

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN RE: DUKE ENERGY FLORIDA  
DELAND WEST-DONA VISTA  
230 kV TRANSMISSION LINE  
SITING APPLICATION TA25-20**

**OGC CASE No.: 25-1510  
DOAH CASE No.: 25-4655TL**

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**FINAL ORDER OF CERTIFICATION**

Duke Energy Florida (DEF) filed an application for certification of a new 230 kilovolt electrical transmission line and transmission line corridor connecting the existing DeLand West Substation in Volusia County and the Dona Vista Substation in Lake County. At the request of the Florida Department of Environmental Protection (the Department), the Division of Administrative Hearings appointed an Administrative Law Judge (ALJ) to conduct proceedings required by the Florida Electric Transmission Line Siting Act. No agency or private entity filed a timely notice to seek party status or intervene under section 403.527(2), Florida Statutes; thus, the only parties to this proceeding are DEF and the Department. On December 16, 2025, DEF and the Department filed a joint stipulation and motion to cancel the certification hearing (the Joint Stipulation), attached as **Exhibit A** to this Final Order. On the same date, the ALJ issued an Order Closing File and Relinquishing Jurisdiction. Under section 403.529(1)(a), Florida Statutes, I am now required to act upon the application.

The Joint Stipulation is approved, and I adopt the findings of fact and proposed conclusions of law in sections III and IV of the Joint Stipulation. For the reasons stated in the Joint Stipulation, and after considering and balancing the factors in section 403.529(4), Florida Statutes, I determine that DEF's application should be approved, subject to the Conditions of Certification set out in **Exhibit B** to this Final Order.

It is therefore ORDERED that:

A. The application for certification of Duke Energy Florida's transmission line, associated facilities, and transmission line corridor connecting the existing DeLand West Substation in Volusia County and the Dona Vista Substation in Lake County, as described in its application and the record as a whole, is hereby APPROVED and certification is GRANTED.

B. The Project is subject to, and Duke Energy Florida shall comply with, the Conditions of Certification attached as Exhibit B 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, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; or by electronic mail to Agency\_Clerk@dep.state.fl.us and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the clerk of the Department.

DONE AND ORDERED this 20<sup>th</sup> day of January, 2026, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
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ALEXIS A. LAMBERT  
Secretary

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

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

**Lea Crandall** Digitally signed by Lea Crandall  
Date: 2026.01.20 10:10:54 -05'00'  
\_\_\_\_\_  
Clerk

\_\_\_\_\_  
January 20, 2026  
Date

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been sent by electronic mail to the attached service list on this 20<sup>th</sup> day of January, 2026.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

/s/ Jeffrey Brown

JEFFREY BROWN

Administrative Law Counsel

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard, MS 35  
Tallahassee, FL 32399-3000

## SERVICE LIST

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**EXHIBIT A**

**Joint Stipulation and Unopposed Motion to Cancel Certification  
Hearing and Relinquish Jurisdiction to the Florida Department of  
Environmental Protection for Entry of Final Certification Order**

**DUKE ENERGY FLORIDA  
DELAND WEST-DONNA VISTA 230 kV TRANSMISSION LINE  
TA25-20**

**(75 pages)**

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: DUKE ENERGY FLORIDA  
DELAND WEST-DONA VISTA  
230 kV TRANSMISSION LINE  
SITING APPLICATION TA25-20**

**DOAH CASE No.: 25-4655TL**

**OGC CASE No.: 25-1510**

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**JOINT STIPULATION AND UNOPPOSED MOTION TO CANCEL  
CERTIFICATION HEARING AND RELINQUISH JURISDICTION TO  
THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FOR ENTRY OF FINAL CERTIFICATION ORDER**

The Florida Department of Environmental Protection (“Department”) and Duke Energy Florida (“DEF” or “Applicant”) (collectively, the “Parties”), as the only parties to this proceeding, submit this Joint Stipulation and state:

**I. JOINT STIPULATION AND MOTION TO CANCEL CERTIFICATION HEARING AND RELINQUISH JURISDICTION**

Pursuant to Section 403.527(6)(a), Florida Statutes (“F.S.”), the Parties stipulate that “there are no disputed issues of fact or law” in this case. Given this stipulation, the Parties respectfully request the Administrative Law Judge (“ALJ”) issue an order, (i) cancelling the certification hearing scheduled to begin on January 12, 2026, and (ii) relinquishing jurisdiction of this matter to the Department for entry of a final order pursuant to Sections 403.527(6)(a) and (d), F.S.

**II. ADDITIONAL STIPULATIONS**

The Department and the Applicant stipulate to all of the Findings of Fact and Conclusions of Law set forth in Sections III and IV of this Joint Stipulation.

### **III. FINDINGS OF FACT<sup>1</sup>**

#### **Nature of Proceeding**

1. On August 22, 2025, DEF filed an application (“Application”) for certification of a new 230 kilovolt (“kV”) electrical transmission line and transmission line corridor that connect the existing DeLand West Substation in Volusia County and the Dona Vista Substation in Lake County (the “Project” or “DWDV Transmission Line”). This proceeding is being conducted pursuant to the Florida Electrical Transmission Line Siting Act, Sections 403.52-.5365, F.S. (“TLSA”), to determine whether DEF’s Application for the Project should be approved. Approval of the Project includes (a) the establishment of a transmission line corridor that connects the DeLand West Substation to the Dona Vista Substation and (b) the construction, operation, and maintenance of the proposed 230 kV electrical transmission line within the corridor.

#### **The Parties**

2. DEF and the Department are statutory parties to this proceeding pursuant to Sections 403.527(2)(a) and (b), F.S.

3. None of the agencies listed in Section 403.527(2)(a), F.S., filed a timely “notice of intent to be a party” pursuant to the Section 403.527(2)(b)-(c), F.S. No

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<sup>1</sup> The Findings of Fact are based on the information contained in: (a) DEF’s Application, dated August 22, 2025; (b) DEF’s responses to the Department’s completeness comments (“Completeness Responses”), dated October 13, 2025; (c) The Joint Notice of Filing Notices of DEF’s TLSA Application (“Notices of Application”), dated September 17, 2025; (d) The Joint Notice of Filing Notices of Certification Hearing (“Notices of Hearing”), dated November 18, 2025; (e) DEF’s Notice of Submittal of List of Landowners and Residences Notified of Filing, dated October 14, 2025; and (f) the Department’s Project Analysis Report, dated December 9, 2025, including the attachments to the PAR.

agency, corporation, or other entity filed a timely “notice of intent to be a party” to this proceeding pursuant to Section 403.527(2)(c), F.S. No person filed a timely petition to intervene in this proceeding pursuant to Section 403.527(2)(c)3, F.S. No agency filed a timely “request to be made a party” pursuant to Section 403.527(2)(d), F.S. Consequently, DEF and the Department are the only parties to this proceeding.

### **Procedural Background**

4. On August 22, 2025, DEF filed its Application for certification of the proposed Project with the Department. PAR, at p. 6. On September 29, 2025, the Department determined the Application was incomplete. On October 13, 2025, DEF filed its Completeness Responses with the Department. On November 3, 2025, the Department found the Application to be complete.

5. Pursuant to Section 403.526, F.S., the following agencies reviewed the Application and submitted reports regarding the Project: the Department; the Florida Public Service Commission (“FPSC”); the Florida Department of Commerce (“FDOC”); the Florida Fish and Wildlife Conservation Commission (“FWCC”); the Florida Department of Transportation (“FDOT”); the Florida Department of Agriculture and Consumer Services–Florida Forest Service (“FDACS”); the Florida Department of State, Division of Historical Resources (“DHR”); the St. Johns River Water Management District (“SJRWMD”); Volusia County; Lake County; City of Umatilla; and City of Eustis. PAR, at §6.0 p. 22 and Appendix-II pgs. 74-136.

6. On November 13, 2025, the ALJ issued an Amended Order Establishing Schedule (“First Revised Schedule”), which set out the following dates: (a) December

1, 2025, as the deadline for filing a proposed alternate corridor; (b) December 15, 2025, as the deadline for becoming a party to the certification hearing; and (c) January 12-16, 2026, for holding the certification hearing.

7. No person, agency, or other entity timely filed a proposed alternate corridor. PAR, at §1.0 p. 6. As set out above, no person, agency or other entity timely filed a motion to intervene or notice of intent to become a party.

8. All required notices were timely published by the Applicant and the Department.<sup>2</sup>

9. On December 9, 2025, the Department issued its Project Analysis Report (“PAR”), which included the Department’s proposed Conditions of Certification for the Project based on the Department’s analysis and the reports of the various reviewing agencies. The proposed conditions are attached hereto as **Exhibit A**.

10. A certification hearing (“Certification Hearing”) is scheduled to be held in the City of Umatilla, Florida, beginning on January 12, 2026, pursuant to Section 403.527, F.S.

### **The Applicant**

11. DEF, a subsidiary of Duke Energy, owns approximately 13,000 megawatts of energy capacity, supplying electricity to 2 million residential, commercial, and industrial customers across a 20,000-square-mile service area in Florida. DEF’s bulk transmission system is comprised of approximately 5,400 miles of transmission lines. Integration of the generation, transmission, and distribution

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<sup>2</sup> See also “Public Notices and Public Outreach” at pgs. 19-20 herein.

systems is achieved through approximately 715 DEF substations. Application, at §1.1.2; PAR, at §1.0 p. 5.

### **Overview of DEF's Project**

12. DEF proposes to construct a single circuit 230 kV transmission line that extends from the existing DEF-owned DeLand West substation location in Volusia County approximately 26.26 miles to the existing DEF-owned Dona Vista substation in Lake County. The proposed corridor for the Project traverses through Volusia County, Lake County, and the Cities of Umatilla and Eustis. Application, at §1.1.

13. While the proposed Project corridor largely follows existing transmission line rights-of-way, the proposed Project corridor, in most areas, is wider than the Applicant's existing right-of-way, to allow for flexibility, particularly near the Paisley, DeLand West, and Dona Vista substations. Generally, the proposed Project corridor includes 100 feet of existing DEF easement and an additional 100 feet on each side for flexibility in engineering design and construction, thus creating a 300-foot wide corridor. This is particularly the case for cross-country routes that do not have adjacent roads or other existing infrastructure. For other route configurations, the proposed Project corridor width varies based on DEF easement width, desired flexibility buffer, road right-of-way width (when including both sides of the road), and in routing around existing substations. At its narrowest location, the proposed Project corridor is 100 feet wide as it traverses the Ocala National Forest. The widest portion of the proposed Project corridor, near the Dona Vista substation, is approximately 1,700 feet wide, as there are multiple substation entry

points being considered. Approximately 95% of the preferred Project corridor is located within or adjacent to DEF's existing right-of-way, except for areas near the DeLand West, Paisley, and Dona Vista substations. The final width of additional acquired right-of-way will be dependent upon adjacent land uses, structures, and span lengths utilized. Once necessary additional property interests for the Project have been acquired, the corridor boundaries will narrow to a final right-of-way and the remaining certified corridor will have no further legal significance. Application, at §1.1; PAR, at §2.2 p. 7.

#### **DEF's Corridor Selection Process**

14. Prior to filing its Application for the Project, DEF conducted a corridor selection study to develop a certifiable corridor for the proposed 230 kV transmission line that would appropriately balance land use, socioeconomic, environmental, engineering, cost, public input, reliability, safety, and constructability considerations. Application, at §2.1; PAR, at §2.1 p. 7. The study included the following:

- Establishment of a study area, evaluation criteria, and a geographic information system (GIS) database;
- Constraint and opportunity (suitability) analysis;
- Identification and evaluation of alternative routes;
- Field reconnaissance;
- Public involvement; and
- Corridor development.

Application, at §2.1; PAR, at §2.1 p. 7.

15. DEF considered the following principles when identifying potential routes for the transmission line corridor:

- Maximization of co-location with existing DEF transmission lines;
- Maximization of co-location with other linear features, including arterial and collector roads and railroads;
- Minimization of the need to acquire new right-of-way;
- Minimization of locations close to existing residences;
- Minimization of need to acquire and remove structures located within the proposed right-of-way area;
- Minimization of locations close to schools and other community facilities;
- Minimization of locations close to known listed species of flora and fauna;
- Minimization of locations close to sites listed in the National Register of Historic Places;
- Minimization of locations in state lands or other conservation areas or parks;
- Minimization of impacts to wetlands;
- Minimization of traffic congestion and business access during construction and maintenance of the transmission line;
- Minimization of the severance of land under common ownership.

Application, at §2.1.2.1.

16. DEF then scored each route in four criteria categories: Social, Land Use, Environment, and Engineering, using 62 individual evaluation criteria, and conducting a quantitative evaluation assigning weights to criteria in the four criteria categories. Application, at §2.1.2.2, Tables 1-4. The proposed Project corridor was delineated around the routes with the best scores. Id.

### **Description of DEF's Proposed Corridor**

17. Approximately 95% of the proposed Project corridor follows DEF's existing right-of-way, which includes portions of seven (7) existing transmission lines

and six (6) existing substations. The existing substations along the corridor include DeLand West, St. Johns Seminole Electric Cooperative Inc. (SEC) Rural Electric Association (REA), Paisley (SEC) REA, Linadale (SEC) REA, Umatilla, and Dona Vista. Areas in proximity to the DeLand West, Paisley, and Dona Vista substations will require new transmission line rights-of-way. DEF's existing transmission lines are co-located adjacent to State Route (SR) 44, County Road (CR) 42, SR 19, and CR 19A. Application, at §2.0; PAR, at §2.1 p. 8.

18. The general location of the proposed Project corridor is shown on Application Figure 1-1. A more detailed depiction of the proposed corridor is shown in a series of aerial photographs that comprise Figure 2-1 of the Application. As shown in Application Figure 2-1, the proposed Project corridor begins at the existing DeLand West Substation, which is located near SR 44 in western Volusia County. The proposed Project corridor terminates at the existing Dona Vista Substation, near Eustis. The proposed Project corridor primarily traverses Lake County, including the Cities of Umatilla and Eustis, with a small portion traversing Volusia County. Application, at Figure 2-1; PAR, at Figures 1-6 pgs. 9-14.

19. Following certification of the Project, but prior to the commencement of construction, DEF must obtain the easements and property rights needed for the specific rights-of-way that will be used for the Project. The right-of-way must be located within the boundaries of the approved transmission line corridor. Figures 1-5 through 1-14 of the Application depict cross-sections of the typical structures that

will be built in the right-of-way. Figure 1-4 of the Application shows cross-section locations along the proposed Project corridor. PAR, Figures 7-10 pgs. 15-18.

20. The proposed Project corridor traverses: one national forest—Ocala National Forest (Lake County); one Florida state park—Lower Wekiva River Preserve State Park (Lake County); one Florida state forest—Seminole State Forest (Lake County); one river – the St. Johns (Lake and Volusia County); two conservation easements—Holman and Maxwell (Lake County); and three County local parks—Ed Stone Park (Volusia County), North Lake Community Park (Lake County), and Tanner Preserve (Lake County). Application, at §2.4.1. Within these areas, the proposed Project corridor is:

- Ocala National Forest – limited to the existing DEF 100-foot easement through the forest;
- Lower Wekiva River Preserve State Park – centered on existing DEF right-of-way through the park;
- Seminole State Forest – centered on existing DEF right-of-way through the forest, with approximately 2 miles being adjacent to CR 42 road right-of-way;
- Holman and Maxwell Conservation Easements – adjacent to road right-of-way and centered on existing DEF right-of-way through the easements;
- Tanner Preserve – adjacent to road right-of-way and centered on existing DEF right-of-way through the preserve; and
- St. Johns River – limited to the existing DEF transmission line easement on the west bank of the river, and expanded beyond the existing easement to a width of 900 feet on the east side of the river for flexibility.

Application, at §3.6; PAR, at §2.2 p. 19.

