

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



**Transmission Line Site Certification
Project Analysis Report**

**Florida Power & Light Company
Sweatt-Whidden 230 kV Transmission Line Corridor**

TA 22-19

DEP OGC Case No. 22-1716

DOAH Case No. 22-001246TL

August 9, 2022

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1.0 INTRODUCTION

On April 18, 2022, Florida Power & Light Company (FPL) submitted a Transmission Line Siting Act Certification Application (Application) to the Florida Department of Environmental Protection (Department or DEP) Siting Coordination Office (SCO) for a proposed transmission line corridor. FPL is proposing to construct, operate and maintain an approximately 80.5-mile 230 kilovolt (kV) transmission line to be known as the Sweatt-Whidden 230 kV line in Southeast Florida, beginning in Okeechobee County, potentially crossing Glades County, crossing Highlands County, and ending in DeSoto County.

The procedures and requirements for granting or denying a certification to construct, operate and maintain transmission lines in the state of Florida are set forth in the Florida Electric Transmission Line Siting Act (TLSA), Sections 403.52-5365, Florida Statutes (F.S.), and the rules in Chapter 62-17, Florida Administrative Code (F.A.C.), that implement the TLSA. The TLSA designates the Department as the lead coordinating agency for the review and evaluation of TLSA Applications and with preparing a Project Analysis Report, including a recommendation for granting or denying the requested certification, and any proposed Conditions of Certification (Conditions) which the Department believes should be imposed. This report addresses the proposed electric transmission line corridor to fulfill the specific TLSA requirement pursuant to Section 403.526(3), F.S.

Section 403.521, F.S., provides:

“The legislative intent of this act is to establish a centralized and coordinated licensing process for the location of electric transmission line corridors and the construction, operation, and maintenance of electric transmission lines, which are critical infrastructure facilities. This necessarily involves several broad interests of the public addressed through the subject matter jurisdiction of several agencies. The Legislature recognizes that electric transmission lines will have an effect upon the reliability of the electric power system, the environment, land use, and the welfare of the population”.

It is further stated that:

“It is the intent of this act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing reliable, economical, and efficient electric energy and the impact on the public and the environment resulting from the location of the transmission line corridor and the construction, operation, and maintenance of the transmission lines”.

Pursuant to Section 403.529(4), F.S.:

“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;*

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- (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.”*

Once the Application review process is completed, the DEP Secretary will take final action on the Application, if there are no disputed issues of fact or law. If, however, there are disputed issues of material fact or law among the parties to the proceeding, a certification hearing will be held before a Division of Administrative Hearings (DOAH) Administrative Law Judge (ALJ). If a hearing is held, the ALJ will issue a recommended order, and the final action on certification will be made by the Governor and Cabinet, sitting as the Siting Board.

The scope of a certification under the TLSA includes only state, regional, and local requirements. All federal permits are processed separately from the Application. FPL will need to obtain a permit pursuant to Section 404 of the Clean Water Act prior to construction, as well as a stormwater NPDES.

For proposed transmission lines, the TLSA provides for the certification of “Corridors”, the areas within which transmission line rights-of-way (ROW) must be located. Once the ROWs for newly certified transmission lines and associated linear facilities (such as access roads) have been acquired, the boundaries of the Corridors are revised to those of the acquired ROWs. The portions of the Corridors that fall outside of the acquired ROWs have no further legal significance in relation to a TLSA project.

Pursuant to Section 403.5271, F.S., alternate corridors may be proposed by any party. Sections 403.521–.526, 403.527(4), and 403.5271, F.S. set forth the application processing schedule for transmission line Corridors, including the processing and review of alternate Corridors or substation sites that are timely submitted. The deadline to file alternate Corridors in this proceeding was July 29, 2022, and no alternate Corridors were filed.

2.0 PROJECT OVERVIEW

The following descriptions and overviews are as proposed and described in the Application and additional information submitted by the applicant.

2.1 Applicant Corridor Selection Process

In order to identify its proposed Corridor for certification, FPL established a multidisciplinary team consisting of land use, engineering, and environmental experts. FPL determined that the goal of the corridor selection process was to “select a feasible corridor that balances the following land use/socioeconomic, environmental, engineering, safety, and cost considerations.”

