

CONDITIONS OF CERTIFICATION

I. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapter 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these general or special 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 determined by the Department.

II. Performance Criteria

Certification, including conditions of certification is predicated upon design and performance criteria indicated in the application. Thus, conformance to those criteria, unless specifically amended, modified, or as the Department and parties are otherwise notified, is binding upon the applicant in the preparation, construction and maintenance of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

III. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privileges, nor 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. The permittee will obtain title, lease or right of use from the State of Florida to any sovereign submerged lands occupied by the transmission line structures or Right-of-Way.

IV. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification.

V. Right of Entry

The permittee shall allow the Secretary of the Florida Department of Environmental Regulation and/or authorized representative, upon the presentation of credentials:

- a. To enter upon the right-of-way where any construction or maintenance is being undertaken or upon the permittee's premises in which records are required

to be kept under the terms and conditions of this permit; and

b. To have access to and copy all records required to be kept under the conditions of this certification; and

c. To assess any damage to the environment or violation of ambient standards.

VI. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulations thereunder.

Subject to Section 403.531, Florida Statutes, this certification shall not preclude the institution of any legal action or relieve the permittee from any responsibilities or penalties established pursuant to any other applicable State Statutes or regulations.

VII. 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 circumstances is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

VIII. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.532, Florida Statutes, or for violations of any Condition of Certification.

IX. Activities In or Near Wetlands (Waters of the State)

A. General

1. Filling and construction in water of the State shall be minimized to the extent practicable. No such activities shall take place without obtaining lease or title from the Department of Natural Resources where required. Construction and access roads should avoid wetlands and be located in surrounding uplands.

2. Placement of fill in wetland areas shall be minimized by spanning such areas with the maximum span practicable.
3. Any fill required in wetlands for construction but not required for maintenance purposes shall be removed and the ground restored to its original contours after transmission line placement.
4. Where fill in wetlands is necessary for access, keyhole fills from upland areas should be oriented as nearly parallel to surface water flow lines as possible.
5. Sufficient size and number culverts or other structures shall be placed through fill causeways to maintain sheet flow substantially unimpaired.
6. Turbidity control measures, including but not limited to hay bales, sodding, mulching and seeding, shall be employed to prevent violation of water quality standards.
7. The right-of-way shall be located so as to minimize impacts in or on stream beds such as the removal of vegetation, to the extent practicable. Within 25

feet of the banks of any streams, rivers, or lakes, vegetation shall be left undisturbed, except for selective topping of trees or removal of trees such as pines. If it is necessary to remove such trees within 25 feet of the banks of streams, rivers, or lakes, the root mat shall be left undisturbed.

8. For all construction activities in waters of the state to their landward extent as defined in 17-4.28 which are also within the jurisdiction of the Corps of Engineers, the permittee shall file a copy of its Dredge/Fill application to the Corps of Engineers with the DER, Bureau of Permitting, Power Plant Siting Section. For construction activities in waters of the state which are not also subject to the Corps, the permittee shall file substantially similar information. In either case, within 45 days of filing DER shall determine whether or not a probable violation of the conditions of certification would occur if the plans were executed as filed. If DER determines that a probable violation would occur, it shall notify the permittee specifying the probable violation with particularity. If DER determines that the plans are in compliance,

it shall so notify the permittee. Construction shall not commence without a written statement of compliance. Since certification is the only form of permit required by the state it is understood that the permittee and DER shall strive to resolve such matters by mutual agreement. If mutual agreement cannot be reached, as determined by the permittee, then the matter shall be referred to a Hearing Officer for disposition in accordance with the provisions of Chapter 120, Florida Statutes, within 60 days. Referral of an issue to a Hearing Officer pursuant to this condition shall not affect other conditions, nor shall it operate as a stay on any other portion of the line.

9. Any necessary water quality certifications which must be made to the Corps of Engineers shall be made at the time of a finding of compliance for specific work at specific locations.