21. DEF anticipates that only moderate right-of-way clearing will be required for the Project because the new line will be following existing DEF lines for the majority of the Project's approximately 26-mile length, which include 69 kV transmission lines that are currently maintained per DEF right-of-way clearing practices. Application, at §3.1; PAR, at §2.1 p. 19. The Application contains information regarding the existing land use and vegetation cover types within the proposed Project corridor. Application, at §2.5.1.

22. Detailed design information, the specific location and extent of wetland impacts, and the appropriate mitigation will be described in DEF's post-certification submittals required before the commencement of construction pursuant to the Conditions of Certification. Application, at § 3.2; PAR, at §2.1 p. 19.

23. Ecological resources within the Project corridor were evaluated utilizing a combination of field reconnaissance, database queries, aerial maps, and literature reviews to determine whether threatened, endangered, or other listed plant and animal species or their habitat occur or are likely to occur within the proposed transmission line corridor. Application, at §2.5.3. DEF will conduct additional surveys of listed species before the commencement of construction, pursuant to the Conditions of Certification. PAR, at §2.1 pgs. 19-20.

### **Overview of the Agency Reports**

24. The Department, FDOT, SJRWMD, FDOC, FWCC, DHR, FPSC, FDACS, Volusia County, Lake County, the City of Umatilla, and the City of Eustis, each reviewed the Application and prepared reports concerning matters within their

jurisdiction, pursuant to Section 403.526(2), F.S. All of the agencies and/or local governments recommended approval, or did not object to certification, of the Project, subject to various conditions of certification. All of the agency reports are included in the Department's Project Analysis Report at Appendix II. Each of the agency reports is summarized below.

**A. FPSC Determination of Need for the Project**

25. In the Application, DEF states that the proposed Project is needed to: (a) improve reliability for DEF customers served from the existing 69 kV circuits between the Haines Creek and Piedmont substations; (b) increase north-to-south power transfer capabilities, providing an additional transmission path and redistributing the power flows in Volusia and North Orlando; (c) maintain regulatory compliance; (d) relieve potential overloads and low voltage conditions under contingency events; and (e) reduce line loading on existing transmission circuits. Application, at §1.1.1; PAR, §2.1 p. 7

26. On June 9, 2025, DEF filed a petition for a need determination for the proposed Project with the FPSC. On July 22, 2025, the FPSC issued a "Final Order Approving Determination of Need for an Electrical Transmission Line," Order No. PSC-2025-0291-FOF-EI, granting DEF's petition. PAR, § 4.0, at pgs. 20-21, and Appendix II-A, pgs. 79-84. In accordance with Section 403.537(1)(c), Florida Statutes, the FPSC concluded:

As evidenced in the record, DEF has demonstrated that if it does not add transmission capacity in the projected service area there are sufficient transmission risks that

would result in power outages in the event of a double contingency event in Lake, Volusia, Seminole, and Orange Counties. While DEF has implemented an Under Voltage Load Shedding (UVLS) scheme to prevent a larger, more catastrophic collapse of the larger electric grid, the customers in the area would experience extended outages. If a double contingency event occurred today, the record indicates that an estimated 29,000 customers would experience extended power outages due to the UVLS activation. Over the next 10 years, DEF demonstrated that the Dona Vista areas' load will grow by an average of 25%, which would further exacerbate this issue.

The record further supports the necessity for this 230 kV transmission line based on its ability to: (a) improve the reliability of service for DEF customers connected to the existing 230 kV circuits in Lake, Volusia, Seminole, and Orange Counties; (b) increase north-to-south power transfer capabilities, providing an additional transmission path and optimizing power flow distribution within Volusia and North Orlando areas; (c) mitigate potential overloads and address low voltage conditions during system contingencies; and (d) decrease the loading on existing transmission circuits. Therefore, we find that DEF has demonstrated a need for the proposed DeLand West to Dona Vista 230 kV transmission line project, taking into account the need for electric system reliability and integrity.

PAR, at Appendix II-A, pgs. 81-82.

## **B. The Department's Agency Report**

### **i. Environmental Resource Permit Issues**

27. Many site-specific details and site-specific construction and maintenance impacts necessary to fully evaluate compliance with the requirements of the Department's Environmental Resource Permit ("ERP") program will not be known until DEF identifies the final right-of-way. Once identified, DEF will prepare

a wetland impact evaluation and mitigation assessment, which DEF will provide to the Department as a post-certification submittal in accordance with the requirements in the Conditions of Certification. The Conditions of Certification for the Project require DEF to avoid, minimize, or mitigate impacts to wetlands. The Conditions of Certification also require DEF to submit surveys of wetland and surface water areas in accordance with Chapter 62-340, F.A.C. The Department must review and approve DEF's post-certification submittals before DEF may commence construction of the Project. Any approved mitigation plans will be incorporated into the Conditions of Certification. PAR, at §6.1.1 pgs. 23-24.

28. DEF has provided reasonable assurance that the Project will comply with the applicable requirements of the Department's ERP program if DEF complies with the Conditions of Certification.

ii. Electric and Magnetic Field Issues

29. The Application included calculation of the maximum electromagnetic field capable of being produced by the Project. The EMF values were calculated in accordance with the Department's EMF rules in Chapter 62-814, F.A.C. The information provided in the Application indicates that the EMF associated with the proposed Project will comply with the Department's standards set out in Rule 62-814.450(2), F.A.C., for electric and magnetic fields from new transmission lines. PAR, at §6.1.2, pgs. 24-25.

30. DEF has provided reasonable assurance that the proposed Project will comply with the applicable requirements of the Department's EMF rules, if DEF complies with the Conditions of Certification.

**C. FDOT's Agency Report**

31. In its agency report for the Project, FDOT recommended approval of the Project, contingent upon DEF complying with its proposed conditions of certification. FDOT's proposed conditions address the following issues: access management to the state highway system; overweight or over dimensional loads; the use of Florida right-of-way or transportation facilities; drainage; DOT standards; the use of air space; and best management practices. PAR, at Appendix II-B, pgs. 85-90.

**D. FDOC's Agency Report**

32. The FDOC reviewed DEF's Application for consistency with the State Comprehensive Plan ("SCP"), Section 187.201, F.S. The FDOC found the Project is consistent with the following goals in the SCP:

- SCP Goal 15, Land Use: "In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner."
- SCP Goal 17, Public Facilities: "Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner."
- SCP Goal 21, The Economy: "Florida shall promote an economic climate which provides economic stability,

maximizes job opportunities, and increases per capita income for its residents.”

PAR, at Appendix II-C, p. 94. More specifically, FDOC found that “[t]he transmission line enhances the existing and future electric power system and will serve residents in a timely, orderly, and efficient manner,” thus furthering Goal 17. Id. In addition, DOC determined that “[t]he proposed transmission line will help provide Florida with a stable source of electric power and thus enhance the economic stability of the state,” which furthers Goal 21. Id.

33. DOC also reviewed the Application for consistency with local government comprehensive plans and land development regulations, pursuant to Section 403.526(2)(a)3, F.S. PAR, at Appendix II-C, pgs. 94-95. DOC concluded that: “Thus, the DeLand West-Dona Vista 230kV Transmission Line is exempt from constituting “development” for the purpose of local comprehensive plans and land development regulations”; and “ approval of the transmission line is not contingent on consistency with the comprehensive plans and land development regulations.” Id., at p. 95.

**E. FWCC’s Agency Report**

34. In its agency report, FWCC recommended approval of the Project, subject to certain conditions. The conditions of certification proposed by FWCC require DEF to coordinate with FWCC and then conduct additional wildlife surveys in compliance with the FWCC’s protocols. The results of the surveys shall be reported to the FWCC. The conditions required by FWCC specifically require DEF to conduct

surveys for gopher tortoises, state-threatened wading birds, Florida sandhill crane, southeastern American kestrel, Florida burrowing owl, and Florida manatee. In addition, DEF must coordinate with FWCC concerning appropriate avoidance, minimization, and mitigation methods. PAR, at Appendix II-D, pgs. 97-105.

**F. SJRWMD's Agency Report**

35. The SJRWMD reviewed DEF's Application and noted that DEF "did not identify any specific water use activities" as part of the proposed Project. Nonetheless, the SJRWMD recognized the Project may include some dewatering activities, stating: "Based on our experience with similar projects, any dewatering to facilitate placement of utility poles will be transient in nature and of limited magnitude. The applicant has not proposed any specific water use; however our experience with similar projects indicates that if [dewatering is] required, the proposed use will not exceed thresholds for an individual consumptive use permit." PAR, at Appendix II-E, p. 108. The SJRWMD recommended certification of the Project, subject to certain conditions governing dewatering activities and use of district lands and conservation easements. PAR, at Appendix II-E, pgs. 106-114.

**G. DHR's Agency Report**

36. DHR reviewed DEF's Application and noted that "the application includes a provision to complete a cultural resource assessment survey in consultation with our office prior to construction. Provided this provision is included in the license for the project, the undertaking will include adequate effort to identify historic properties, assess potential adverse effects, and ensure appropriate

treatment or mitigation for any significant historic properties identified during the survey.” PAR, at Appendix II-F, p.116. The DHR’s completeness recommendation included conditions that require DEF to conduct surveys in consultation with DHR prior to new construction in areas that have not previously been surveyed. PAR, at Appendix II-F, pgs. 115-117.

#### **H. FDACS – Florida Forest Service**

37. The FDACS Florida Forest Service reviewed the Application, but did not issue a formal agency report. Rather, FDACS reiterated its preference stated in its preliminary statement of issues that DEF “work within their existing easement to minimize the level of habitat fragmentation and disruption of multiple-use activities” PAR, at §6.7, p. 77. FDACS proposed one condition of certification related to herbicide use. PAR, at p. 74.

#### **I. Lake County’s Agency Report**

38. Lake County reviewed the Project and submitted a draft agency report on November 20, 2025, which became final after consideration and approval by the Lake County Board of County Commissioners on December 2, 2025. Lake County indicated it has no objection to certification of the Project, subject to proposed conditions of certification, many of which were based on a voluntary stipulation to the proposed condition by DEF. PAR, at Appendix II-G, pgs. 118-121.

#### **J. Volusia County’s Agency Report**

39. Volusia County reviewed the Project and submitted a draft agency report on November 2, 2025, and a final agency report on December 2, 2025, after

consideration and approval by the Volusia County Board of County Commissioners. Volusia County concluded “[d]ue to the limited impact in Volusia County, Volusia County does not propose conditions of certification for the corridor” and “does not object to approval of the application and certification of the corridor.” PAR, at Appendix II-G, pgs. 122-125.

**K. City of Umatilla’s Agency Report**

40. The City of Umatilla reviewed the Project and submitted an agency report on November 25, 2025. The City concluded that, based on its review and coordination with DEF to discuss portions of the proposed transmission line near the Dona Vista area and near the Umatilla Municipal Airport, the City has no objection to the proposed transmission line corridor and requested no conditions of certification. PAR, at Appendix II-H, pgs. 126-128.

**L. City of Eustis’ Agency Report**

41. The City of Eustis reviewed the Project and submitted a final agency report on November 24, 2025. The City stated that “[b]ased on current information, the City has identified no significant adverse impacts within City limits,” subject to proposed conditions related to compliance with City Code provisions related to, among other things, right-of-way safety, access, and protection of City infrastructure; and noise, air quality, and general operational impacts. PAR, at Appendix II-H, pgs. 129-136.

### **Public Notices and Public Outreach**

42. In May 2025, DEF conducted an open house to provide information to the public, and to solicit public comments and feedback. PAR, at §7.0 p. 28. DEF mailed approximately 1,000 letters to members of the public that owned property in or near the potential corridors, inviting them to attend the open house. DEF also created a project website, email address, and toll-free telephone number where members of the public could find more information and submit comments and questions. Application, at §2.1.3, Appendix B.

43. In September 2025, DEF published notice of the filing of its Application in the Daily Commercial, the Volusia Review, and the Hometown News. PAR, at §7.1 p. 28.

44. In October 2025, DEF provided direct notice of the filing of the Application to all landowners whose property, as noted in the most recent local government tax records, and residences were located within one-quarter mile of the proposed corridor. DEF mailed 2,962 letters to these landowners. PAR, at §7.3 p. 28.

45. In November 2025 DEF published notice of the Certification Hearing in the Daily Commercial, the Volusia Review, the Hometown News, and the Daytona Beach News Journal. PAR, at §7.1 p. 28.

46. On September 4, 2025, the Department published notice of DEF's Application in the Florida Administrative Register (Vol. 51/No. 172). On November 7, 2025, the Department published notice of the Certification Hearing in the Florida Administrative Register (Vol. 51/No. 218).

47. The Parties timely complied with the informational and procedural requirements of the TLSA and Chapter 62-17, F.A.C., applicable to the publication of notices. All notices, mailings and/or proofs of publication were filed in the DOAH docket by the Parties in accordance with the TLSA.

### **Variances**

48. DEF did not request and is not seeking any variances from any local, regional, or state standards that are applicable to the Project. PAR, at §9.0 p. 28; Application, at §5.0. Pursuant to section 403.526(2)(b)1, F.S., the reviewing agencies and local governments are required to identify applicable non-procedural requirements from which a variance, exemption, exception, or other relief is necessary in order to approve the Application. None of the reviewing agencies or local governments identified any such requirements.

### **Department Conclusions and Recommendations**

49. With regard to the impacts from the construction of the Project, the Department concluded that:

- The majority of construction will occur within existing linear [rights-of-way].
- Construction and any associated noisy activities will be temporary and comply with applicable state and local regulations.
- The project will avoid, where possible, impacts to wetlands and wildlife. Where avoidance is not possible, impacts will be mitigated through applicable regulations.
- Archaeological resources found during surveys and construction will be addressed through coordination with the Division of Historical Resources.

- In conjunction with construction of new access roads, culverts will be added to maintain flow, in accordance with applicable regulations.
- Once the transmission line construction is completed, the [right-of-way] will be restored to natural conditions, where feasible.

PAR, at §10.1 p. 29.

50. With regard to the operational impacts of the Project, the Department concluded that:

- The project would increase north-to-south power transfer capabilities to provide an additional transmission path and redistribute power flows in Volusia and North Orlando.
- The project would improve grid reliability in Lake, Volusia, Seminole, and Orange Counties.
- The project would relieve potential overloads and low voltage conditions under contingency events and reduce line loading on existing circuits.
- Design of the transmission line will comply with the American National Standards Institute's National Electric Safety Code, which covers electrical clearances as well as loading and strength requirements, including during extreme wind.
- The project will be designed to meet the electric and magnetic field standards of Chapter 62-814, F.A.C.
- The project is consistent with specific goals of the FDOC's State Comprehensive Plan (SCP) regarding Land Use, Public Facilities, and the Economy.

PAR, at §10.2 p. 29.

51. "The Department reviewed the Application and determined that the proposed Corridor will be in compliance and consistent with matters within the Department's standard jurisdiction, including the rules of the Department. The

Department considered the recommendations of the affected reviewing agencies and determined that the [DEF] DeLand West to Dona Vista 230 kV Transmission Line Project will be in compliance and consistent with the applicable nonprocedural requirements of the affected agencies. The Department also proposed Conditions compliant with the TLSA to monitor impacts and compliance with applicable nonprocedural requirements of the reviewing agencies.” PAR, at §10.4 p. 30.

52. The Department’s overall recommendation is that, “subject to the proposed Conditions of Certification in Appendix I, the DeLand West to Dona Vista 230 kV Transmission Line Corridor can be certified considering the . . . factors to be weighed pursuant to section 403.529(4), F.S. . . .” PAR, at §10.4 pgs. 30-31.

53. DEF stipulates that it accepts the proposed Conditions of Certification that are attached hereto in **Exhibit A**, and that it will comply with the Conditions of Certification.

#### **IV. PROPOSED CONCLUSIONS OF LAW**

The Parties jointly propose the following conclusions of law for the Department Secretary to consider for inclusion in the Department’s final order. The Parties stipulate that the Secretary is not required to accept these recommended conclusions of law when balancing the criteria in Section 403.529(4), F.S.

