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines under section 403.529, Florida Statutes.

8. Based upon the foregoing considerations, the DR Project will serve and protect the broad interests of the public.

### **CONCLUSION**

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

It is therefore ORDERED that:

A. Certification of FPL's Duval-Raven 230-kV Transmission Line Project, as described in the Site Certification Application and the record as a whole, is hereby APPROVED.

B. The Duval-Raven 230-kV Transmission Line Project is subject to and FPL shall comply with the Conditions of Certification that are attached as Exhibit A and 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 Agency 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 Agency Clerk of the Department.

DONE AND ORDERED this 29<sup>th</sup> day of June, 2016, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JONATHAN P. STEVERSON  
Secretary

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

Lea Crandall  
CLERK

6-29-16  
DATE



## CERTIFICATE OF SERVICE

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

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**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

**Florida Power and Light Company  
Duval-Raven 230 kV Transmission Line**

**TA 16-17**

**EXHIBIT A**

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## ATTACHMENTS

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## SECTION A: GENERAL CONDITIONS

### SECTION A: GENERAL CONDITIONS

#### I. SCOPE

A. Pursuant to the Transmission Line Siting Act (TLSA), Sections 403.520-5365, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.) this certification is issued to Florida Power and Light Company (FPL) as owner/operator and Licensee of the Duval-Raven 230 kilovolt (kV) Transmission Line. Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate a nominal 230 kV transmission line consisting of approximately 39 linear miles of transmission line as described in the transmission line site certification application (SCA or Application). The electric transmission line will be located in the City of Jacksonville, Duval County, Nassau County, Baker County, City of Macclenny, Town of Glen St. Mary, and Columbia County, Florida.

B. The Certified Facility includes the Duval-Raven 230 kV transmission line corridor located in the City of Jacksonville, Duval County, Nassau County, Baker County, City of Macclenny, Town of Glen St. Mary, and Columbia County and associated access roads shown in Attachment A – Certified Corridor Map.

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 180 days following the corridor narrowing as defined by Section 403.522(10), F.S., the Licensees shall provide an aerial photograph(s)/map(s) of the specific Right-of-Way (ROW) 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 Transmission line right-of-way, which shall be known as the Delineation of the Certified Transmission Line ROW and attached as Attachment B – Final ROW Maps.

E. The certification is valid for the life of the transmission line, if construction on, or condemnation or acquisition of, the right-of-way is commenced within 5 years after the date of certification, or such later date as may be authorized by the board.

*[Section 403.531, F.S.]*

#### 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 Codes:**

62-4 (Permits)

62-17 (Electrical Power Plant and Transmission Line Siting)

62-150 (Hazardous Substance Release Notification)

## SECTION A: GENERAL CONDITIONS

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62-160 (Quality Assurance)  
62-256 (Open Burning)  
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62-650 (Water Quality Based Effluent Limitations)  
62-710 (Used Oil Management)  
62-730 (Hazardous Waste)  
62-780 (Contaminated Site Clean-Up Criteria)  
62-814 (Electric and Magnetic Fields)

[Section 403.531, F.S.]

### III. 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 403.522(5), 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. "Complete" shall mean the post-certification filing provides the data required by the relevant Condition of Certification.

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

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

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

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

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

H. "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.

I. "Facility" or "Project" shall mean the Duval-Raven 230-kV electrical "transmission line" as defined in Section 403.522(21), F.S.

## SECTION A: GENERAL CONDITIONS

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

K. “FPL” means Florida Power & Light Company.

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. “Listed species” shall mean the species listed in Table 2.3-2 or Table 2.3-3 of the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

O. “NED” shall mean the DEP Northeast district office.

P. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

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. “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.

S. “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.

T. “SRWMD” and “SJRWMD” mean the Suwannee River Water Management District and the St. Johns River Water Management District, respectively.

U. “Transmission line or electrical transmission line” means structures, maintenance and access roads, and all other facilities that need to be constructed, operated, or maintained for the purpose of conveying electric power extending from, but not including, an existing or proposed substation or power plant to, but not including, an existing or proposed transmission network or rights-of-way or substation to which the applicant intends to connect which defines the end of the proposed project and which is designed to operate at 230 kilovolts or more. The transmission line may include, at the applicant’s option, any proposed terminal or intermediate substations or substation expansions necessary to serve the transmission line.