10. Construction activities should proceed as much as practicable during the dry season.

8. Special

1. No structures shall be placed within the ponds shown as "A", "B", or "D" on Figure 1A. No more than one

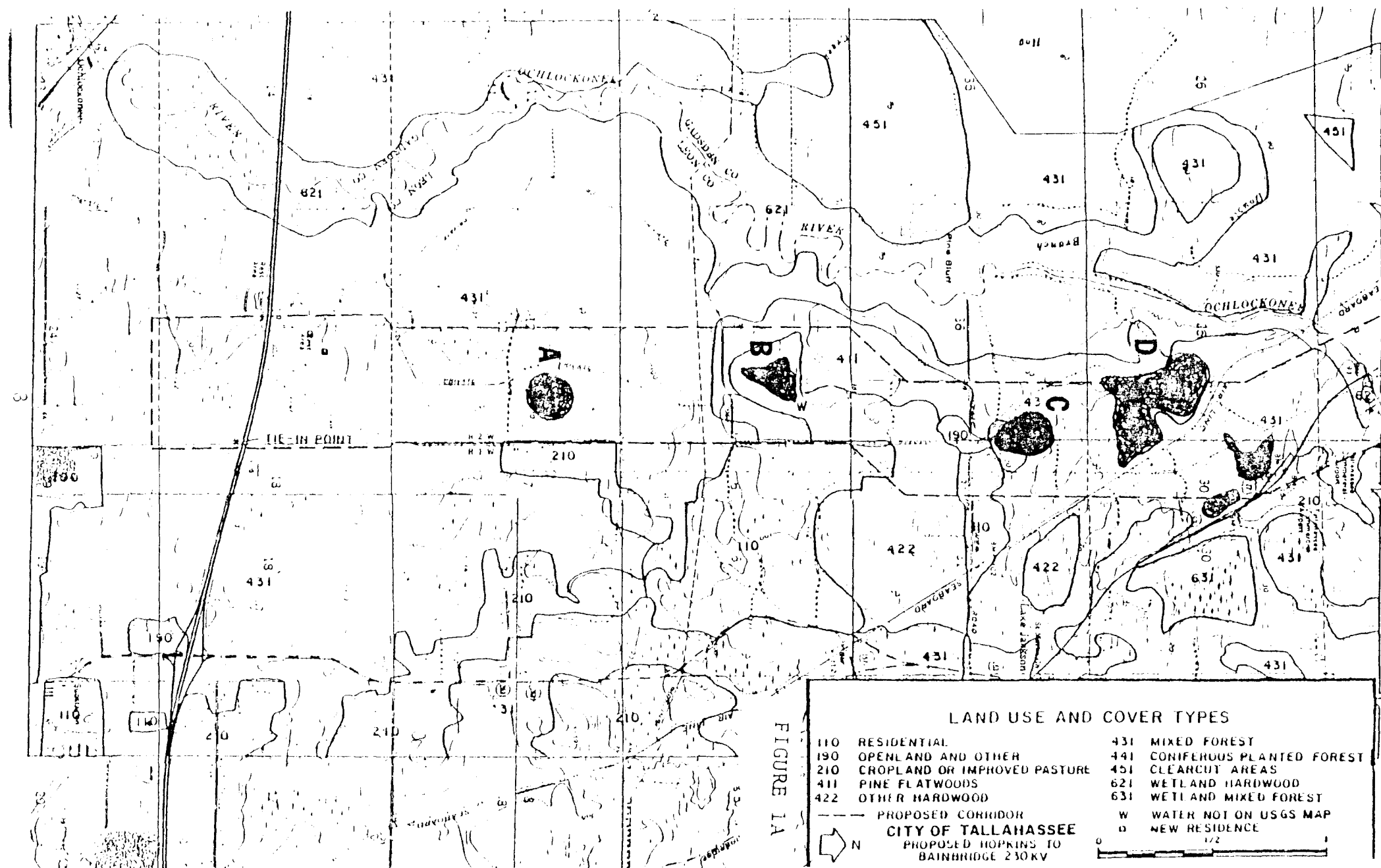
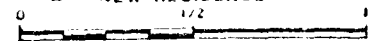


FIGURE 1A

LAND USE AND COVER TYPES

110	RESIDENTIAL	431	MIXED FOREST
190	OPENLAND AND OTHER	441	CONIFEROUS PLANTED FOREST
210	CROPLAND OR IMPROVED PASTURE	451	CLEARCUT AREAS
411	PINE FLATWOODS	621	WETLAND HARDWOOD
422	OTHER HARDWOOD	631	WETLAND MIXED FOREST
		W	WATER NOT ON USGS MAP
		D	NEW RESIDENCE