#### **Parties, Jurisdiction and Procedural Requirements**

54. The Department and DEF are statutory parties and thus have standing to participate in this proceeding. They are the only parties to this proceeding. Except

for these parties, no person, agency or other entity timely complied with the requirements for becoming a party to this proceeding.

55. The ALJ has the authority pursuant to section 403.527(6), F.S., to “cancel the site certification hearing and relinquish jurisdiction to the Department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law” to be resolved at the certification hearing.

56. Following the issuance of the ALJ’s order cancelling the Certification Hearing and relinquishing jurisdiction to the Department, the Department has the authority and the responsibility to issue a final order pursuant to Sections 403.527(6)(d)1 and 403.529(1)(a), F.S.

57. DEF and the Department provided timely public notices concerning the filing of the Application and the Certification Hearing, and satisfied the notice requirements in the TLSA and Chapter 62-17, F.A.C.

58. All of the necessary state, regional and local governmental agencies participated in the certification review process concerning DEF’s Application.

**Balancing Factors/Criteria**

59. Section 403.529(4), F.S., provides as follows:

In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board, or secretary when applicable, shall consider whether, and the extent to which, the location of the transmission line corridor and the construction, operation, and maintenance of the transmission line will:

a. Ensure electric power system reliability and integrity;

- b. Meet the electrical energy needs of the state in an orderly, economical, and timely fashion;
- c. Comply with applicable nonprocedural requirements of agencies;
- d. Be consistent with applicable provisions of local government comprehensive plans, if any; and
- e. Effect a reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by the commission, under s. 403.537, 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.

60. The FPSC determined that “there is a need for Duke Energy Florida, LLC’s proposed DeLand West -Dona Vista 230 kV transmission line project, taking into account the need for electric system reliability and integrity” and “the need for abundant, low cost electrical energy to assure the economic well-being of the residents of the state.” PAR, Appendix II-A, pgs. 79-84. The FPSC is “the sole forum in which to determine the need for a transmission line.” §403.537(1)(b), F.S. The FPSC’s determination of need “is binding on all parties to any certification proceeding under the” TLSA. §403.537(1)(d), F.S. Given the determinations of the FPSC, the Applicant has satisfied the criteria in sections 403.529(4)(a) and (b), F.S.

61. DEF has provided reasonable assurance that it will comply with the applicable nonprocedural requirements of the reviewing agencies. Thus, the Applicant has satisfied the criteria in Section 403.529(4)(c), F.A.C.

62. Local government authority to regulate land use and development is governed by the Community Planning Act, Section 163.3161, *et seq.*, F.S. Section

163.3167, F.S., grants local governments the power to, among other things, “adopt . . . comprehensive plans . . . to guide their future development and growth” and to implement comprehensive plans “by the adoption of appropriate land development regulations . . . .” “Development” for purposes of the Community Planning Act is defined in Section 163.3164(14), F.S., by reference to Section 380.04, F.S. Section 380.04(3), F.S., in turn, identifies numerous activities that “shall not” be considered “development,” including “[t]he creation or termination of rights of access, riparian rights, easements, distribution or transmission corridors, covenants concerning development of land, or other rights in land” and “[w]ork by any utility and other persons engaged in the distribution or transmission of . . . electricity . . . for the purpose of inspecting, repairing, or renewing on established rights-of-way or corridors, or constructing on established or to-be-established rights-of-way or corridors, any . . . power lines, towers, poles, . . . or the like.” §380.04(3)(b), (3)(h), F.S.; PAR, at §6.3, p. 26. These statutes exclude transmission lines from the definition of “development” and therefore development approval procedural requirements and land development substantive requirements are inapplicable to the Project. Application, at §2.4.2. Since the construction of the Project is not a development, the Project is not subject to the requirements in local government comprehensive plans that govern development. Application, at §2.4.2, p. 18. Consequently, the Applicant has satisfied the criteria in Section 403.529(4)(d), F.S.

63. Given the findings of fact and conclusions of law set forth above, the certification of the Project in accordance with the proposed Conditions of Certification

will effect a reasonable balance between the need for the transmission line as a means of providing reliable, economically efficient electric energy, as determined by the FPSC, 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 line. Therefore, the Applicant has satisfied the criteria in Section 403.529(4)(e), F.S.

64. After considering the criteria set forth in Section 403.529(4), F.S., and balancing the various factors set forth therein, the Department concluded that DEF's Application should be approved and the Project should be certified, subject to the Conditions of Certification set out in **Exhibit A**, attached hereto.

#### **V. THE PARTIES' JOINT REQUEST**

In light of the stipulations contained herein, the Parties respectfully request the following:

- (a) That the Administrative Law Judge cancel the Certification Hearing pursuant to Section 403.527(6), F.S.;
- (b) That the Administrative Law Judge relinquish jurisdiction of this matter and return the case to DEP for entry of a final order pursuant to Sections 403.527(6)(d)1 and 403.529(1)(a), F.S.; and
- (c) Upon this matter being relinquished to the Department, that the Secretary of the Department enter a final order approving DEF's Application and granting certification of the Project, subject to the Conditions of Certification set out in **Exhibit A**.

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Respectfully submitted this 16<sup>TH</sup> day of December 2025.

THE STATE OF FLORIDA DEPARTMENT  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of foregoing document has been served, via electronic mail, to the individuals listed in the service list attached hereto, on this 16<sup>TH</sup> day of December 2025.

Kelley F. Corbari

KELLEY F. CORBARI  
Senior Assistant General Counsel

**SERVICE LIST**

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# **EXHIBIT A**

## **CONDITIONS OF CERTIFICATION**

**DUKE ENERGY FLORIDA  
DELAND WEST-DONNA VISTA 230 kV TRANSMISSION LINE  
TA25-20**

**(45 pages)**

**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

**Duke Energy Florida  
DeLand West – Dona Vista Transmission Line  
TA25-20**

**XX / XX / 2026**

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## Table of Contents

|                   |                                                               |           |
|-------------------|---------------------------------------------------------------|-----------|
| <b>SECTION A:</b> | <b>GENERAL CONDITIONS.....</b>                                | <b>1</b>  |
| <b>I.</b>         | <b>SCOPE .....</b>                                            | <b>1</b>  |
| <b>II.</b>        | <b>APPLICABLE DEPARTMENT RULES .....</b>                      | <b>1</b>  |
| <b>III.</b>       | <b>REVISIONS TO DEPARTMENT STATUTES AND RULES .....</b>       | <b>2</b>  |
| <b>IV.</b>        | <b>DEFINITIONS .....</b>                                      | <b>2</b>  |
| <b>V.</b>         | <b>FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS .....</b>  | <b>4</b>  |
| <b>VI.</b>        | <b>DESIGN AND PERFORMANCE CRITERIA .....</b>                  | <b>4</b>  |
| <b>VII.</b>       | <b>NOTIFICATION .....</b>                                     | <b>4</b>  |
| <b>VIII.</b>      | <b>EMERGENCY CONDITION NOTIFICATION AND RESTORATION .....</b> | <b>5</b>  |
| <b>IX.</b>        | <b>CONSTRUCTION PRACTICES.....</b>                            | <b>6</b>  |
|                   | A. Local Building Codes .....                                 | 6         |
|                   | B. Open Burning.....                                          | 6         |
|                   | C. Vegetation .....                                           | 6         |
|                   | D. Existing Underground Utilities .....                       | 6         |
|                   | E. Electric and Magnetic Fields (EMF).....                    | 6         |
|                   | F. Radio and Television Interference .....                    | 6         |
|                   | G. Existing Wells .....                                       | 6         |
|                   | H. Abandonment of Existing Septic Tanks .....                 | 7         |
| <b>X.</b>         | <b>RIGHT OF ENTRY .....</b>                                   | <b>7</b>  |
| <b>XI.</b>        | <b>DISPUTE RESOLUTION.....</b>                                | <b>7</b>  |
|                   | A. General.....                                               | 7         |
|                   | B. Modifications .....                                        | 7         |
|                   | C. Post-certification Submittals .....                        | 8         |
| <b>XII.</b>       | <b>SEVERABILITY .....</b>                                     | <b>8</b>  |
| <b>XIII.</b>      | <b>ENFORCEMENT .....</b>                                      | <b>8</b>  |
| <b>XIV.</b>       | <b>REVOCATION OR SUSPENSION.....</b>                          | <b>8</b>  |
| <b>XV.</b>        | <b>REGULATORY COMPLIANCE .....</b>                            | <b>9</b>  |
| <b>XVI.</b>       | <b>CIVIL AND CRIMINAL LIABILITY .....</b>                     | <b>9</b>  |
| <b>XVII.</b>      | <b>USE OF STATE LANDS .....</b>                               | <b>9</b>  |
| <b>XVIII.</b>     | <b>PROCEDURAL RIGHTS.....</b>                                 | <b>10</b> |

|                   |                                                                            |           |
|-------------------|----------------------------------------------------------------------------|-----------|
| <b>XIX.</b>       | <b>AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES.....</b> | <b>10</b> |
| <b>XX.</b>        | <b>PROFESSIONAL CERTIFICATION.....</b>                                     | <b>11</b> |
| <b>XXI.</b>       | <b>PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.....</b>                   | <b>12</b> |
|                   | A. Purpose of Submittals .....                                             | 12        |
|                   | B. Filings .....                                                           | 12        |
|                   | C. Completeness .....                                                      | 12        |
|                   | D. Interagency Meetings.....                                               | 12        |
|                   | E. Determination of Compliance.....                                        | 12        |
|                   | F. Commencement of Construction .....                                      | 13        |
|                   | G. Revisions to Design Previously Reviewed for Compliance .....            | 13        |
| <b>XXII.</b>      | <b>POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY</b>                   | <b>13</b> |
| <b>XXIII.</b>     | <b>POST CERTIFICATION AMENDMENTS .....</b>                                 | <b>13</b> |
| <b>XXIV.</b>      | <b>MODIFICATION OF CERTIFICATION.....</b>                                  | <b>14</b> |
| <b>XXV.</b>       | <b>WATER QUALITY CERTIFICATION.....</b>                                    | <b>14</b> |
| <b>XXVI.</b>      | <b>LABORATORIES AND QUALITY ASSURANCE.....</b>                             | <b>14</b> |
| <b>XXVII.</b>     | <b>ROW LOCATION.....</b>                                                   | <b>15</b> |
| <b>XXVIII.</b>    | <b>PROCESS FOR REVIEW OF ROW LOCATION.....</b>                             | <b>15</b> |
| <b>XXIX.</b>      | <b>ENVIRONMENTAL RESOURCES.....</b>                                        | <b>16</b> |
|                   | A. General.....                                                            | 16        |
|                   | B. Surface Water Management Systems .....                                  | 17        |
|                   | C. Wetland and Other Surface Water Impacts .....                           | 19        |
| <b>XXX.</b>       | <b>THIRD PARTY IMPACTS .....</b>                                           | <b>19</b> |
| <b>XXXI.</b>      | <b>FACILITY OPERATION.....</b>                                             | <b>20</b> |
| <b>XXXII.</b>     | <b>RECORDS MAINTAINED AT THE FACILITY.....</b>                             | <b>20</b> |
| <b>XXXIII.</b>    | <b>WATER DISCHARGES .....</b>                                              | <b>20</b> |
| <b>XXXIV.</b>     | <b>SOLID AND HAZARDOUS WASTE .....</b>                                     | <b>21</b> |
|                   | A. Solid Waste .....                                                       | 21        |
|                   | B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury    | 21        |
|                   | C. Hazardous Substance Release Notification .....                          | 21        |
|                   | D. Contaminated Site Cleanup.....                                          | 22        |
| <b>SECTION B.</b> | <b>SPECIFIC CONDITIONS.....</b>                                            | <b>23</b> |

|             |                                                                                                                        |                                     |
|-------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>I.</b>   | <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION .....</b>                                                                    | <b>23</b>                           |
|             | A. Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality Review ..... | 23                                  |
| <b>II.</b>  | <b>DEPARTMENT OF TRANSPORTATION.....</b>                                                                               | <b>26</b>                           |
|             | A. Access Management to the State Highway System.....                                                                  | 26                                  |
|             | B. Overweight or Overdimensional Loads .....                                                                           | 26                                  |
|             | C. Use of State of Florida Right of Way or Transportation Facilities.....                                              | 26                                  |
|             | D. Standards.....                                                                                                      | 27                                  |
|             | E. Drainage.....                                                                                                       | 27                                  |
|             | F. Use of Air Space .....                                                                                              | 27                                  |
|             | G. Best Management Practices .....                                                                                     | 28                                  |
| <b>III.</b> | <b>ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.....</b>                                                                  | <b>28</b>                           |
|             | A. Dewatering Activities Less Than 30 Days.....                                                                        | 28                                  |
|             | B. Dewatering Activities Less Than 180 Days.....                                                                       | 29                                  |
|             | C. Use of District Lands .....                                                                                         | 30                                  |
|             | D. Conservation Easement.....                                                                                          | 30                                  |
| <b>IV.</b>  | <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>                                                               | <b>31</b>                           |
|             | A. General Listed Species Surveys.....                                                                                 | 31                                  |
|             | B. Specific Listed Species Surveys .....                                                                               | 31                                  |
|             | C. Listed Species Locations.....                                                                                       | 32                                  |
|             | D. Gopher Tortoise .....                                                                                               | 32                                  |
|             | E. Wading Birds .....                                                                                                  | 33                                  |
|             | F. Florida Sandhill Crane .....                                                                                        | 34                                  |
|             | G. Southeastern American Kestrel.....                                                                                  | 34                                  |
|             | H. Florida Burrowing Owl.....                                                                                          | 35                                  |
|             | I. Florida Manatee .....                                                                                               | 36                                  |
| <b>V.</b>   | <b>DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES</b>                                                          | <b>37</b>                           |
|             | A. Cultural Resource Assessment Survey .....                                                                           | 37                                  |
|             | B. Discovered Cultural Resources.....                                                                                  | 37                                  |
| <b>VI.</b>  | <b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b>                                                                 | <b>37</b>                           |
|             | A. Herbicide Use.....                                                                                                  | <b>Error! Bookmark not defined.</b> |
| <b>VII.</b> | <b>LAKE COUNTY .....</b>                                                                                               | <b>37</b>                           |

---

|              |                                              |           |
|--------------|----------------------------------------------|-----------|
| <b>VIII.</b> | <b>CITY OF EUSTIS.....</b>                   | <b>39</b> |
| A.           | Public Safety .....                          | 39        |
| B.           | Public Streets and Drainage Facilities ..... | 39        |
| C.           | Vegetation Clearance Over City ROW.....      | 39        |
| D.           | Driveway, Curb, and Gutter Disturbance ..... | 39        |
| E.           | Noise .....                                  | 39        |
|              | [City Code sections 34-120 and 34-129] ..... | 39        |
| F.           | Protection of Trees.....                     | 39        |
| G.           | Erosion Control.....                         | 40        |

#### ATTACHMENTS

|                    |                                         |
|--------------------|-----------------------------------------|
| Attachment A.....  | Certified Corridor Map(s)               |
| Attachment B ..... | Final ROW Map(s)                        |
| Attachment C ..... | Surface Water Management System Plan(s) |
| Attachment D.....  | Mitigation Plan(s)                      |
| Attachment E ..... | Benthic Species Mitigation Plan(s)      |

## SECTION A: GENERAL CONDITIONS

### I. SCOPE

A. Pursuant to the Transmission Line Siting Act (TLSA), Sections 403.52-.5365, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Duke Energy Florida (DEF) as owner/operator and Licensee of the DeLand West – Dona Vista 230 kilovolt (kV) Transmission Line. Subject to the requirements contained in these Conditions of Certification (Conditions), DEF will construct, operate, and maintain a 230 kV transmission line consisting of approximately 26.26 linear miles of transmission line, associated structures, and access roads as described in DEF's Site Certification Application (SCA or Application). The electric transmission line will originate in Volusia County and end in Lake County crossing through portions of the City of Eustis and the City of Umatilla.