V. “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.

*[Section 403.531, F.S.]*

## IV. 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

## SECTION A: GENERAL CONDITIONS

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. Water

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

Any storm water discharges associated with construction activities on the site 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.]*

#### 2. NPDES Generic Permits for Discharge of Produced Ground Water from Dewatering Operations and from Petroleum Contaminated Sites.

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, 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 either permit.

If the activity cannot be covered by either 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.

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

## V. 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 Section 403.5315, 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.

*[Section 403.5315, F.S.; Rules 62-4.160(2) and 62-17.680, F.A.C.]*



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### VI. 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 DEP Northeast District 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](mailto: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 the Project, 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. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county.

*[Section 403.5312, F.S.]*

### VII. 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.]*



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### VIII. CONSTRUCTION PRACTICES

#### A. 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 51-2, F.A.C.

*[Chapters 51-2 and 62-256, F.A.C.]*

#### B. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf>) shall serve as guidelines for best management practices.

*[Sections 403.531 and 373.414, F.S.; Chapters 40D-4 and 40E-4, F.A.C.]*

#### C. 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.]*

#### D. 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.]*

#### E. Radio and Television Interference

The Licensee shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the proposed transmission line.

*[Section 403.531, F.S.]*

#### 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.

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

### IX. 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.]*

### X. 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

## SECTION A: GENERAL CONDITIONS

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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 62-17.680, F.A.C.]*

### **XI. 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.

### **XII. 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, 403.533, 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, and 403.533, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]*

### **XIII. 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 Section 403.532, 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.

*[Section 403.532, F.S.; subsection 62-4.160(2), F.A.C.]*



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### XIV. 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; Section 403.531, F.S.]*

### XV. 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, and 403.531 F.S.]*

### XVI. 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.

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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, 403.531, 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.]*

### **XVII. 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 403.531(5), F.S.]*

### **XVIII. 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  
Siting Coordination Office, MS 5500  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-3000  
[SCO@dep.state.fl.us](mailto:SCO@dep.state.fl.us)

Florida Department of Environmental Protection  
Northeast District Office  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256-7590

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



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Florida Fish & Wildlife Conservation Commission  
Office of Policy and Stakeholder Coordination  
620 South Meridian Street  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)  
Tallahassee, Florida 32399-1600

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

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

St. Johns River Water Management District  
Office of General Counsel  
P.O. Box 1429  
[ApplicationSupport@sjrwmd.com](mailto:ApplicationSupport@sjrwmd.com)  
Palatka, Florida 32178-1429

Suwannee River Water Management District  
9225 CR 49  
Live Oak, FL 32060

Florida Department of State  
Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250

Florida Department of Health  
4052 Bald Cypress Way  
Tallahassee, FL 32399-1708

Nassau County  
County Attorney's Office  
96135 Nassau Place, Suite 6  
Yulee, Florida 32097

City of Jacksonville (Duval County)  
Office of General Counsel  
117 W. Duval Street, Suite 480  
Jacksonville, Florida 32202

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Baker County  
County Administrator's Office  
55 North 3<sup>rd</sup> Street  
Macclenny, Florida 32063

City of Macclenny  
City Manager  
118 E. Macclenny Ave.  
Macclenny, Florida 32063

Town of Glen St. Mary  
Mayor's Office  
10046 S. Glen Ave.  
Glen St. Mary, Florida 32040

Columbia County  
County Attorney's Office  
125 NE Hernando Avenue, Suite 203  
Lake City, Florida 32055-1529

[Section 403.531, F.S.]

### **XIX. 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 Northeast 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](mailto: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 403.5317(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.

#### ***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

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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.

### ***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 determine within 90 days of filing of complete information 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 Licensee has not been so notified as 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 403.531 and 403.5317, F.S.; and subsections 62-17.600, 62-17.665, F.A.C.]*

## **XX. 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

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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 403.5317, F.S.; Subsection 62-17.660, F.A.C.]

### XXI. 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 Section 403.5315, F.S.

[Section 403.5317, F.S.]