PROPOSED CORRIDOR
CITY OF TALLAHASSEE
PROPOSED HOPKINS TO
BAINBRIDGE 230KV



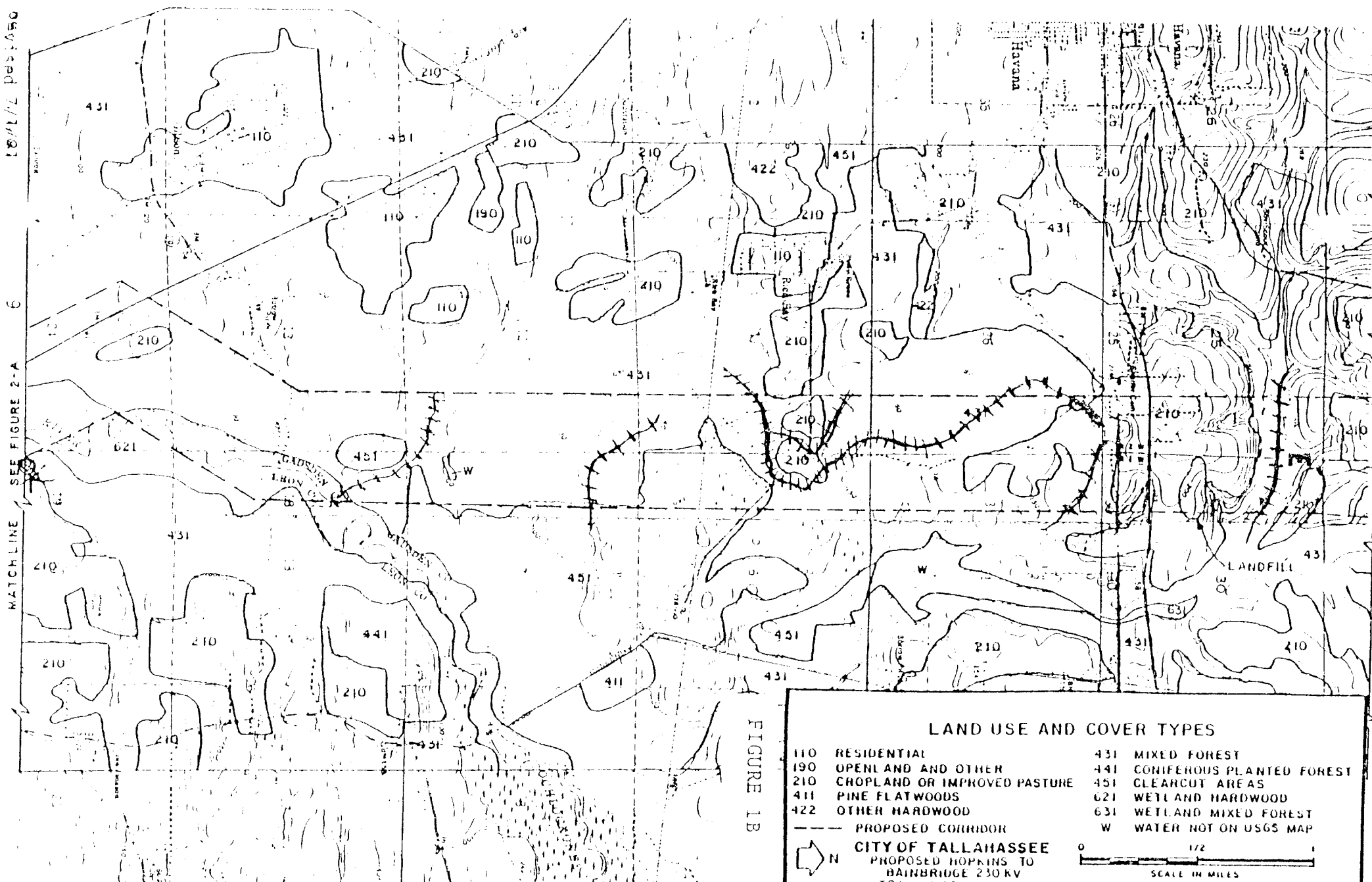


FIGURE 1B

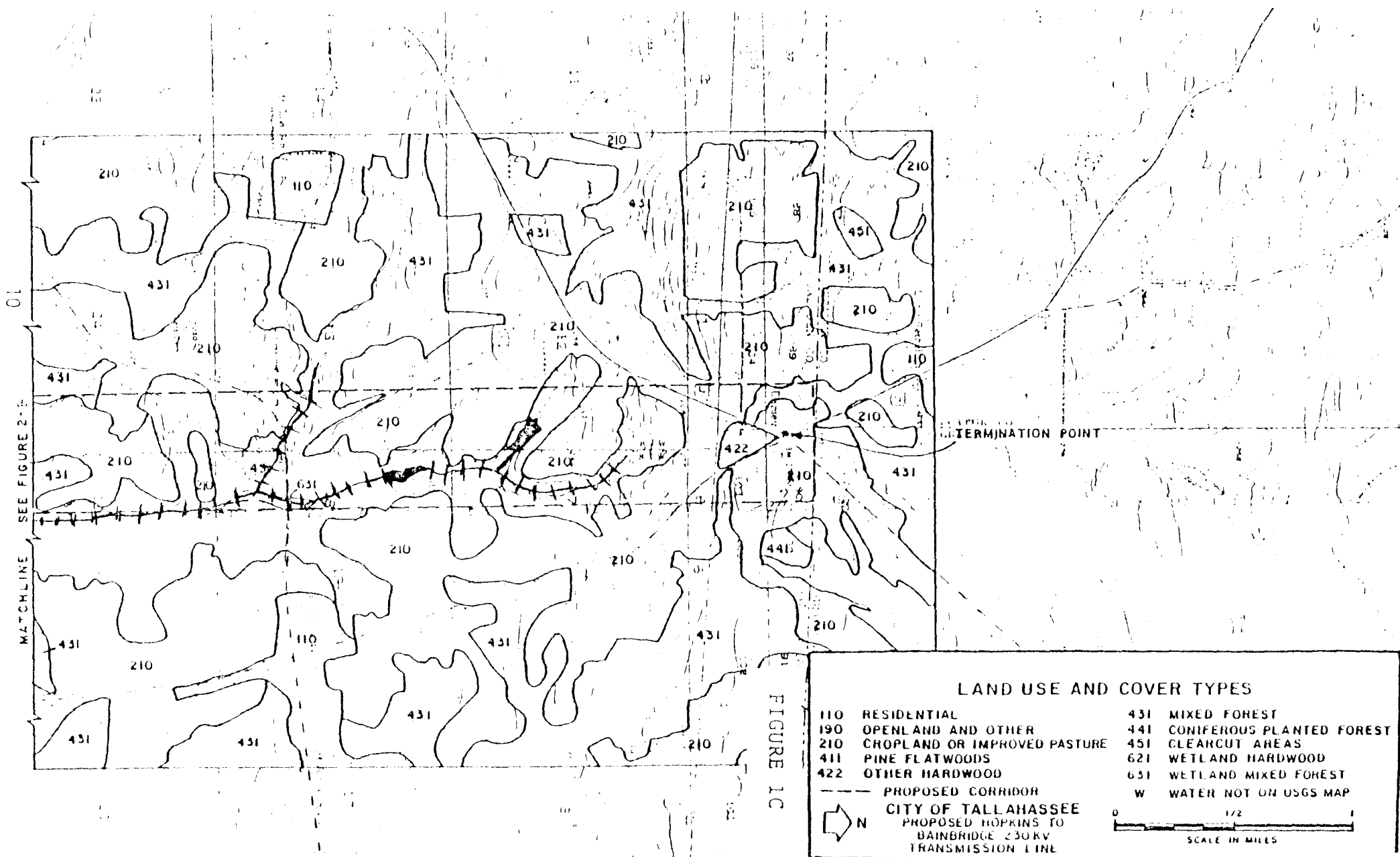
LAND USE AND COVER TYPES

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PROPOSED CORRIDOR

CITY OF TALLAHASSEE
PROPOSED HOPKINS TO
BAINBRIDGE 230 KV

0 1/2 1
SCALE IN MILES



transmission tower shall be placed in the pond shown as "C" on Figure 1A. The causeway portion of the fill required to place the tower in pond "C" shall be removed after construction. Disturbance of vegetation on the edges of all the ponds shall be minimized to the extent practicable. No access road shall be constructed through the creek system indicated as "E" on Figure 1B. Access may be gained by roadways which extend in keyhole fill style from the adjacent uplands.

2. Construction in the Ochlockonee River floodplain should occur during the dry season to the greatest extent practicable. If it should become necessary to construct during flood stage on the river, use of heavy construction equipment shall be limited to 30 days.
3. In locations other than the crossing adjacent to the existing Florida Power Corporation 69 kv transmission line, no structures shall be placed within 250 feet of the Ochlockonee River.
4. Preliminary review of the corridor suggests that the filings required in IX.A.3. should be made for each of the areas shown in Figure 1. If culverts, bridges,

access roads or structures are to be located therein.