B. The certified facility includes the Deland West – Dona Vista 230 kV transmission line corridor and associated structures and access roads, as 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 Licensee 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 Siting 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 Code:**

18-2 (Management of Uplands Vested in the Board of Trustees)

18-14 (Administrative Fines for Damaging State Lands)

18-21 (Sovereignty Submerged Lands Management)

## SECTION A: GENERAL CONDITIONS

---

62-4 (Permits)  
62-40 (Water Resource Implementation Rule)  
62-150 (Hazardous Substance Release Notification)  
62-160 (Quality Assurance)  
62-256 (Open Burning)  
62-302 (Surface Water Quality Standards)  
62-303 (Identification of Impaired Surface Waters)  
62-304 (Total Maximum Daily Loads)  
62-330 (Environmental Resource Permitting)  
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)  
62-342 (Mitigation Banks)  
62-345 (Uniform Mitigation Assessment Method)  
62-520 (Ground Water Classes, Standards, and Exemptions)  
62-604 (Collection Systems and Transmission Facilities)  
62-610 (Reuse of Reclaimed Water and Land Application)  
62-621 (Generic Permits)  
62-650 (Water Quality Based Effluent Limitations)  
62-710 (Used Oil Management)  
62-730 (Hazardous Waste)  
62-737 (The Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling)  
62-740 (Petroleum Contact Water)  
62-769 (Florida Petroleum Liability and Restoration Insurance Program)  
62-777 (Contaminant Cleanup Target Levels)  
62-780 (Contaminated Site Cleanup Criteria)  
62-814 (Electric and Magnetic Fields)

*[Section 403.523, F.S.]*

### III. REVISIONS TO DEPARTMENT STATUTES AND RULES

The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the Certification under the TLSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical transmission lines. Except when a variance, exception, exemption, or other relief has been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to this Certification.

*[Rule 62-4.160(10), F.A.C.]*

### IV. DEFINITIONS

Unless otherwise indicated herein, 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:

## SECTION A: GENERAL CONDITIONS

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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. “DOC” means the Florida Department of Commerce.

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 DeLand – Dona Vista 230 kV transmission electrical “transmission line” as defined in Section 403.522(22), F.S.

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

K. “FWC” means the Florida Fish and Wildlife Conservation Commission.

L. “Licensee” means an applicant that has obtained a certification order for the subject project.

M. “Listed species” shall mean the species listed in Table 2.5 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.

N. “DEF” means Duke Energy Florida

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

P. “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.

Q. “SJRWMD” means the St. Johns River Water Management District.

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.

## SECTION A: GENERAL CONDITIONS

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T. “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.

U. “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.]*

### **V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS**

Subject to the Conditions set forth herein, this certification shall constitute the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction, operation, and maintenance of transmission lines, except for the issuance of Department Licenses required under any federally delegated or approved permit program. This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

*[Section 403.531, F.S.]*

### **VI. DESIGN AND PERFORMANCE CRITERIA**

Certification, including these conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. Final engineering design of the transmission line 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 62-17.680, 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.]*

### **VII. NOTIFICATION**

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the applicable 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.

## SECTION A: GENERAL CONDITIONS

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3. All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to [SCO@FloridaDEP.gov](mailto:SCO@FloridaDEP.gov).

*[Rule 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.

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

C. Any owner or operator of a facility who has knowledge of any incident reportable to the State Watch Office regarding a certified facility shall notify the State Watch Office at (800) 320-0519 as soon as possible, but not later than 24 hours after discovery of the incident.

D. Any owner or operator of a facility who has knowledge of any reportable pollution release shall submit a Public Notice of Pollution by following the instructions at <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

*[Section 403.077, F.S.]*

E. Within 60 days after certification of the corridor, 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. After acquisition of all lands required for the transmission line right-of-way have been acquired, 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.]*

### **VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION**

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind, or other cause, such as an emergency as defined by Sections 252.34(4), (7), (8), or (11), 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.

*[Rule 62-4.130, F.A.C.]*

**IX. CONSTRUCTION PRACTICES**

**A. Local Building Codes**

This certification does not in any way affect the right of any local government to charge appropriate fees or require that construction be in compliance with the National Electrical Safety Code, as prescribed by the Florida Public Service Commission.

*[Section 403.531(4), F.S.]*

**B. Open Burning**

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

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

**C. Vegetation**

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 3.18 of the Florida DOT *Utility Accommodation Manual* available on the DOT website at <https://www.fdot.gov/programmanagement/utilities/default.shtm> 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.]*

**D. Existing Underground Utilities**

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

*[Chapter 556, F.S.]*

**E. Electric and Magnetic Fields (EMF)**

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

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

**F. 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.]*

**G. Existing Wells**

If any existing wells will be impacted by the construction of certified facilities and will no longer be used, such wells 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.

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## SECTION A: GENERAL CONDITIONS

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

### **H. Abandonment of Existing Septic Tanks**

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

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

### **X. RIGHT OF ENTRY**

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

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

### **XI. DISPUTE RESOLUTION**

#### **A. General**

If a situation arises in which mutual agreement cannot be reached between the Department and the Licensee, and/or, an agency with substantive regulatory jurisdiction over a matter, the Department may act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved informally in this manner, Licensee may request one or more meetings in which both Licensee and the agency with substantive regulatory jurisdiction over the matter can participate and attempt to resolve the issue informally. 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 processing the 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 requested modification, and the objections address only a portion of a requested modification, the Department shall issue a final

## SECTION A: GENERAL CONDITIONS

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order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

### **C. Post-certification Submittals**

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

*[Sections 120.57, F.S. and Rule 62-17.680, F.A.C.]*

## **XII. SEVERABILITY**

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

## **XIII. ENFORCEMENT**

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.533, 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, which may result in 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.]*

## **XIV. REVOCATION OR SUSPENSION**

This 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

## SECTION A: GENERAL CONDITIONS

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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.; Rule 62-4.160(2), F.A.C.]*

### **XV. REGULATORY COMPLIANCE**

As provided in Sections 403.087(8) 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 that 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.

*[Rules 62-4.160(3) and 62-4.160(5), F.A.C.; Section 403.531, F.S.]*

### **XVI. CIVIL AND CRIMINAL LIABILITY**

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

*[Sections 403.141, 403.161, and 403.531 F.S.]*

### **XVII. USE OF STATE LANDS**

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

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these conditions. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit (State 404 Program Permit) and Authorization to Use State-Owned Submerged Lands* 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

## SECTION A: GENERAL CONDITIONS

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

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

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

*[Chapters 253 and 258, 403.531, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and Rules 62-330.060(1) and 62-4.160(4), F.A.C.]*

### **XVIII. PROCEDURAL RIGHTS**

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

*[Sections 403.531(5), F.S.]*

### **XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES**

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

Florida Department of Environmental Protection  
Siting Coordination Office, MS 5500  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-3000  
SCO@FloridaDEP.gov

Florida Department of Environmental Protection  
Central District  
3319 Maguire Blvd Suite 232  
Orlando, FL 32803

## SECTION A: GENERAL CONDITIONS

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

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

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  
Palatka, Florida 32178-1429  
[ApplicationSupport@sjrwmd.com](mailto:ApplicationSupport@sjrwmd.com)

Florida Department of State  
Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250  
[CompliancePermits@DOS.MyFlorida.com](mailto:CompliancePermits@DOS.MyFlorida.com)

*[Section 403.531, F.S.]*

### **XX. PROFESSIONAL CERTIFICATION**

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of amendment requests, petitions for modifications, post certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

*[Rule 62-4.050, F.A.C.]*

**XXI. 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 applicable 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@FloridaDEP.gov](mailto:SCO@FloridaDEP.gov). 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 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

## SECTION A: GENERAL CONDITIONS

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***

The Licensee may commence construction upon receipt of a notification of compliance. If Licensee has not been notified within 90 days 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 Rules 62-17.600, 62-17.665, F.A.C.]*

## **XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY**

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

## **XXIII. 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

## SECTION A: GENERAL CONDITIONS

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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.]*

### **XXIV. 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 the 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 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.]*

### **XXV. 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 Rule 62-17.665(6)(f), F.A.C.]*

### **XXVI. LABORATORIES AND QUALITY ASSURANCE**

Chemical, physical, biological, microbiological, and toxicological data collected as a requirement of these Conditions must be reliable and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to

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## SECTION A: GENERAL CONDITIONS

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the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

### **XXVII. ROW LOCATION**

A. Licensee 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 Licensee 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.]*

### **XXVIII. PROCESS FOR REVIEW OF ROW LOCATION**

A. Prior to the finalization of the ROW location, the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted electronically to DEP Siting Coordination Office, and to the applicable district office, SJRWMD, DOT, DOC, FWC, FDACS, Volusia County, Lake County, City of Umatilla, and City of Eustis 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 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

## SECTION A: GENERAL CONDITIONS

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construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After Licensee has acquired the necessary property interests 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, the Licensee will submit to Volusia and Lake County, respectively, the 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.]

### XXIX. ENVIRONMENTAL RESOURCES

#### A. General

##### 1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or new associated facilities the Licensee shall provide to the DEP Central District office for review, with a copy to the SCO, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit and authorization to Use State-Owned Lands* (ERP), DEP Form 62-330.060(1), F.A.C., or other applicable ERP authorization form(s). A copy of the submittal shall also be provided to the SCO.

b. This form may: 1) be submitted concurrently with an Application; 2) be submitted as part of an amendment request or a petition for modification; or 3) 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 Chapter 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.531, F.S., a separate ERP is not required for certified facilities, and therefore, a separate ERP will not be issued.

c. Those forms submitted as part of an Application, an amendment, or modification, shall be processed concurrently with the respective Application, amendment, or modification, in compliance with the applicable TLSA 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 XXI., Procedures for Post-Certification Submittals. Post-certification submittal information may

## SECTION A: GENERAL CONDITIONS

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be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

d. No construction shall commence on a project feature, or in a particular segment of 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 XXI., Procedures for Post-Certification Submittals.

e. 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. Formal DEP-approved wetland and surface water delineations are valid only for a period of five years.

*[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 Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the applicable district office.

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 Operation and Maintenance Requirements 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

## SECTION A: GENERAL CONDITIONS

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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 2013), as updated, 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 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 beginning the authorized activities, the Licensee shall submit to the applicable district office, a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>, indicating the expected start and completion dates. A copy of this form may be obtained from the Department, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction and, in such a case, submittal of Form 62-330.350(1) is not required.

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 applicable district office, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered

## SECTION A: GENERAL CONDITIONS

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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 applicable district office 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 the Department’s substantive criteria for elimination or reduction of such impacts. 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 such impacts under the ERP review process pursuant to subparagraph A.1.a. above.

2. Proposed mitigation requirements submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria monitoring plans, and remedial actions (if applicable), and shall be incorporated into these Conditions as Attachment D (Mitigation Requirements/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.]*

### **XXX. 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.]*

**XXXI. 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.

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

**XXXII. RECORDS MAINTAINED AT THE FACILITY**

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

B. The Licensee shall hold at the Licensee's main office, records of all applicable 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 may be kept in hard or electronic format and 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.

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

**XXXIII. WATER DISCHARGES**

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

## SECTION A: GENERAL CONDITIONS

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B. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 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.

C. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all 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.]*

### **XXXIV. 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**

1. 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 Very Small Quantity Generators (VSQGs). VSQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

2. 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.

3. 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.

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

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

#### **C. Hazardous Substance Release Notification**

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Watch Office,

## SECTION A: GENERAL CONDITIONS

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(800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. 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 public by submitting a Public Notice of Pollution, <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

3. 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.

4. 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).

*[Section 403.077, F.S. and 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**

**I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**A. Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality Review**

**1. Field Inspection**

Prior to any construction, DEF shall arrange with the appropriate DEP district staff a field inspection to verify wetland and other surface water boundaries and site conditions. Prior to field inspection, DEF shall have wetland and other surface water boundaries field staked or flagged for DEP staff verification and approval. Additional information, depending on the outcome of the field inspection, may be required. Verification and approval will be processed as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Section 10.2, Vol I Applicant's Handbook]*

**2. Transition from Construction Area into Adjacent Wetlands**

Prior to any construction, DEF shall provide to the applicable DEP district typical cross-sectional diagrams showing the transition from the construction area into adjacent wetlands. Details of slope grades, location of erosion and turbidity control devices, location of limits of construction, and methods and timing of slope stabilization and revegetation shall also be included. Review and approval will be processed as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330.060, and 62-17.665, F.A.C]*

**3. Wetlands Mitigation Plan**

Prior to any construction, DEF shall submit documentation demonstrating that the proposed ROW will meet the requirements of Section 10.2.1 of the Applicant's Handbook Volume I with regard to the elimination or reduction of wetland and other surface water impacts. A detailed mitigation plan shall be submitted if there will be any unavoidable wetland impacts. The plan shall include adequate compensation for wetland and other surface water impacts in accordance with the requirements of Section 10.3, Vol. I, including an estimation of credits for functional loss to determine the extent of potential wetland and other surface water impacts associated with the proposed ROW. The plan will be reviewed, and notification of compliance issued, by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals. As described in Section A. Condition XXIX. Environmental Resources, paragraph C, such plan and requirements will be incorporated and attached hereto as Attachment D.

*[Rules 62-330.060, and 62-17.665, F.A.C]*

**4. Erosion and Sediment Plan**

Prior to any construction DEF will submit to the DEP Central District ERP Section, a detailed erosion and sediment control plan for the project area. The plan will be reviewed, and notification of compliance issued by the appropriate DEP district through the post-

## SECTION B: SPECIFIC CONDITIONS

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certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40.432(2), 62-330 and 62-17.665, F.A.C]*

### 5. Benthic Resource Survey

Prior to any construction DEF will submit to the applicable district office, a detailed survey describing submerged land characteristics within all proposed surface waters that may be impacted by construction or the proposed ROW. The survey will be reviewed, and notification of compliance issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals. Mitigation for unavoidable adverse impacts may be considered once impacts have been reduced to the furthest extent practicable. If mitigation is required, the Licensee shall submit a detailed mitigation plan that adequately offsets all adverse impacts to other surface waters. This plan, once approved by DEP, shall be incorporated and attached hereto as Attachment E and labeled as Mitigation for Surface Water Impacts.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 6. Construction Schedule

Prior to any construction, DEF shall submit to the DEP Central District a construction schedule which will include, at a minimum, details on phases of vegetation clearing, installation of erosion and turbidity control devices, dredging, filling, slope stabilization and replanting. The schedule shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 7. Water Quality Assurance

Prior to any construction, DEF shall provide reasonable assurance to the appropriate DEP district that the regulated activity will not cause or contribute to violations of water quality standards within surface waters and wetlands. The location of turbidity and erosion control devices shall be included on the plans as well as descriptions of the proposed methodology for ensuring the project will not result in adverse short-term impacts to water quality. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 8. Nighttime Construction Activities

All proposed dredging and filling activities within other surface waters shall be limited to daylight hours as turbidity plumes are not visible at night. Should such nighttime activities need to occur, DEF shall provide reasonable assurances to the appropriate DEP district that such activities shall not violate water quality standards. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

## SECTION B: SPECIFIC CONDITIONS

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*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 9. Hydrologic Studies

Prior to any construction, DEF shall submit to the appropriate DEP district hydrologic studies to evaluate runoff characteristics for new culvert crossings and access road designs. The hydrologic studies shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 10. Sovereign Submerged Lands

Prior to any construction, DEF shall obtain appropriate leases and/or easements for any state-owned lands as outlined in Section A. Condition XVII. Use of State Lands.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 11. Floodplain

Prior to any construction, DEF shall provide documentation to demonstrate the no-net encroachment into the floodplain, between the average wet season water table and that encompassed by the 100-year event, which will adversely affect the existing rights of others. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 12. Passage of Drainage

Prior to any construction, DEF shall provide documentation to demonstrate that onsite works such as swales and dikes shall be used to allow the passage of drainage from offsite areas to downstream areas. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40, 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 13. Stormwater Treatment Methodology

Prior to any construction, DEF shall provide a description of the proposed stormwater treatment methodology for existing and proposed paved and unpaved access roads, temporary or permanent, and impervious areas of the monopoles. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40, 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 14. Flowage easements

Prior to any construction, DEF shall provide drafts of all stormwater management system easements and plats of the property containing the proposed system. The documentation shall be reviewed, and a notification of compliance shall be issued by the

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## SECTION B: SPECIFIC CONDITIONS

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appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rule 62-330, F.A.C; Applicant's Handbook]*

### 15. Herbicide Management and Application Plan

Prior to any construction DEF shall provide a proposed herbicide management and application plan including stormwater runoff, distance to nearby surface water, wetlands and sensitive areas. Review of the plan and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Chapter 62-330, F.A.C]*

### 16. Special Basin or Geographic Area Criteria

Prior to any construction, DEF shall provide documentation with reasonable assurance that the project will comply with any applicable special basin or geographic area criteria. The proposed activities are located within the Ocklawaha River Hydrologic Basin (ORHB) and the Wekiva River Hydrologic Basin (WRHB).