### XXII. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.5315(1), F.S., and Rule 62-17.680, 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. Except as otherwise provided in the conditions of certification, the licensee shall petition to modify certification for all changes in transmission line corridor alignment.

C. Expansions in right-of-way width following the narrowing of the certified area pursuant to Section 403.522(10), F.S., will be considered modifications pursuant to Section



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403.5315, F.S. If such a modification occurs the Licensee shall submit a revised ROW map to replace Attachment B.

D. Once all property interests required for the right-of-way have been acquired by the licensee, the area of the corridor certified narrows to only that land within the boundaries of the right-of-way, unless specified otherwise by the conditions of certification. Under the provisions of Section 403.522(10), F.S., this shall not be construed to require a modification or further agency review.

*[Section 403.5315, F.S.; Rule 62-17.680, F.A.C.]*

### XXIII. 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 certification by the Department that the project activities comply with applicable state water quality standards.

*[2012 Operating Agreement, Jacksonville District USACOE, DEP and Water Management Districts, Section II.A.1.(f) and subsection 62-17.665(6)(f), F.A.C.]*

### XXIV. ROW LOCATION

A. FPL shall co-locate the transmission line ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, Licensee's design shall reflect that new widened right-of-way.

B. To the extent feasible Licensee shall locate the transmission line right-of-way so as to avoid the taking of homes.

C. To the extent feasible and consistent with good engineering design and practices, the Licensees shall use best management practices to minimize impacts to pre-existing natural features and minimize tree removal and trimming of vegetation.

*[Sections 253.034(10), 258.007(4), 380.0677, 403.522(18), 403.526(2)(a)5, and 403.526(2)(b)3, F.S.]*

### XXV. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Northeast District Office, SRWMD, SJRWMD, DOT, DEO, Columbia County, Baker County, Nassau County, City of Jacksonville, City of Macclenny, and the Town of Glen St. Mary delineating the certified corridor, and the selected transmission line ROW. In addition, Licensee shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. Licensee shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments. The agencies receiving the aerial photographs from Licensee shall have an opportunity to review the photographs and to notify DEP, within 12 days of Licensee's submittal of the aerial photographs to the agencies, of any apparent conflicts with the requirements of the Conditions of



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Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission line, access roads or pads within Licensee's designated ROW cannot be accomplished in compliance with the Conditions of Certification, Licensee shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of Licensee's submittal of the aerial photographs to the agencies, Licensee may proceed with design of the transmission line on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at Licensee's risk, and no party will be estopped by such acquisition to seek disapproval of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After Licensee has acquired interest in the entire length of the transmission line ROW, Licensee shall:

1. File a statement with the clerk of the circuit court for each county through which the corridor passes certifying that all lands required for the transmission line ROW within the corridor have been acquired. Licensee shall also file with the county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, Licensee shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined, Licensee will submit, to the Columbia County, Baker County, Nassau County, and Duval County/City of Jacksonville, information that is consistent with County ROW permits for the portions of the line which pass through each affected county.

[Sections 403.531 and 403.5312, F.S.; Rule 62-17.600, F.A.C.]

## XXVI. ENVIRONMENTAL RESOURCES

### A. General

#### 1. Submittals for Construction Activities

- a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the DEP Northeast District's Environmental Resource Permitting Section for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Form 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.

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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 403.531, 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 XIX. 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 XVIII. 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 and 403.523, 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

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Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the DEP Northeast District's Environmental Resource Permitting Section.

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 C (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.



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6. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the Certified Facility being served by that portion or phase of the system.

7. 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 DEP Northeast District's Environmental Resource Permitting 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.

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

9. 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.

10. The DEP Northeast District 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. Additional authorizations may be required for certain dewatering activities.

*[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 unpermissible 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 D (Mitigation Plans).

*[Sections 373.413, 373.414, 373.4145, and 403.531, F.S.; Chapters 62-330, 62-340, 62-342, and 62-345, F.A.C.]*

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### XXVII. 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.

*[Section 403.524(1), F.S.]*

### XXVIII. 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.]*

### XXIX. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the Licensee main office.

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.]*

### XXX. WATER DISCHARGES

1. 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,



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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.