X. Other Construction Activities

- A. Maintenance roads under control of the permittee shall be planted with native species to prevent erosion and subsequent water quality degradation where drainage from such roads would impact waters of the state significantly.
- B. Good environmental practices such as described in Environmental Criteria for Electric Transmission Systems as published by the U.S. Department of Interior and the U.S. Department of Agriculture shall be followed to the extent practicable.
- C. No structures shall be placed within the Gadsden County landfill.
- D. No structures shall be placed within 600 feet of the Tallahassee Commercial Airport.
- E. Compliance with the most recent version of the National Electric Safety Code adopted by the Public Service Commission is required.

- F. Fences running parallel to the transmission line which may become conductive shall be grounded at appropriate intervals; fences running perpendicular to the line shall be grounded at the edge of the right-of-way.
- G. Field reconnaissance of rare and endangered species should be performed in order to maximize avoidance of impact on these species.
- H. Open burning in connection with land clearing shall be in accordance with the applicable rules of the Department of Agriculture and Consumer Services. No additional permits shall be required, but the Division of Forestry shall be notified prior to burning. Open burning shall not occur if the Division of Forestry has issued a ban on burning due to fire hazard conditions.
- I. No "material pits" or "borrow pits" shall be allowed on the Talquin State Lands.

XI. Maintenance

- A. Vegetative clearing operations for maintenance purposes to be carried out within the corridor shall follow the general standards for clearing rights-of-way for overhead

transmission lines as referenced in Sections IX.A.7. and X.B. Selective clearing of vegetation is preferred over clearing and grubbing or clear cutting.

- B. If chemicals or herbicides are to be used for vegetation control, the name, type, proposed use, locations, and manner of application shall be provided to the Department for assessment of compliance with applicable regulations.
- C. Where it does not otherwise conflict with land management practices for the Lake Talquin State Lands, the Game and Freshwater Fish Commission's ROW management plan for enhancement of wildlife habitat should be followed.

XII. Archaeological Sites

Any archaeological sites discovered during construction of the transmission lines shall be disturbed as little as possible and such discovery shall be communicated to the Department of State, Division of Archives, History and Record Management (DAHRM). Potentially affected areas will be surveyed, and if a significant site is located, the site shall be avoided, protected or excavated as directed by DAHRM.

(c) A modification of the project that would not cause any significant adverse environmental impact.

(d) Modifications necessary to meet licensing conditions or requirements imposed on the applicant by any federal regulatory agency. The applicant shall notify the Department at least thirty (30) days prior to the issuance of the federal license that would require such a modification.

(e) A reconstruction of a right-of-way or transmission line necessary to avoid or mitigate an emergency involving the loss of human life or property resulting from any natural or man-made cause, including hurricane, tornado, fire, flood, explosion, windstorm or other calamitous accident when new right-of-way or access facilities are necessary.

XV. Emergency Reporting

Emergency replacement of previously existing right-of-way or transmission lines shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency shall be made to the department as soon as possible. Within fourteen (14) calendar days after correction of the emergency a report to the Department shall be made outlining

XIII. Road Crossing

- A. For all locations where the Transmission Line will cross State highways, the applicant will submit materials pursuant to the Department of Transportation's (DOT) "Utility Accomodation Guide" to DOT's district office for review and approval. All applicable regulations pertaining to roadway crossings by transmission lines shall be complied with.
- B. For all locations where the Transmission Line will cross county roads, the applicant shall submit the applicable road crossing approval information to the County Engineer for review and approval. In Gadsden County, "GC Form 72-1" shall be utilized. All applicable county regulations pertaining to roadway crossings by transmission lines shall be complied with.

XIV. Modifications of Conditions

The DER Secretary is delegated the authority pursuant to 403.5315(1), F.S., to modify Conditions of Certification relating to:

(a) Dredge/fill,

(b) Highway crossing approvals,

the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas or alteration of archaeological or historical resources.

XVI. Final Right-of-Way Location

A map of 1:24000 scale showing final location of the right-of-way shall be submitted to the Department upon completion of acquisition.

XVII. Compliance

Construction and maintenance shall comply with the applicable rules and regulations of the Department and those agencies specified in 17-17.54(2)(a) and (b), FAC.