*[Chapter 62-330, F.A.C]*

### 17. Adopted BMAP area

Prior to any construction DEF shall provide drainage calculations and/or construction plans demonstrating that the proposed activities will not contribute to violations of state water quality standards in accordance with Part 1:2.b. of Rule 62-330.060(1), Section E, F.A.C. The proposed activities are located within an area that has an adopted Basin Management Action Plan for nitrate, total phosphorus, and dissolved oxygen.

*[Chapter 62-330, F.A.C]*

## II. DEPARTMENT OF TRANSPORTATION

### A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the applicable non-procedural requirements of Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C.

*[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 applicable non-procedural requirements of Chapter 316, Florida Statutes, and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

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

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-46,

## SECTION B: SPECIFIC CONDITIONS

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Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual; Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

*[Sections 337.403 and 337.404, F.S.; Chapters 14-15, 14-46, and 14-96, F.A.C.]*

### **D. Standards**

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways; 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 State-owned transportation facilities.

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

### **E. Drainage**

All information necessary to complete a Drainage Connection permit application required by Chapter 14-86, F.A.C., for any drainage onto State of Florida right-of-way and transportation facilities shall be submitted for processing in accordance with a post-certification submittal (see Section A. Condition XXI. Procedures for Post-Certification Submittals)

*[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 applicable non-procedural requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation as a post-certification submittal under Condition of Certification XXI 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,

## SECTION B: SPECIFIC CONDITIONS

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in accordance with the instructions therein as a post-certification submittal under Condition of Certification XXI.

*[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; Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the 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 shall ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

*[Chapter 316, F.S.; Chapters 14-15, 14-26, 14-46, and 14-96, F.A.C.]*

## **III. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

### **A. Dewatering Activities Less Than 30 Days**

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

a. 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.

b. 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.

c. 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 diameter 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.]*

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

## SECTION B: SPECIFIC CONDITIONS

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

3. 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.]*

4. 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 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)(d), F.A.C.]*

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

a. 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.

b. 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.

c. 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.]*

### **B. Dewatering Activities Less Than 180 Days**

1. Dewatering withdrawals will not exceed any limitations in form 40C-2.900(12), F.A.C.

*[Rule 40C-2.042(9), F.A.C.]*

2. Dewatering discharge must not cause or contribute to flooding of off-site properties.

*[Rule 40C-2.042(9), F.A.C.]*

3. The Licensee shall implement the following turbidity control measures, as appropriate, for any discharges off-site:

a. If the discharge is to be to a drainage system either pipe water directly into the drainage structure; or if the discharge will be through a swale, or overland, to a structure or water body, then 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.

b. 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, establish a detention area to allow suspended solids to settle prior to entering the water body.

## SECTION B: SPECIFIC CONDITIONS

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c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the Licensee shall select, implement, and operate such additional or modified erosion and sediment control measures necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

*[Rule 40C-2.042(9), F.A.C.]*

4. District authorized staff, upon advance notice and proper identification, shall have permission to inspect and observe dewatering operations in order to determine compliance with this permit.

*[Rule 40C-2.042(9), F.A.C.]*

5. The Licensee must mitigate any adverse impact caused by withdrawals permitted herein on adjacent land uses or legal uses of water existing at the time of permit application. Adverse impacts include but are not limited to:

- a. Reductions of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;
- b. Reductions of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;
- c. Saline water intrusion;
- d. Change in water quality resulting in either impairment or loss of use of a well or water body;
- e. Land collapse or subsidence caused by a reduction in water levels;
- f. Damage to crops and other types of vegetation; and
- g. Harmful hydrologic alterations to natural systems, including wetlands and other surface waters, that cause an unmitigated adverse impact to such systems.

*[Rule 40C-2.042(9), F.A.C.]*

### **C. Use of District Lands**

Prior to commencing construction of any portion of the transmission line, which may cross over, on, under, or otherwise use, the District's lands (which includes conservation easements), Duke Energy Florida must submit complete drawings showing the proposed facilities to the District for documentation of compliance with the non-procedural requirements of Rule 40C-9.380, F.A.C., including but not limited to avoidance of fragmentation of wetland or other functioning habitat and avoidance of location on or under environmentally sensitive lands as defined by District in the land management plan.

*[Rule 40C-9.380, F.A.C.]*

### **D. Conservation Easement**

If a portion of the transmission line right away is located on a recorded perpetual proprietary conservation easement that is dedicated to the District, no construction may begin within the perpetual proprietary conservation easement until any necessary amendment, release, or other documentation required for consistency with the terms, conditions, and

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## SECTION B: SPECIFIC CONDITIONS

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provisions of the perpetual proprietary conservation easement, in accordance with section 704.06, F.S., is executed.

*[Section 704.06, F.S.]*

### IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

#### A. General Listed Species Surveys

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Duke Energy Florida (DEF) DeLand West-Dona Vista 230-kilovolt Transmission Line area to be impacted, as well as accessible appropriate buffers within the rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>, or in the Florida Wildlife Conservation Guide at <https://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 the FWC in a report, and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports can be sent to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

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

#### B. Specific Listed Species Surveys

1. Before land clearing and construction activities within the DEF DeLand West-Dona Vista 230-kilovolt Transmission Line area, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or active season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance or mitigation measures after consultation with the FWC. The Licensee will submit avoidance or mitigation measures to the FWC for 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. These surveys shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies and by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

3. These surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, FWC staff prefers

## SECTION B: SPECIFIC CONDITIONS

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that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the DEF DeLand West-Dona Vista 230-kilovolt Transmission Line area to be impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan<sup>1</sup> (FWC 2019) or the Natural Communities Guide<sup>2</sup> (Florida Natural Areas Inventory 2010).

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

### **C. Listed Species Locations**

1. Where any suitable habitat or evidence is found of the presence of listed species within the DEF DeLand West-Dona Vista 230 kV Transmission Line area to be impacted, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the DEF DeLand West-Dona Vista 230 kV Transmission Line area to be impacted. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the Florida Department of Environmental Protection Siting Coordination 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 potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. These steps shall be memorialized in a Species Management Plan and submitted to the FWC.

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

### **D. Gopher Tortoise**

1. The Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*) and their burrows, in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development,

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<sup>1</sup> Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

<sup>2</sup> Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

## SECTION B: SPECIFIC CONDITIONS

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

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

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

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

### **E. Wading Birds**

1. The Licensee shall conduct surveys for state-threatened wading birds and their nests in accordance with the FWC-approved Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Surveys shall be conducted for wading birds in areas potential for nesting prior to the commencement of any clearing, grading, or filling activities and during their breeding season, which extends from March through August.

2. If wading bird nesting is identified within or adjacent to the planned right-of-way or other areas associated with the project, a 330-foot (100-meter) buffer distance from the nest shall be maintained.

3. If wading bird nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the wading bird nesting areas and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

## SECTION B: SPECIFIC CONDITIONS

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4. If nesting is discovered after site activities have begun, if 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 FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **F. Florida Sandhill Crane**

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes in accordance with the FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Surveys for nesting Florida sandhill cranes shall be conducted prior to commencement of construction activities in or adjacent to habitat where Florida sandhill cranes could nest, and during the December through August breeding season. If construction occurs over several years, it may be necessary to conduct surveys each year as Florida sandhill cranes do not nest in the same location every year.

2. If Florida sandhill crane nesting is identified within or adjacent to the final corridor, or other areas associated with the project, a 400-foot buffer distance from the nest with eggs shall be maintained, or 1500-foot buffer distance from a nest with flightless young shall be maintained until the young can fly.

3. If Florida sandhill crane nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nesting areas and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

4. If nesting or flightless young are discovered after site activities have begun, or if maintaining the buffer is not possible, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **G. Southeastern American Kestrel**

1. The Licensee shall conduct surveys for southeastern American kestrel and their nest cavities in accordance with the FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

2. If surveys encounter southeastern American kestrel nesting, a 490-foot (150 meters) buffer shall be maintained from the nest during the breeding season (March through July) to avoid disturbance.

3. If southeastern American kestrel nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nests and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

## SECTION B: SPECIFIC CONDITIONS

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4. If nesting is discovered after site activities have begun, or if maintaining the buffer is not possible, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **H. Florida Burrowing Owl**

1. The Licensee shall conduct project planning surveys for Florida burrowing owls and their burrows in accordance with FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Project planning surveys shall be conducted within 90 days of clearing or earthwork activities.

2. If potentially occupied Florida burrowing owl burrows (as defined by the Species Conservation Measures and Permitting Guidelines) are found during the project planning surveys, pre-activity surveys shall be conducted in the active part of the project site within 48 hours prior to commencing site preparation, clearing, or project activities.

3. If Florida burrowing owl burrows are identified on-site, the following buffers shall be maintained to avoid disturbance:

a. During the non-breeding season (July 11 to February 14), no site preparation, clearing, staging, or other project-related activities shall occur within a 10-foot (3-meter) radius from the entrance of potentially occupied burrows, including those on adjacent properties.

b. During the breeding season (February 15 to July 10), no site preparation, clearing, staging, or project activities shall occur within a 33-foot (10-meter) radius from the entrance of potentially occupied burrows, including those on adjacent properties.

4. Buffers for potentially occupied burrows shall be posted as follows:

a. Posting shall be installed prior to earthwork or other construction activities that are to occur in the general vicinity of the burrow(s) to deter equipment operators or project personnel from entering the recommended buffers.

b. Posting shall be placed at a minimum of 33 feet from the burrows from February 15 to July 10 and a minimum 10 feet from July 11 to February 14. No posting materials shall be placed within 10 feet (3 meters) of the burrow.

c. Posting shall consist of 1 to 4 PVC poles or 2-inch by 1-inch by 4-foot wooden stakes. The wooden stakes may be constructed in t-perch fashion.

d. Silt fencing shall not be used for posting, except when needed to prevent soil and debris from construction from encroaching upon a burrow. In these instances, silt fencing shall be installed on the uphill side but shall not completely encircle the burrows.

e. Educational signage warning of the State Threatened status of the burrowing owl shall be posted on wooden stakes at minimum of 10 feet from the burrow.

5. The Licensee shall ensure all personnel associated with the project are advised of the presence of Florida burrowing owls and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida burrowing owls or their

## SECTION B: SPECIFIC CONDITIONS

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eggs, or to collapse or block their burrows, or to attempt to engage in such conduct. All personnel shall be directed not to enter posted areas around potentially occupied burrows.

6. If a Florida burrowing owl burrow is identified on-site the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nests and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

7. If previously-undetected burrows are found either in pre-activity surveys or later during project activities and required buffers cannot be maintained, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **I. Florida Manatee**

1. All personnel associated with portions of the project expected to occur in manatee accessible waters shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Licensee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

2. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

3. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

5. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission's Alert Hotline at (888) 404-3922. Collision and/or injury should also be reported to the USFWS in Jacksonville at (904) 731-3336 for north Florida or Vero Beach at (772) 562-3909 for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

6. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least

## SECTION B: SPECIFIC CONDITIONS

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8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

*[Article IV, Sec. 9, Florida Constitution; Section 379.2291, 379.2431(2), and 373.414(1)(a)2, F.S.]*

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

#### **A. Cultural Resource Assessment Survey**

Prior to new construction in areas not previously surveyed, 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 facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

#### **B. Discovered Cultural Resources**

If historical or archaeological artifacts or features are discovered at any time within the Certified facility, the Licensee shall notify the appropriate DEP District office(s) and the DHR, R.A. Gray Building, 500 South Bronough Street, Room 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. LAKE COUNTY**

1. Prior to the commencement of construction in Lake County right-of-way, the Licensee shall provide to Lake County information necessary to demonstrate compliance with applicable non-procedural provisions of Section 18-3, Lake County Code, as a post-certification submittal pursuant to Rule 62-17.760, F.A.C. This information must also be submitted to Florida Department of Environmental Protection Siting Coordination Office (SCO). Post-certification

## SECTION B: SPECIFIC CONDITIONS

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submittal information may be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

*[Section 18-3, Lake County Code]*

2. Licensee shall minimize pole height in the design of the transmission line and will utilize monopole engineered steel and concrete structures where technically, environmentally, and economically feasible.

*[Stipulated by Applicant]*

3. If the new transmission structures are placed within existing road rights-of way within Lake County's jurisdiction, Licensee shall coordinate with the FDOT and Lake County to share these existing rights-of-way for planned roadway expansions. Licensee will coordinate with Lake County on the placement of transmission structures close to the edge of the right-of-way boundary where practicable, and to accommodate future roadway widening at DEF's expense where required by law.

*[Stipulated by Applicant]*

4. Licensee shall coordinate with Lake County to co-locate compatible trails adjacent to or within the transmission line easement.

*[Stipulated by Applicant]*

5. Licensee must host at least one public informational session in Lake County regarding the final route location at least 60 days prior to commencing clearing or construction activities. Information about the format and location of these sessions must be provided to Lake County in advance.

*[Stipulated by Applicant]*

6. Licensee shall comply with all applicable non-procedural provisions of Section 15-16, Lake County Code with regard to notification to the County and traffic management standards for any proposed road closures.

*[Section 15-16, Lake County Code]*

7. Licensee shall coordinate with Lake County's Public Works Department to address potential impacts from deliveries or construction traffic.

*[Stipulated by Applicant]*

8. Licensee shall work to minimize ingress and egress points along Lake County roadways. Soil tracking prevention measures must be installed at ingress and egress points. Licensee must restore sod, drainage features, and existing contours, and/or otherwise repair all damage caused by construction of the proposed transmission line.

*[Stipulated by Applicant]*

9. Licensee shall coordinate with Lake County Emergency Management to ensure the ability to reopen closed roads as well as communicate if Licensee has any limitations that require more time to reopen lanes.

*[Stipulated by Applicant]*

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## SECTION B: SPECIFIC CONDITIONS

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10. All solid waste generated from transmission line right-of-way preparation and construction must be collected and removed for disposal in compliance with all applicable non-procedural portions of Section 23-4, Lake County Code.

*[Section 23-4, Lake County Code]*

### **VIII. CITY OF EUSTIS**

#### **A. Public Safety**

During construction and maintenance within or adjacent to City streets or rights-of-way, the Licensee shall comply with the applicable nonprocedural requirements regarding public-safety in City Code section 82-2.

*[City Code section 82-2]*

#### **B. Public Streets and Drainage Facilities**

The Licensee shall comply with the City's applicable nonprocedural requirements for ROW construction set out in City Code sections 82-56 through 58, and 82-128(a).

*[City Code sections 82-56, 82-57, 82-58, 82-128(a)]*

#### **C. Vegetation Clearance Over City ROW**

If tree or vegetation trimming occurs as part of construction or maintenance, the Applicant shall meet the applicable nonprocedural requirements of section 82-3 requiring that vegetation not protrude over the ROW lower than eight feet.