2. 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 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, and 62-550, 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., subsections 62-4.242(2) and (3), 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.;

3. 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., and Rule 62-621.300, F.A.C.]*

### XXXI. 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.]*

## SECTION A: GENERAL CONDITIONS

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### ***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.]*

## SECTION B: SPECIFIC CONDITIONS

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### SECTION B. SPECIFIC CONDITIONS

#### I. 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, Florida Administrative Code.

*[Authority: Chapters 14-96 and 14-97, F.A.C.]*

##### B. *Overweight or Overdimensional Loads*

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

*[Authority: 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; 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.

For all DOT right of way locations within the corridor, including but not limited to, State Road 200, Interstate 10, and State Road 100, should FDOT conduct activity in the future that may require a temporary or permanent modification or relocation of the FPL transmission structures in such DOT right of way for this project pursuant to applicable regulations and agreements, the cost of such relocation shall be borne by FPL.

All usage of State of Florida right of way or transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001). Post certification documentation shall be submitted to Florida Department of Transportation, Jacksonville Maintenance Permits office, (904) 360-5222 or the Lake City Operations Permits office, (386) 961-7153.

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

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### ***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.

*[Authority: 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, Florida Administrative Code, including the attainment of any permit required thereby.

*[Authority: 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, Florida Administrative Code. 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.

*[Authority: 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, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard



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Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the Licensee 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 to the extent practicable.

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

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

### II. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. Any withdrawals of ground or surface water to facilitate construction (dewatering) shall be conducted by one of the following methods:

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings, and connected to a common header pumped by one or more wellpoint pumps.

2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.

3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well, and connected to a common header pumped by one or more pumps.

*[Rule 40C-2.051 (7)(a), F.A.C.]*

B. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 300,000 gallons per day or less.

*[Rule 40C-2.051 (7)(b), F.A.C.]*

C. The withdrawal of ground or surface water to facilitate construction (dewatering) does not exceed 30 days in duration.

*[Rule 40C-2.051 (7)(c), F.A.C.]*

D. The water withdrawn to facilitate construction (dewatering) shall not be discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A



## SECTION B: SPECIFIC CONDITIONS

direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.

*[Rule 40C-2.051 (7)(a), F.A.C.]*

**E.** The following turbidity control measures shall be implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.

2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.

3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

*[Rule 40C-2.051 (7)(e), F.A.C.]*

### **F. Loblolly Mitigation Bank**

All portions of FPL's Duval-Raven 230 kV transmission line project shall remain outside of the property boundaries of the Loblolly Mitigation Bank, identified as parcel 000983 0000 (City of Jacksonville) by the Duval County Property Appraiser. This includes all facilities and rights-of-way necessary for the construction, operation and maintenance of the project. No project activities, either during or after construction, shall be permitted to traverse through or enter within the property boundaries of Loblolly Mitigation Bank, and therefore no impacts to the Bank will occur as a result of project activities.

*[Condition provided by the Licensee on April 6, 2016.]*

## **III. SUWANEE RIVER WATER MANAGEMENT DISTRICT**

**A.** The withdrawal of ground or surface water to facilitate construction (dewatering) shall not exceed 180 days in duration.

*[Rule 40B-2.051(3), F.A.C.]*

**B.** The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 100,000 gallons per day or less, on an annual basis.

*[Rule 40B-2.041(8)(a), F.A.C.]*

**C.** The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from facilities having a cumulative withdrawal capacity of less than 1,000,000 gallons per day.

*[Rule 40B-2.041(8)(b), F.A.C.]*

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**D.** The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from groundwater wells less than eight (8) inches in diameter.

[Rule 40B-2.041(8)(c), F.A.C.]

**E.** The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from surface water facilities which have a cumulative intake diameter less than six (6) inches.

[Rule 40B-2.041(8)(d), F.A.C.]

**F.** The following turbidity control measures shall be implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.

2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.

3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

[Section 2.3.7 Applicant's Handbook]

## IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

### A. Listed Species Conditions

The following table contains state- and federally listed wildlife species that occur in the State of Florida and may occur within the Duval-Raven 230 kV Transmission Line project site and therefore may be impacted by the activities proposed within the corridor. Therefore, these recommended conditions of certification apply to the species listed in this table.