*[City Code section 82-3]*

#### **D. Driveway, Curb, and Gutter Disturbance**

During construction and maintenance, the Licensee shall comply with all applicable nonprocedural requirements regarding the disturbance of driveways, curbs, pavements, and gutters within the City's rights-of-way as set out in City Code sections 82-92 and 82-94.

*[City Code sections 82-92(a), and 82-94(a)]*

#### **E. Noise**

During construction, operation and maintenance, the Licensee shall comply with all applicable nonprocedural requirements regarding noise set out in City Code sections 34-120 and 34-129.

*[City Code sections 34-120 and 34-129]*

#### **F. Protection of Trees**

Prior to construction within the City, the Licensee shall coordinate with the City regarding minimization of impacts to protected trees.

*[Stipulated by Applicant]*

## SECTION B: SPECIFIC CONDITIONS

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### ***G. Erosion Control***

During construction and maintenance within the City, the Licensee shall utilize standard practices to prevent erosion and offsite soil deposition via water and air currents, including consideration of:

Topography, soils, and drainage patterns;

Minimization of the extent of area exposed at one time and the duration of exposure;

Scheduling areas with greatest erosion potential for dry, rather than wet, season exposure;

Applying erosion control practices to minimize erosion from undisturbed areas;

Applying perimeter controls to protect the disturbed area from offsite runoff and to trap eroded materials onsite to prevent sedimentation in downstream area;

Stabilizing the undisturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and

Implementing a maintenance and follow-up program.

*[Stipulated by Applicant]*

**EXHIBIT B**

**CONDITIONS OF CERTIFICATION**

**DUKE ENERGY FLORIDA  
DELAND WEST-DONNA VISTA 230 kV TRANSMISSION LINE  
TA25-20**

**(45 pages)**

**STATE OF FLORIDA  
DEPARTMENT  
OF  
ENVIRONMENTAL PROTECTION**



**Conditions of Certification**

**Duke Energy Florida  
DeLand West – Dona Vista Transmission Line  
TA25-20**

**January 20, 2026**

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## Table of Contents

|                   |                                                         |           |
|-------------------|---------------------------------------------------------|-----------|
| <b>SECTION A:</b> | <b>GENERAL CONDITIONS.....</b>                          | <b>1</b>  |
| <b>I.</b>         | <b>SCOPE .....</b>                                      | <b>1</b>  |
| <b>II.</b>        | <b>APPLICABLE DEPARTMENT RULES .....</b>                | <b>1</b>  |
| <b>III.</b>       | <b>REVISIONS TO DEPARTMENT STATUTES AND RULES .....</b> | <b>2</b>  |
| <b>IV.</b>        | <b>DEFINITIONS .....</b>                                | <b>2</b>  |
| <b>V.</b>         | <b>FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS</b>  | <b>4</b>  |
| <b>VI.</b>        | <b>DESIGN AND PERFORMANCE CRITERIA .....</b>            | <b>4</b>  |
| <b>VII.</b>       | <b>NOTIFICATION .....</b>                               | <b>4</b>  |
| <b>VIII.</b>      | <b>EMERGENCY CONDITION NOTIFICATION AND RESTORATION</b> | <b>5</b>  |
| <b>IX.</b>        | <b>CONSTRUCTION PRACTICES.....</b>                      | <b>6</b>  |
|                   | A. Local Building Codes .....                           | 6         |
|                   | B. Open Burning.....                                    | 6         |
|                   | C. Vegetation .....                                     | 6         |
|                   | D. Existing Underground Utilities .....                 | 6         |
|                   | E. Electric and Magnetic Fields (EMF).....              | 6         |
|                   | F. Radio and Television Interference .....              | 6         |
|                   | G. Existing Wells .....                                 | 6         |
|                   | H. Abandonment of Existing Septic Tanks .....           | 7         |
| <b>X.</b>         | <b>RIGHT OF ENTRY .....</b>                             | <b>7</b>  |
| <b>XI.</b>        | <b>DISPUTE RESOLUTION .....</b>                         | <b>7</b>  |
|                   | A. General.....                                         | 7         |
|                   | B. Modifications .....                                  | 7         |
|                   | C. Post-certification Submittals .....                  | 8         |
| <b>XII.</b>       | <b>SEVERABILITY .....</b>                               | <b>8</b>  |
| <b>XIII.</b>      | <b>ENFORCEMENT .....</b>                                | <b>8</b>  |
| <b>XIV.</b>       | <b>REVOCATION OR SUSPENSION .....</b>                   | <b>8</b>  |
| <b>XV.</b>        | <b>REGULATORY COMPLIANCE .....</b>                      | <b>9</b>  |
| <b>XVI.</b>       | <b>CIVIL AND CRIMINAL LIABILITY .....</b>               | <b>9</b>  |
| <b>XVII.</b>      | <b>USE OF STATE LANDS.....</b>                          | <b>9</b>  |
| <b>XVIII.</b>     | <b>PROCEDURAL RIGHTS.....</b>                           | <b>10</b> |

|                   |                                                                            |           |
|-------------------|----------------------------------------------------------------------------|-----------|
| <b>XIX.</b>       | <b>AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES.....</b> | <b>10</b> |
| <b>XX.</b>        | <b>PROFESSIONAL CERTIFICATION.....</b>                                     | <b>11</b> |
| <b>XXI.</b>       | <b>PROCEDURES FOR POST-CERTIFICATION SUBMITTALS.....</b>                   | <b>12</b> |
|                   | A. Purpose of Submittals .....                                             | 12        |
|                   | B. Filings .....                                                           | 12        |
|                   | C. Completeness .....                                                      | 12        |
|                   | D. Interagency Meetings.....                                               | 12        |
|                   | E. Determination of Compliance.....                                        | 12        |
|                   | F. Commencement of Construction .....                                      | 13        |
|                   | G. Revisions to Design Previously Reviewed for Compliance .....            | 13        |
| <b>XXII.</b>      | <b>POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY</b>                   | <b>13</b> |
| <b>XXIII.</b>     | <b>POST CERTIFICATION AMENDMENTS .....</b>                                 | <b>13</b> |
| <b>XXIV.</b>      | <b>MODIFICATION OF CERTIFICATION .....</b>                                 | <b>14</b> |
| <b>XXV.</b>       | <b>WATER QUALITY CERTIFICATION .....</b>                                   | <b>14</b> |
| <b>XXVI.</b>      | <b>LABORATORIES AND QUALITY ASSURANCE.....</b>                             | <b>14</b> |
| <b>XXVII.</b>     | <b>ROW LOCATION.....</b>                                                   | <b>15</b> |
| <b>XXVIII.</b>    | <b>PROCESS FOR REVIEW OF ROW LOCATION.....</b>                             | <b>15</b> |
| <b>XXIX.</b>      | <b>ENVIRONMENTAL RESOURCES.....</b>                                        | <b>16</b> |
|                   | A. General.....                                                            | 16        |
|                   | B. Surface Water Management Systems .....                                  | 17        |
|                   | C. Wetland and Other Surface Water Impacts .....                           | 19        |
| <b>XXX.</b>       | <b>THIRD PARTY IMPACTS .....</b>                                           | <b>19</b> |
| <b>XXXI.</b>      | <b>FACILITY OPERATION.....</b>                                             | <b>20</b> |
| <b>XXXII.</b>     | <b>RECORDS MAINTAINED AT THE FACILITY.....</b>                             | <b>20</b> |
| <b>XXXIII.</b>    | <b>WATER DISCHARGES .....</b>                                              | <b>20</b> |
| <b>XXXIV.</b>     | <b>SOLID AND HAZARDOUS WASTE .....</b>                                     | <b>21</b> |
|                   | A. Solid Waste .....                                                       | 21        |
|                   | B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury    | 21        |
|                   | C. Hazardous Substance Release Notification .....                          | 21        |
|                   | D. Contaminated Site Cleanup.....                                          | 22        |
| <b>SECTION B.</b> | <b>SPECIFIC CONDITIONS.....</b>                                            | <b>23</b> |

|             |                                                                                                                        |                                     |
|-------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>I.</b>   | <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION .....</b>                                                                    | <b>23</b>                           |
|             | A. Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality Review ..... | 23                                  |
| <b>II.</b>  | <b>DEPARTMENT OF TRANSPORTATION.....</b>                                                                               | <b>26</b>                           |
|             | A. Access Management to the State Highway System.....                                                                  | 26                                  |
|             | B. Overweight or Overdimensional Loads .....                                                                           | 26                                  |
|             | C. Use of State of Florida Right of Way or Transportation Facilities.....                                              | 26                                  |
|             | D. Standards.....                                                                                                      | 27                                  |
|             | E. Drainage.....                                                                                                       | 27                                  |
|             | F. Use of Air Space .....                                                                                              | 27                                  |
|             | G. Best Management Practices .....                                                                                     | 28                                  |
| <b>III.</b> | <b>ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.....</b>                                                                  | <b>28</b>                           |
|             | A. Dewatering Activities Less Than 30 Days.....                                                                        | 28                                  |
|             | B. Dewatering Activities Less Than 180 Days.....                                                                       | 29                                  |
|             | C. Use of District Lands .....                                                                                         | 30                                  |
|             | D. Conservation Easement.....                                                                                          | 30                                  |
| <b>IV.</b>  | <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>                                                               | <b>31</b>                           |
|             | A. General Listed Species Surveys.....                                                                                 | 31                                  |
|             | B. Specific Listed Species Surveys .....                                                                               | 31                                  |
|             | C. Listed Species Locations.....                                                                                       | 32                                  |
|             | D. Gopher Tortoise .....                                                                                               | 32                                  |
|             | E. Wading Birds .....                                                                                                  | 33                                  |
|             | F. Florida Sandhill Crane .....                                                                                        | 34                                  |
|             | G. Southeastern American Kestrel.....                                                                                  | 34                                  |
|             | H. Florida Burrowing Owl.....                                                                                          | 35                                  |
|             | I. Florida Manatee .....                                                                                               | 36                                  |
| <b>V.</b>   | <b>DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES</b>                                                          | <b>37</b>                           |
|             | A. Cultural Resource Assessment Survey .....                                                                           | 37                                  |
|             | B. Discovered Cultural Resources.....                                                                                  | 37                                  |
| <b>VI.</b>  | <b>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</b>                                                                 | <b>37</b>                           |
|             | A. Herbicide Use.....                                                                                                  | <b>Error! Bookmark not defined.</b> |
| <b>VII.</b> | <b>LAKE COUNTY .....</b>                                                                                               | <b>37</b>                           |

---

|              |                                              |           |
|--------------|----------------------------------------------|-----------|
| <b>VIII.</b> | <b>CITY OF EUSTIS.....</b>                   | <b>39</b> |
| A.           | Public Safety .....                          | 39        |
| B.           | Public Streets and Drainage Facilities ..... | 39        |
| C.           | Vegetation Clearance Over City ROW .....     | 39        |
| D.           | Driveway, Curb, and Gutter Disturbance ..... | 39        |
| E.           | Noise .....                                  | 39        |
|              | [City Code sections 34-120 and 34-129] ..... | 39        |
| F.           | Protection of Trees .....                    | 39        |
| G.           | Erosion Control .....                        | 40        |

#### ATTACHMENTS

|                    |                                         |
|--------------------|-----------------------------------------|
| Attachment A ..... | Certified Corridor Map(s)               |
| Attachment B ..... | Final ROW Map(s)                        |
| Attachment C ..... | Surface Water Management System Plan(s) |
| Attachment D ..... | Mitigation Plan(s)                      |
| Attachment E ..... | Benthic Species Mitigation Plan(s)      |

## SECTION A: GENERAL CONDITIONS

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### SECTION A: GENERAL CONDITIONS

#### I. SCOPE

A. Pursuant to the Transmission Line Siting Act (TLSA), Sections 403.52-.5365, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.), this certification is issued to Duke Energy Florida (DEF) as owner/operator and Licensee of the DeLand West – Dona Vista 230 kilovolt (kV) Transmission Line. Subject to the requirements contained in these Conditions of Certification (Conditions), DEF will construct, operate, and maintain a 230 kV transmission line consisting of approximately 26.26 linear miles of transmission line, associated structures, and access roads as described in DEF's Site Certification Application (SCA or Application). The electric transmission line will originate in Volusia County and end in Lake County crossing through portions of the City of Eustis and the City of Umatilla.

B. The certified facility includes the Deland West – Dona Vista 230 kV transmission line corridor and associated structures and access roads, as 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 Licensee 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 Siting 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 Code:**

18-2 (Management of Uplands Vested in the Board of Trustees)

18-14 (Administrative Fines for Damaging State Lands)

18-21 (Sovereignty Submerged Lands Management)

## SECTION A: GENERAL CONDITIONS

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62-4 (Permits)  
62-40 (Water Resource Implementation Rule)  
62-150 (Hazardous Substance Release Notification)  
62-160 (Quality Assurance)  
62-256 (Open Burning)  
62-302 (Surface Water Quality Standards)  
62-303 (Identification of Impaired Surface Waters)  
62-304 (Total Maximum Daily Loads)  
62-330 (Environmental Resource Permitting)  
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)  
62-342 (Mitigation Banks)  
62-345 (Uniform Mitigation Assessment Method)  
62-520 (Ground Water Classes, Standards, and Exemptions)  
62-604 (Collection Systems and Transmission Facilities)  
62-610 (Reuse of Reclaimed Water and Land Application)  
62-621 (Generic Permits)  
62-650 (Water Quality Based Effluent Limitations)  
62-710 (Used Oil Management)  
62-730 (Hazardous Waste)  
62-737 (The Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling)  
62-740 (Petroleum Contact Water)  
62-769 (Florida Petroleum Liability and Restoration Insurance Program)  
62-777 (Contaminant Cleanup Target Levels)  
62-780 (Contaminated Site Cleanup Criteria)  
62-814 (Electric and Magnetic Fields)

*[Section 403.523, F.S.]*

### III. REVISIONS TO DEPARTMENT STATUTES AND RULES

The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the Certification under the TLSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical transmission lines. Except when a variance, exception, exemption, or other relief has been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to this Certification.

*[Rule 62-4.160(10), F.A.C.]*

### IV. DEFINITIONS

Unless otherwise indicated herein, 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:

## SECTION A: GENERAL CONDITIONS

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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. “DOC” means the Florida Department of Commerce.

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 DeLand – Dona Vista 230 kV transmission electrical “transmission line” as defined in Section 403.522(22), F.S.

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

K. “FWC” means the Florida Fish and Wildlife Conservation Commission.

L. “Licensee” means an applicant that has obtained a certification order for the subject project.

M. “Listed species” shall mean the species listed in Table 2.5 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.

N. “DEF” means Duke Energy Florida

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

P. “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.

Q. “SJRWMD” means the St. Johns River Water Management District.

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.

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## SECTION A: GENERAL CONDITIONS

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T. “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.

U. “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.]*

### **V. FEDERALLY DELEGATED OR APPROVED PERMIT PROGRAMS**

Subject to the Conditions set forth herein, this certification shall constitute the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction, operation, and maintenance of transmission lines, except for the issuance of Department Licenses required under any federally delegated or approved permit program. This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

*[Section 403.531, F.S.]*

### **VI. DESIGN AND PERFORMANCE CRITERIA**

Certification, including these conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. Final engineering design of the transmission line 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 62-17.680, 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.]*

### **VII. NOTIFICATION**

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the applicable 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.

## SECTION A: GENERAL CONDITIONS

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3. All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to [SCO@FloridaDEP.gov](mailto:SCO@FloridaDEP.gov).

*[Rule 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.

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

C. Any owner or operator of a facility who has knowledge of any incident reportable to the State Watch Office regarding a certified facility shall notify the State Watch Office at (800) 320-0519 as soon as possible, but not later than 24 hours after discovery of the incident.

D. Any owner or operator of a facility who has knowledge of any reportable pollution release shall submit a Public Notice of Pollution by following the instructions at <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

*[Section 403.077, F.S.]*

E. Within 60 days after certification of the corridor, 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. After acquisition of all lands required for the transmission line right-of-way have been acquired, 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.]*

### **VIII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION**

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind, or other cause, such as an emergency as defined by Sections 252.34(4), (7), (8), or (11), 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.

*[Rule 62-4.130, F.A.C.]*

**IX. CONSTRUCTION PRACTICES**

**A. Local Building Codes**

This certification does not in any way affect the right of any local government to charge appropriate fees or require that construction be in compliance with the National Electrical Safety Code, as prescribed by the Florida Public Service Commission.

*[Section 403.531(4), F.S.]*

**B. Open Burning**

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 51-2, F.A.C.

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

**C. Vegetation**

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 3.18 of the Florida DOT *Utility Accommodation Manual* available on the DOT website at <https://www.fdot.gov/programmanagement/utilities/default.shtm> 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.]*

**D. Existing Underground Utilities**

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

*[Chapter 556, F.S.]*

**E. Electric and Magnetic Fields (EMF)**

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

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

**F. 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.]*

**G. Existing Wells**

If any existing wells will be impacted by the construction of certified facilities and will no longer be used, such wells 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.

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## SECTION A: GENERAL CONDITIONS

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

### **H. Abandonment of Existing Septic Tanks**

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

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

## **X. RIGHT OF ENTRY**

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

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

## **XI. DISPUTE RESOLUTION**

### **A. General**

If a situation arises in which mutual agreement cannot be reached between the Department and the Licensee, and/or, an agency with substantive regulatory jurisdiction over a matter, the Department may act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved informally in this manner, Licensee may request one or more meetings in which both Licensee and the agency with substantive regulatory jurisdiction over the matter can participate and attempt to resolve the issue informally. 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 processing the 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 requested modification, and the objections address only a portion of a requested modification, the Department shall issue a final

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## SECTION A: GENERAL CONDITIONS

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order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

### **C. Post-certification Submittals**

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

*[Sections 120.57, F.S. and Rule 62-17.680, F.A.C.]*

## **XII. SEVERABILITY**

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

## **XIII. ENFORCEMENT**

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.533, 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, which may result in 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.]*

## **XIV. REVOCATION OR SUSPENSION**

This 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

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## SECTION A: GENERAL CONDITIONS

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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.; Rule 62-4.160(2), F.A.C.]*

### **XV. REGULATORY COMPLIANCE**

As provided in Sections 403.087(8) 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 that 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.

*[Rules 62-4.160(3) and 62-4.160(5), F.A.C; Section 403.531, F.S.]*

### **XVI. CIVIL AND CRIMINAL LIABILITY**

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

*[Sections 403.141, 403.161, and 403.531 F.S.]*

### **XVII. USE OF STATE LANDS**

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

B. If any portion of the certified facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these conditions. If any portion of the certified facility is located on sovereign submerged lands, the Licensee must submit section F of Form 62-330.060(1), *Application for Individual and Conceptual Approval Environmental Resource Permit* (State 404 Program Permit) and *Authorization to Use State-Owned Submerged Lands* 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

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## SECTION A: GENERAL CONDITIONS

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

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

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

*[Chapters 253 and 258, 403.531, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and Rules 62-330.060(1) and 62-4.160(4), F.A.C.]*

### **XVIII. PROCEDURAL RIGHTS**

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

*[Sections 403.531(5), F.S.]*

### **XIX. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES**

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

Florida Department of Environmental Protection  
Siting Coordination Office, MS 5500  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-3000  
SCO@FloridaDEP.gov

Florida Department of Environmental Protection  
Central District  
3319 Maguire Blvd Suite 232  
Orlando, FL 32803

## SECTION A: GENERAL CONDITIONS

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

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

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  
Palatka, Florida 32178-1429  
[ApplicationSupport@sjrwmd.com](mailto:ApplicationSupport@sjrwmd.com)

Florida Department of State  
Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250  
[CompliancePermits@DOS.MyFlorida.com](mailto:CompliancePermits@DOS.MyFlorida.com)

*[Section 403.531, F.S.]*

### **XX. PROFESSIONAL CERTIFICATION**

To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, or of a public drinking water supply, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S.; and all final geological papers or documents involving the practice of the profession of geology shall be in accordance with sound professional geological practices pursuant to Chapter 492, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of amendment requests, petitions for modifications, post certification submittals, and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

*[Rule 62-4.050, F.A.C.]*

**XXI. 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 applicable 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@FloridaDEP.gov](mailto:SCO@FloridaDEP.gov). 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 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

## SECTION A: GENERAL CONDITIONS

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***

The Licensee may commence construction upon receipt of a notification of compliance. If Licensee has not been notified within 90 days 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 Rules 62-17.600, 62-17.665, F.A.C.]*

## **XXII. POST-CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY**

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

## **XXIII. 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

## SECTION A: GENERAL CONDITIONS

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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.]*

### XXIV. 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 the 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 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.]*

### XXV. 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 Rule 62-17.665(6)(f), F.A.C.]*

### XXVI. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological, and toxicological data collected as a requirement of these Conditions must be reliable and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these Conditions, the Licensee shall adhere to

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## SECTION A: GENERAL CONDITIONS

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the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C.

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

### **XXVII. ROW LOCATION**

A. Licensee 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 Licensee 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.]*

### **XXVIII. PROCESS FOR REVIEW OF ROW LOCATION**

A. Prior to the finalization of the ROW location, the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted electronically to DEP Siting Coordination Office, and to the applicable district office, SJRWMD, DOT, DOC, FWC, FDACS, Volusia County, Lake County, City of Umatilla, and City of Eustis 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 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

## SECTION A: GENERAL CONDITIONS

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construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After Licensee has acquired the necessary property interests 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, the Licensee will submit to Volusia and Lake County, respectively, the 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.]

### XXIX. ENVIRONMENTAL RESOURCES

#### A. General

##### 1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or new associated facilities the Licensee shall provide to the DEP Central District office for review, with a copy to the SCO, all information necessary for a complete *Application for Individual and Conceptual Approval Environmental Resource Permit and authorization to Use State-Owned Lands* (ERP), DEP Form 62-330.060(1), F.A.C., or other applicable ERP authorization form(s). A copy of the submittal shall also be provided to the SCO.

b. This form may: 1) be submitted concurrently with an Application; 2) be submitted as part of an amendment request or a petition for modification; or 3) 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 Chapter 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions. While the information is provided for review via submittal of the ERP form, consistent with Section 403.531, F.S., a separate ERP is not required for certified facilities, and therefore, a separate ERP will not be issued.

c. Those forms submitted as part of an Application, an amendment, or modification, shall be processed concurrently with the respective Application, amendment, or modification, in compliance with the applicable TLSA 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 XXI., Procedures for Post-Certification Submittals. Post-certification submittal information may

## SECTION A: GENERAL CONDITIONS

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be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

d. No construction shall commence on a project feature, or in a particular segment of 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 XXI., Procedures for Post-Certification Submittals.

e. 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. Formal DEP-approved wetland and surface water delineations are valid only for a period of five years.

*[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 Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the applicable district office.

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 Operation and Maintenance Requirements 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

## SECTION A: GENERAL CONDITIONS

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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 2013), as updated, 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 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 beginning the authorized activities, the Licensee shall submit to the applicable district office, a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), <http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>, indicating the expected start and completion dates. A copy of this form may be obtained from the Department, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction and, in such a case, submittal of Form 62-330.350(1) is not required.

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 applicable district office, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered

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## SECTION A: GENERAL CONDITIONS

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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 applicable district office 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 the Department’s substantive criteria for elimination or reduction of such impacts. 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 such impacts under the ERP review process pursuant to subparagraph A.1.a. above.

2. Proposed mitigation requirements submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria monitoring plans, and remedial actions (if applicable), and shall be incorporated into these Conditions as Attachment D (Mitigation Requirements/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.]*

### **XXX. 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.]*

**XXXI. 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.

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

**XXXII. RECORDS MAINTAINED AT THE FACILITY**

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

B. The Licensee shall hold at the Licensee's main office, records of all applicable 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 may be kept in hard or electronic format and 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.

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

**XXXIII. WATER DISCHARGES**

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

## SECTION A: GENERAL CONDITIONS

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B. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, 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.

C. Except as otherwise authorized by a permit issued by the Department under a federally approved or delegated program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all 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.]*

### **XXXIV. 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***

1. 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 Very Small Quantity Generators (VSQGs). VSQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

2. 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.

3. 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.

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

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

#### ***C. Hazardous Substance Release Notification***

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a certified facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the State Watch Office,

## SECTION A: GENERAL CONDITIONS

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(800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. 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 public by submitting a Public Notice of Pollution, <https://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest>, as soon as possible, but not later than 24 hours after discovery of the release.

3. 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.

4. 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).

*[Section 403.077, F.S. and 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.]*

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## SECTION B: SPECIFIC CONDITIONS

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### SECTION B. SPECIFIC CONDITIONS

#### I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### A. *Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality Review*

###### 1. Field Inspection

Prior to any construction, DEF shall arrange with the appropriate DEP district staff a field inspection to verify wetland and other surface water boundaries and site conditions. Prior to field inspection, DEF shall have wetland and other surface water boundaries field staked or flagged for DEP staff verification and approval. Additional information, depending on the outcome of the field inspection, may be required. Verification and approval will be processed as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Section 10.2, Vol I Applicant's Handbook]*

###### 2. Transition from Construction Area into Adjacent Wetlands

Prior to any construction, DEF shall provide to the applicable DEP district typical cross-sectional diagrams showing the transition from the construction area into adjacent wetlands. Details of slope grades, location of erosion and turbidity control devices, location of limits of construction, and methods and timing of slope stabilization and revegetation shall also be included. Review and approval will be processed as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330.060, and 62-17.665, F.A.C]*

###### 3. Wetlands Mitigation Plan

Prior to any construction, DEF shall submit documentation demonstrating that the proposed ROW will meet the requirements of Section 10.2.1 of the Applicant's Handbook Volume I with regard to the elimination or reduction of wetland and other surface water impacts. A detailed mitigation plan shall be submitted if there will be any unavoidable wetland impacts. The plan shall include adequate compensation for wetland and other surface water impacts in accordance with the requirements of Section 10.3, Vol. I, including an estimation of credits for functional loss to determine the extent of potential wetland and other surface water impacts associated with the proposed ROW. The plan will be reviewed, and notification of compliance issued, by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals. As described in Section A. Condition XXIX. Environmental Resources, paragraph C, such plan and requirements will be incorporated and attached hereto as Attachment D.

*[Rules 62-330.060, and 62-17.665, F.A.C]*

###### 4. Erosion and Sediment Plan

Prior to any construction DEF will submit to the DEP Central District ERP Section, a detailed erosion and sediment control plan for the project area. The plan will be reviewed, and notification of compliance issued by the appropriate DEP district through the post-

## SECTION B: SPECIFIC CONDITIONS

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certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40.432(2), 62-330 and 62-17.665, F.A.C]*

### 5. Benthic Resource Survey

Prior to any construction DEF will submit to the applicable district office, a detailed survey describing submerged land characteristics within all proposed surface waters that may be impacted by construction or the proposed ROW. The survey will be reviewed, and notification of compliance issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals. Mitigation for unavoidable adverse impacts may be considered once impacts have been reduced to the furthest extent practicable. If mitigation is required, the Licensee shall submit a detailed mitigation plan that adequately offsets all adverse impacts to other surface waters. This plan, once approved by DEP, shall be incorporated and attached hereto as Attachment E and labeled as Mitigation for Surface Water Impacts.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 6. Construction Schedule

Prior to any construction, DEF shall submit to the DEP Central District a construction schedule which will include, at a minimum, details on phases of vegetation clearing, installation of erosion and turbidity control devices, dredging, filling, slope stabilization and replanting. The schedule shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 7. Water Quality Assurance

Prior to any construction, DEF shall provide reasonable assurance to the appropriate DEP district that the regulated activity will not cause or contribute to violations of water quality standards within surface waters and wetlands. The location of turbidity and erosion control devices shall be included on the plans as well as descriptions of the proposed methodology for ensuring the project will not result in adverse short-term impacts to water quality. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 8. Nighttime Construction Activities

All proposed dredging and filling activities within other surface waters shall be limited to daylight hours as turbidity plumes are not visible at night. Should such nighttime activities need to occur, DEF shall provide reasonable assurances to the appropriate DEP district that such activities shall not violate water quality standards. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

## SECTION B: SPECIFIC CONDITIONS

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*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 9. Hydrologic Studies

Prior to any construction, DEF shall submit to the appropriate DEP district hydrologic studies to evaluate runoff characteristics for new culvert crossings and access road designs. The hydrologic studies shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 10. Sovereign Submerged Lands

Prior to any construction, DEF shall obtain appropriate leases and/or easements for any state-owned lands as outlined in Section A. Condition XVII. Use of State Lands.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 11. Floodplain

Prior to any construction, DEF shall provide documentation to demonstrate the no-net encroachment into the floodplain, between the average wet season water table and that encompassed by the 100-year event, which will adversely affect the existing rights of others. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 12. Passage of Drainage

Prior to any construction, DEF shall provide documentation to demonstrate that onsite works such as swales and dikes shall be used to allow the passage of drainage from offsite areas to downstream areas. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40, 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 13. Stormwater Treatment Methodology

Prior to any construction, DEF shall provide a description of the proposed stormwater treatment methodology for existing and proposed paved and unpaved access roads, temporary or permanent, and impervious areas of the monopoles. The documentation shall be reviewed, and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

*[Rules 62-40, 62-330 and 62-17.665, F.A.C; Applicant's Handbook]*

### 14. Flowage easements

Prior to any construction, DEF shall provide drafts of all stormwater management system easements and plats of the property containing the proposed system. The documentation shall be reviewed, and a notification of compliance shall be issued by the

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## SECTION B: SPECIFIC CONDITIONS

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appropriate DEP district through the post-certification process as described in Section A.  
Condition XXI. Procedures for Post-Certification Submittals.

*[Rule 62-330, F.A.C; Applicant's Handbook]*

### 15. Herbicide Management and Application Plan

Prior to any construction DEF shall provide a proposed herbicide management and application plan including stormwater runoff, distance to nearby surface water, wetlands and sensitive areas. Review of the plan and a notification of compliance shall be issued by the appropriate DEP district through the post-certification process as described in Section A.  
Condition XXI. Procedures for Post-Certification Submittals.

*[Chapter 62-330, F.A.C]*

### 16. Special Basin or Geographic Area Criteria

Prior to any construction, DEF shall provide documentation with reasonable assurance that the project will comply with any applicable special basin or geographic area criteria. The proposed activities are located within the Ocklawaha River Hydrologic Basin (ORHB) and the Wekiva River Hydrologic Basin (WRHB).

*[Chapter 62-330, F.A.C]*

### 17. Adopted BMAP area

Prior to any construction DEF shall provide drainage calculations and/or construction plans demonstrating that the proposed activities will not contribute to violations of state water quality standards in accordance with Part 1:2.b. of Rule 62-330.060(1), Section E, F.A.C. The proposed activities are located within an area that has an adopted Basin Management Action Plan for nitrate, total phosphorus, and dissolved oxygen.

*[Chapter 62-330, F.A.C]*

## II. DEPARTMENT OF TRANSPORTATION

### A. Access Management to the State Highway System

Any access to the State Highway System will be subject to the applicable non-procedural requirements of Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C.

*[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 applicable non-procedural requirements of Chapter 316, Florida Statutes, and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

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

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

All usage and crossing of State of Florida right of way or transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-46,

## SECTION B: SPECIFIC CONDITIONS

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Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual; Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

*[Sections 337.403 and 337.404, F.S.; Chapters 14-15, 14-46, and 14-96, F.A.C.]*

### **D. Standards**

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways; 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 State-owned transportation facilities.