Common Name	Scientific Name	Status <sup>1</sup>
American alligator	<i>Alligator mississippiensis</i>	FT (S/A)
Bald eagle	<i>Haliaeetus leucocephalus</i>	NL <sup>2</sup>
Burrowing owl	<i>Athene cunicularia floridana</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT
Florida black bear	<i>Ursus americanus floridanus</i>	NL <sup>3</sup>
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST
Frosted flatwoods salamander	<i>Ambystoma cingulatum</i>	FT
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Limpkin	<i>Aramus guarauna</i>	SSC



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Little blue heron	<i>Egretta caerulea</i>	SSC
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Wood stork	<i>Mycteria americana</i>	FT

SSC = Species of Special Concern; E = Endangered; T = Threatened; FT (S/A) = Federally Threatened due to similarity of appearance

<sup>1</sup> Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C., make it likely that statuses of state-listed species may change before the Licensee commences work. Additionally, the list is now comprised of both federally designated endangered and threatened species, and state-designated threatened species and species of special concern. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

<sup>2</sup> While the Florida black bear has been delisted, it is governed by 68A-4.001, General Prohibitions; 68A-4.009, Florida Black Bear Conservation; 68A-9.010, Taking Nuisance Wildlife; and 68A-12.004, Possession or Sale of Birds or Mammals, Taxidermy Operations and Mounting Requirements.

<sup>3</sup> While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

### **B. General Listed Species Surveys**

1. The Licensee shall coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in FWC's Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.

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

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

### **C. Specific Listed Species Surveys**

1. Before land clearing and construction activities occur within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, the Licensee shall conduct an assessment for listed species and shall note all habitat and occurrence or evidence of listed species. Wildlife surveys shall be conducted in 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

## SECTION B: SPECIFIC CONDITIONS

species is present and plan appropriate avoidance/mitigation measures after consultation and approval from 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.

2. The surveys shall be conducted in accordance with FWC and U.S. Fish and Wildlife Service (FWS) 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.

3. The surveys shall identify any wading bird colonies within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers that may be affected.

4. The surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may 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.

5. The surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers prior to land clearing and construction activities. The vegetation communities can be described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) scheme at the third degree of detail, or a wildlife-based habitat classification scheme such as that used in 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)\*.

\*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.

*[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; and Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]*

### **D. Listed Species Locations**

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in E through K below, within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation 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 commencement of clearing and



## SECTION B: SPECIFIC CONDITIONS

construction. 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.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office, the FWC, and the USFWS.

3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species to be impacted minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 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 (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>), 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.

### **F. 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.



## SECTION B: SPECIFIC CONDITIONS

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, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]*

### **G. Florida Sandhill Crane**

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes immediately prior to any clearing and 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](http://f50006a.eos-intl.net/ELIBSQL12_F50006A_Documents/97stys.pdf)), which provides guidance on survey methods for Florida 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, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]*

### **H. Bald Eagle**

1. If bald eagle nests are identified within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and consult with the FWC to determine the steps appropriate to avoid, minimize, or mitigate, or otherwise appropriately address potential impacts in accordance with the FWC Bald Eagle Management Plan.

*[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]*

### **I. Southeastern American Kestrel**

1. Surveys for Southeastern American kestrels shall be conducted during the nesting season (May to July) of existing power poles and in appropriate potential habitats in advance of demolition, clearing, and construction activities. Survey guidelines, reporting criteria, and habitat needs for the Southeastern American kestrel can be found within the FWCG at the following website: [http://fwcg.myfwc.com/docs/American\\_Kestrel\\_Technical\\_Report.pdf](http://fwcg.myfwc.com/docs/American_Kestrel_Technical_Report.pdf). The Licensee shall coordinate with the FWC prior to conducting surveys to ensure that surveys are in accordance with the FWC-approved protocol.

2. If there is evidence of nesting during this period, any Southeastern American kestrel nest sites shall be buffered by 150 meters to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal of existing wooden power poles, removal or trimming of trees with active nests is unavoidable, or if



## SECTION B: SPECIFIC CONDITIONS

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, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]*

### **J. Eastern Indigo Snake**

1. The Licensee shall consult with the USFWS and FWC to ensure measures to avoid the “take” of Eastern indigo snakes on the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers 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 Licensee shall notify the USFWS North Florida Ecological Services Office at [jaxregs@fws.gov](mailto:jaxregs@fws.gov) that the Plan will be implemented.

#### **2. 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](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 North Florida Ecological Services Office.

#### **3. 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 (e.g. 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 Licensee’s designated agent should visit the project area to observe the condition of the posters and Plan materials, and



## SECTION B: SPECIFIC CONDITIONS

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.

### 4. Post-Construction Activities:

a. Whether or not Eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the USFWS North Florida Ecological Services Office within 60 days of project completion. The report can be sent electronically to [jaxregs@fws.gov](mailto:jaxregs@fws.gov).

*[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]*

### K. Federally Listed Species

The Licensee shall consult with the USFWS as, in addition to Eastern indigo snake, the site may contain suitable habitat for the federally listed species identified in Table 1, to avoid the “take” of federally listed species within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, during construction and operation.

*[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]*

### L. Avian Protection Plan

The Project will be constructed in accordance with FPL's existing Avian Protection Plan, which is designed to reduce the potential for avian mortality consistent with USFWS guidelines. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

[https://birdreport.fws.gov/AVIAN\\_PROTECTION\\_PLAN\\_April2005.pdf](https://birdreport.fws.gov/AVIAN_PROTECTION_PLAN_April2005.pdf)

*[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]*

## V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. After the ROW has been selected, the Licensee shall conduct a survey of sensitive cultural resource areas, 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 Corridor. 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 practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROQW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts are discovered at any time within the project site, the Licensee shall notify the DEP Northeast District office and the DHR, R.A. Gray



## SECTION B: SPECIFIC CONDITIONS

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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.]*