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

### **E. Drainage**

All information necessary to complete a Drainage Connection permit application required by Chapter 14-86, F.A.C., for any drainage onto State of Florida right-of-way and transportation facilities shall be submitted for processing in accordance with a post-certification submittal (see Section A. Condition XXI. Procedures for Post-Certification Submittals)

*[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 applicable non-procedural requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation as a post-certification submittal under Condition of Certification XXI 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,

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## SECTION B: SPECIFIC CONDITIONS

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in accordance with the instructions therein as a post-certification submittal under Condition of Certification XXI.

*[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; Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the 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 shall ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

*[Chapter 316, F.S.; Chapters 14-15, 14-26, 14-46, and 14-96, F.A.C.]*

## **III. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

### **A. Dewatering Activities Less Than 30 Days**

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

a. 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.

b. 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.

c. 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 diameter 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.]*

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

## SECTION B: SPECIFIC CONDITIONS

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

3. 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.]*

4. 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 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)(d), F.A.C.]*

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

a. 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.

b. 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.

c. 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.]*

### ***B. Dewatering Activities Less Than 180 Days***

1. Dewatering withdrawals will not exceed any limitations in form 40C-2.900(12), F.A.C.

*[Rule 40C-2.042(9), F.A.C.]*

2. Dewatering discharge must not cause or contribute to flooding of off-site properties.

*[Rule 40C-2.042(9), F.A.C.]*

3. The Licensee shall implement the following turbidity control measures, as appropriate, for any discharges off-site:

a. If the discharge is to be to a drainage system either pipe water directly into the drainage structure; or if the discharge will be through a swale, or overland, to a structure or water body, then 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.

b. 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, establish a detention area to allow suspended solids to settle prior to entering the water body.

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## SECTION B: SPECIFIC CONDITIONS

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c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the Licensee shall select, implement, and operate such additional or modified erosion and sediment control measures necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

*[Rule 40C-2.042(9), F.A.C.]*

4. District authorized staff, upon advance notice and proper identification, shall have permission to inspect and observe dewatering operations in order to determine compliance with this permit.

*[Rule 40C-2.042(9), F.A.C.]*

5. The Licensee must mitigate any adverse impact caused by withdrawals permitted herein on adjacent land uses or legal uses of water existing at the time of permit application. Adverse impacts include but are not limited to:

a. Reductions of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;

b. Reductions of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;

c. Saline water intrusion;

d. Change in water quality resulting in either impairment or loss of use of a well or water body;

e. Land collapse or subsidence caused by a reduction in water levels;

f. Damage to crops and other types of vegetation; and

g. Harmful hydrologic alterations to natural systems, including wetlands and other surface waters, that cause an unmitigated adverse impact to such systems.

*[Rule 40C-2.042(9), F.A.C.]*

### **C. Use of District Lands**

Prior to commencing construction of any portion of the transmission line, which may cross over, on, under, or otherwise use, the District's lands (which includes conservation easements), Duke Energy Florida must submit complete drawings showing the proposed facilities to the District for documentation of compliance with the non-procedural requirements of Rule 40C-9.380, F.A.C., including but not limited to avoidance of fragmentation of wetland or other functioning habitat and avoidance of location on or under environmentally sensitive lands as defined by District in the land management plan.

*[Rule 40C-9.380, F.A.C.]*

### **D. Conservation Easement**

If a portion of the transmission line right away is located on a recorded perpetual proprietary conservation easement that is dedicated to the District, no construction may begin within the perpetual proprietary conservation easement until any necessary amendment, release, or other documentation required for consistency with the terms, conditions, and

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## SECTION B: SPECIFIC CONDITIONS

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provisions of the perpetual proprietary conservation easement, in accordance with section 704.06, F.S., is executed.

*[Section 704.06, F.S.]*

### IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

#### A. General Listed Species Surveys

1. The Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species that may occur within the Duke Energy Florida (DEF) DeLand West-Dona Vista 230-kilovolt Transmission Line area to be impacted, as well as accessible appropriate buffers within the rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to species-specific survey protocols can be found in the appropriate species conservation measures and permitting guidelines at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>, or in the Florida Wildlife Conservation Guide at <https://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 the FWC in a report, and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies. Reports can be sent to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

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

#### B. Specific Listed Species Surveys

1. Before land clearing and construction activities within the DEF DeLand West-Dona Vista 230-kilovolt Transmission Line area, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or active season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance or mitigation measures after consultation with the FWC. The Licensee will submit avoidance or mitigation measures to the FWC for 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. These surveys shall be conducted in accordance with U.S. Fish and Wildlife Service (USFWS) or FWC guidelines and methodologies and by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.

3. These surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, FWC staff prefers

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## SECTION B: SPECIFIC CONDITIONS

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that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the DEF DeLand West-Dona Vista 230-kilovolt Transmission Line area to be impacted prior to land clearing and construction activities using a geographic information system (GIS). Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife Action Plan<sup>1</sup> (FWC 2019) or the Natural Communities Guide<sup>2</sup> (Florida Natural Areas Inventory 2010).

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

### **C. Listed Species Locations**

1. Where any suitable habitat or evidence is found of the presence of listed species within the DEF DeLand West-Dona Vista 230 kV Transmission Line area to be impacted, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the DEF DeLand West-Dona Vista 230 kV Transmission Line area to be impacted. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the Florida Department of Environmental Protection Siting Coordination 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 potentially impacted to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. These steps shall be memorialized in a Species Management Plan and submitted to the FWC.

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

### **D. Gopher Tortoise**

1. The Licensee shall conduct surveys for gopher tortoise (*Gopherus polyphemus*) and their burrows, in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development,

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<sup>1</sup> Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

<sup>2</sup> Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

## SECTION B: SPECIFIC CONDITIONS

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

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

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

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

### **E. Wading Birds**

1. The Licensee shall conduct surveys for state-threatened wading birds and their nests in accordance with the FWC-approved Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Surveys shall be conducted for wading birds in areas potential for nesting prior to the commencement of any clearing, grading, or filling activities and during their breeding season, which extends from March through August.

2. If wading bird nesting is identified within or adjacent to the planned right-of-way or other areas associated with the project, a 330-foot (100-meter) buffer distance from the nest shall be maintained.

3. If wading bird nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the wading bird nesting areas and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

## SECTION B: SPECIFIC CONDITIONS

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4. If nesting is discovered after site activities have begun, if 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 FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **F. Florida Sandhill Crane**

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes in accordance with the FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Surveys for nesting Florida sandhill cranes shall be conducted prior to commencement of construction activities in or adjacent to habitat where Florida sandhill cranes could nest, and during the December through August breeding season. If construction occurs over several years, it may be necessary to conduct surveys each year as Florida sandhill cranes do not nest in the same location every year.

2. If Florida sandhill crane nesting is identified within or adjacent to the final corridor, or other areas associated with the project, a 400-foot buffer distance from the nest with eggs shall be maintained, or 1500-foot buffer distance from a nest with flightless young shall be maintained until the young can fly.

3. If Florida sandhill crane nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nesting areas and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

4. If nesting or flightless young are discovered after site activities have begun, or if maintaining the buffer is not possible, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **G. Southeastern American Kestrel**

1. The Licensee shall conduct surveys for southeastern American kestrel and their nest cavities in accordance with the FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

2. If surveys encounter southeastern American kestrel nesting, a 490-foot (150 meters) buffer shall be maintained from the nest during the breeding season (March through July) to avoid disturbance.

3. If southeastern American kestrel nesting is identified on the site, the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nests and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

## SECTION B: SPECIFIC CONDITIONS

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4. If nesting is discovered after site activities have begun, or if maintaining the buffer is not possible, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **H. Florida Burrowing Owl**

1. The Licensee shall conduct project planning surveys for Florida burrowing owls and their burrows in accordance with FWC-approved Species Conservation Measures and Permitting Guidelines: <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>. Project planning surveys shall be conducted within 90 days of clearing or earthwork activities.

2. If potentially occupied Florida burrowing owl burrows (as defined by the Species Conservation Measures and Permitting Guidelines) are found during the project planning surveys, pre-activity surveys shall be conducted in the active part of the project site within 48 hours prior to commencing site preparation, clearing, or project activities.

3. If Florida burrowing owl burrows are identified on-site, the following buffers shall be maintained to avoid disturbance:

a. During the non-breeding season (July 11 to February 14), no site preparation, clearing, staging, or other project-related activities shall occur within a 10-foot (3-meter) radius from the entrance of potentially occupied burrows, including those on adjacent properties.

b. During the breeding season (February 15 to July 10), no site preparation, clearing, staging, or project activities shall occur within a 33-foot (10-meter) radius from the entrance of potentially occupied burrows, including those on adjacent properties.

4. Buffers for potentially occupied burrows shall be posted as follows:

a. Posting shall be installed prior to earthwork or other construction activities that are to occur in the general vicinity of the burrow(s) to deter equipment operators or project personnel from entering the recommended buffers.

b. Posting shall be placed at a minimum of 33 feet from the burrows from February 15 to July 10 and a minimum 10 feet from July 11 to February 14. No posting materials shall be placed within 10 feet (3 meters) of the burrow.

c. Posting shall consist of 1 to 4 PVC poles or 2-inch by 1-inch by 4-foot wooden stakes. The wooden stakes may be constructed in t-perch fashion.

d. Silt fencing shall not be used for posting, except when needed to prevent soil and debris from construction from encroaching upon a burrow. In these instances, silt fencing shall be installed on the uphill side but shall not completely encircle the burrows.

e. Educational signage warning of the State Threatened status of the burrowing owl shall be posted on wooden stakes at minimum of 10 feet from the burrow.

5. The Licensee shall ensure all personnel associated with the project are advised of the presence of Florida burrowing owls and that it is a violation of state law to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect Florida burrowing owls or their

## SECTION B: SPECIFIC CONDITIONS

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eggs, or to collapse or block their burrows, or to attempt to engage in such conduct. All personnel shall be directed not to enter posted areas around potentially occupied burrows.

6. If a Florida burrowing owl burrow is identified on-site the Licensee shall also provide a detailed post-certification submittal. This submittal should include location information for the nests and what steps were taken to avoid these areas. If these areas, cannot be avoided, the submittal should also include the Licensee's proposed coordination with the FWC.

7. If previously-undetected burrows are found either in pre-activity surveys or later during project activities and required buffers cannot be maintained, the applicant shall consult with FWC staff to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

### **I. Florida Manatee**

1. All personnel associated with portions of the project expected to occur in manatee accessible waters shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Licensee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

2. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

3. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

5. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission's Alert Hotline at (888) 404-3922. Collision and/or injury should also be reported to the USFWS in Jacksonville at (904) 731-3336 for north Florida or Vero Beach at (772) 562-3909 for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

6. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads Caution: Boaters must be posted. A second sign measuring at least

## SECTION B: SPECIFIC CONDITIONS

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8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

*[Article IV, Sec. 9, Florida Constitution; Section 379.2291, 379.2431(2), and 373.414(1)(a)2, F.S.]*

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

#### ***A. Cultural Resource Assessment Survey***

Prior to new construction in areas not previously surveyed, 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 facility. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not feasible, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

#### ***B. Discovered Cultural Resources***

If historical or archaeological artifacts or features are discovered at any time within the Certified facility, the Licensee shall notify the appropriate DEP District office(s) and the DHR, R.A. Gray Building, 500 South Bronough Street, Room 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. LAKE COUNTY**

1. Prior to the commencement of construction in Lake County right-of-way, the Licensee shall provide to Lake County information necessary to demonstrate compliance with applicable non-procedural provisions of Section 18-3, Lake County Code, as a post-certification submittal pursuant to Rule 62-17.760, F.A.C. This information must also be submitted to Florida Department of Environmental Protection Siting Coordination Office (SCO). Post-certification

## SECTION B: SPECIFIC CONDITIONS

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submittal information may be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

*[Section 18-3, Lake County Code]*

2. Licensee shall minimize pole height in the design of the transmission line and will utilize monopole engineered steel and concrete structures where technically, environmentally, and economically feasible.

*[Stipulated by Applicant]*

3. If the new transmission structures are placed within existing road rights-of way within Lake County's jurisdiction, Licensee shall coordinate with the FDOT and Lake County to share these existing rights-of-way for planned roadway expansions. Licensee will coordinate with Lake County on the placement of transmission structures close to the edge of the right-of-way boundary where practicable, and to accommodate future roadway widening at DEF's expense where required by law.

*[Stipulated by Applicant]*

4. Licensee shall coordinate with Lake County to co-locate compatible trails adjacent to or within the transmission line easement.

*[Stipulated by Applicant]*

5. Licensee must host at least one public informational session in Lake County regarding the final route location at least 60 days prior to commencing clearing or construction activities. Information about the format and location of these sessions must be provided to Lake County in advance.

*[Stipulated by Applicant]*

6. Licensee shall comply with all applicable non-procedural provisions of Section 15-16, Lake County Code with regard to notification to the County and traffic management standards for any proposed road closures.

*[Section 15-16, Lake County Code]*

7. Licensee shall coordinate with Lake County's Public Works Department to address potential impacts from deliveries or construction traffic.

*[Stipulated by Applicant]*

8. Licensee shall work to minimize ingress and egress points along Lake County roadways. Soil tracking prevention measures must be installed at ingress and egress points. Licensee must restore sod, drainage features, and existing contours, and/or otherwise repair all damage caused by construction of the proposed transmission line.

*[Stipulated by Applicant]*

9. Licensee shall coordinate with Lake County Emergency Management to ensure the ability to reopen closed roads as well as communicate if Licensee has any limitations that require more time to reopen lanes.

*[Stipulated by Applicant]*

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## SECTION B: SPECIFIC CONDITIONS

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10. All solid waste generated from transmission line right-of-way preparation and construction must be collected and removed for disposal in compliance with all applicable non-procedural portions of Section 23-4, Lake County Code.

*[Section 23-4, Lake County Code]*

### **VIII. CITY OF EUSTIS**

#### **A. Public Safety**

During construction and maintenance within or adjacent to City streets or rights-of-way, the Licensee shall comply with the applicable nonprocedural requirements regarding public-safety in City Code section 82-2.

*[City Code section 82-2]*

#### **B. Public Streets and Drainage Facilities**

The Licensee shall comply with the City's applicable nonprocedural requirements for ROW construction set out in City Code sections 82-56 through 58, and 82-128(a).

*[City Code sections 82-56, 82-57, 82-58, 82-128(a)]*

#### **C. Vegetation Clearance Over City ROW**

If tree or vegetation trimming occurs as part of construction or maintenance, the Applicant shall meet the applicable nonprocedural requirements of section 82-3 requiring that vegetation not protrude over the ROW lower than eight feet.

*[City Code section 82-3]*

#### **D. Driveway, Curb, and Gutter Disturbance**

During construction and maintenance, the Licensee shall comply with all applicable nonprocedural requirements regarding the disturbance of driveways, curbs, pavements, and gutters within the City's rights-of-way as set out in City Code sections 82-92 and 82-94.

*[City Code sections 82-92(a), and 82-94(a)]*

#### **E. Noise**

During construction, operation and maintenance, the Licensee shall comply with all applicable nonprocedural requirements regarding noise set out in City Code sections 34-120 and 34-129.

*[City Code sections 34-120 and 34-129]*

#### **F. Protection of Trees**

Prior to construction within the City, the Licensee shall coordinate with the City regarding minimization of impacts to protected trees.

*[Stipulated by Applicant]*

## SECTION B: SPECIFIC CONDITIONS

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### ***G. Erosion Control***

During construction and maintenance within the City, the Licensee shall utilize standard practices to prevent erosion and offsite soil deposition via water and air currents, including consideration of:

Topography, soils, and drainage patterns;

Minimization of the extent of area exposed at one time and the duration of exposure;

Scheduling areas with greatest erosion potential for dry, rather than wet, season exposure;

Applying erosion control practices to minimize erosion from undisturbed areas;

Applying perimeter controls to protect the disturbed area from offsite runoff and to trap eroded materials onsite to prevent sedimentation in downstream area;

Stabilizing the undisturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and

Implementing a maintenance and follow-up program.

*[Stipulated by Applicant]*