### **VI. 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.]*

### **VII. AFFECTED LOCAL GOVERNMENTS**

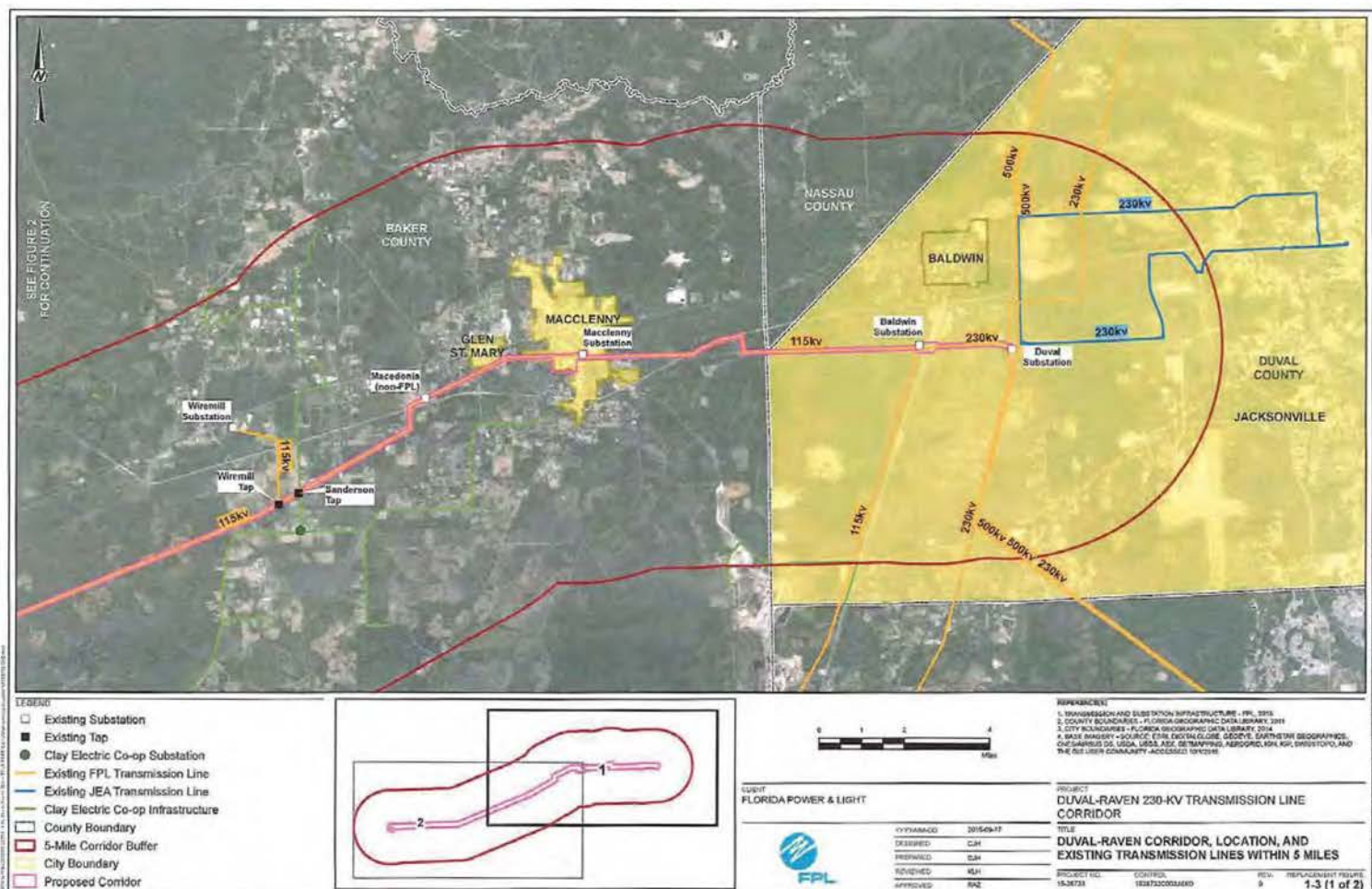
#### ***A. Flood Control Protection***

The project shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.

## ATTACHMENTS

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### ATTACHMENT A: Certified Corridor Maps







## ATTACHMENTS

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### ATTACHMENT B: Final ROW Maps

## ATTACHMENTS

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### **ATTACHMENT C: Surface Water Management System (SWMS) Operation and Maintenance Requirements**

1. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall be in accordance with the designs, plans, calculations, and other specifications that are submitted with any Application, amendment, or modification and approved by the Department.
2. A registered professional must perform inspections annually after conversion of the project to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of the stormwater management system or other surface water management systems that may endanger public health, safety, or welfare, or the water resources, and to insure that systems are functioning as designed and approved. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department's Northeast District Office and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".
3. If deficiencies are found, FPL will be responsible for correcting the deficiencies so that the project is returned to the operational functions as designed and approved. The corrections must be done a timely manner to prevent compromises to flood protection and water quality.
4. If the operational maintenance and corrective measures are insufficient to enable the systems to meet the performance standards of this chapter, FPL must either replace the systems or construct an alternative design.
5. The FPL shall provide for periodic inspections in addition to the annual inspections, especially after heavy rain. FPL must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and approved, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the permit, a report shall be submitted electronically or in writing to the Department's Northeast District Office and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
6. FPL shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Northeast District Office at (904) 256-1700. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.
7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:
  - (1) Removal of trash and debris from the surface water management systems,
  - (2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

## ATTACHMENTS

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- (3) Inspection of stormwater berms, if applicable,
  - (4) Inspection of pipes for evidence of lateral seepage,
  - (5) Inspection of flapgates for excessive backflow or deterioration, if applicable,
  - (6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,
  - (7) Stabilization and restoration of eroded areas,
  - (8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and
  - (9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.
8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:
- (1) Overland flow systems shall include provisions for:
    - a. Mowing and removal of clippings, and
    - b. Maintenance of spreader swales and overland flow areas to prevent channelization.
  - (2) Spray irrigation systems for reuse/disposal shall include provisions for:
    - a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and
    - b. Maintenance of the sprayfield to prevent channelization.
  - (3) Treatment systems which incorporate isolated wetlands shall include provisions for:
    - a. Stabilization and restoration of channelized areas, and
    - b. Removal of sediments which interfere with the function of the wetland or treatment system.

## **ATTACHMENTS**

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### **ATTACHMENT D: Mitigation Plans**

**Mitigation Plans shall be submitted in accordance with Condition A.XXVI of this License as applicable.**