According to the Application, the corridor selection process entailed the following four major tasks:

- Project and study area definition and establishment of evaluation criteria

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- Resource mapping and establishment of a GIS database and route option delineation
 - Evaluation of route options and route selection
 - Development of the Preferred Corridor boundary

In the Application, FPL specified that an electrical connection was necessary between FPL's existing Sweatt substation in Okeechobee County and the Whidden substation in DeSoto County in order to improve reliability, provide additional transmission for increased east-to-west power transfer capabilities, and mitigate potential overloads and low voltage conditions. FPL proposed a study area to meet those needs as described in the Application.

Environmental, land use, engineering, safety, and cost criteria were developed based on the characteristics of the study area. Quantitative evaluation of the criteria included:

- Number of buildings in proximity to the route
- Number of school properties crossed or in proximity
- Number of non-utility parcels/lots crossed
- Length of route following utility-owned ROW or other transmission line easements
- Length of route following other linear features such as roads, railroads, canals, etc.
- Length of route through existing parks/recreation areas/designated conservation lands
- Distance of non-forested wetlands crossed
- Number of eagle nests/wading bird colonies within 0.5 mile
- Engineering/construction cost estimates
- Overall Route Length

The qualitative evaluation considerations, based on the Project requirements, included:

- Available space within existing rights-of-way, easements, or fee-owned property
- Available right-of-way along roads, transmission lines, and railroads
- Road plans (new roads, extensions, widening projects)
- Proposed development plans
- Proximity of existing development to co-location rights-of-way
- Types of development in proximity (land use)
- Contamination sites
- Proximity and orientation of public airports and private airstrips
- Communication towers
- Ingress/egress at substations
- Bridge crossings, highway crossings, rail crossings
- Constructability (includes slope, turn angles and span lengths)
- Asset protection (encroachments, accessibility, distance from road)
- Acquisition status of existing and proposed conservation lands and/or greenways
- Ability to avoid or minimize wetland impacts
- Ability to avoid or minimize impacts to parks, recreation, and conservation lands
- Proximity to historical districts, roads, and/or structures
- Potential listed species presence

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- Crossing of Native American lands
 - Potential use of local access roads/trails
 - Proximity to known archaeological locations

General route identification criteria considered by FPL included maximizing co-location with other linear features, following property lines where practicable, minimizing crossing of constraints identified as a result of regional screening (such as existing development, environmentally sensitive lands, and proposed development awaiting local approval), avoiding known airports and private airstrips consistent with Federal Aviation Administration, following disturbed alignments through wetlands where practicable, and minimizing crossing of existing transmission lines.

2.2 Proposed Corridor Description

Approximately 98% (79 miles) of the proposed Sweatt-Whidden transmission line Corridor has the potential to be co-located within or adjacent to existing road ROWs, primarily State Road 70. The width of the proposed corridor ranges from 200 ft at its narrowest to 5,190 ft at its widest. The Corridor begins at the existing FPL Sweatt substation in Okeechobee County, crosses into Glades County, through Highlands County, and ends at the existing Whidden substation in DeSoto County. The specific location of the proposed Corridor is shown in Figure 1.

The Corridor route, as described in the Application, will co-locate with the following existing linear facilities:

- Existing FPL transmission and distribution rights-of-way
- Existing Glades Electric Cooperative transmission and distribution rights-of-way
- State Road 70
- US highways 441 and 98
- County Roads 29, 17, 707A, 724 and 721
- Existing natural gas pipelines (Florida Gas Transmission, LLC; Gulfstream)
- Existing railroad rights-of-way (CSX Transportation, Inc.)
- Existing water canals (C-38, C-40, C-41, C-41A, C-39A, Indian Prairie)

Figure 2 illustrates nearby existing transmission lines and the general location of FPL's study area for the proposed transmission line Corridor. Other existing linear facilities are also shown.

The proposed transmission line will begin at the existing FPL Sweatt substation located in Okeechobee County as shown in Figure 3. The line will terminate at the existing FPL Whidden substation in DeSoto County shown in Figure 4. There are potentially five connections to existing intermediate substations located along the proposed Corridor route. From the existing Sweatt substation, the Corridor begins by heading westward before turning south towards the Basinger substation, then due south towards the Morris substation. From the Morris substation the Corridor continues west towards the Brighton substation, and on towards the Childs substation, then Dorr Field substation before turning north and terminating at the Whidden substation. Expansions to existing FPL substations to accommodate the Sweatt-Whidden line will be permitted separately from the TLSA process as allowed in Section 403.522(22), F.S. No new substations have been proposed for construction in the Application.

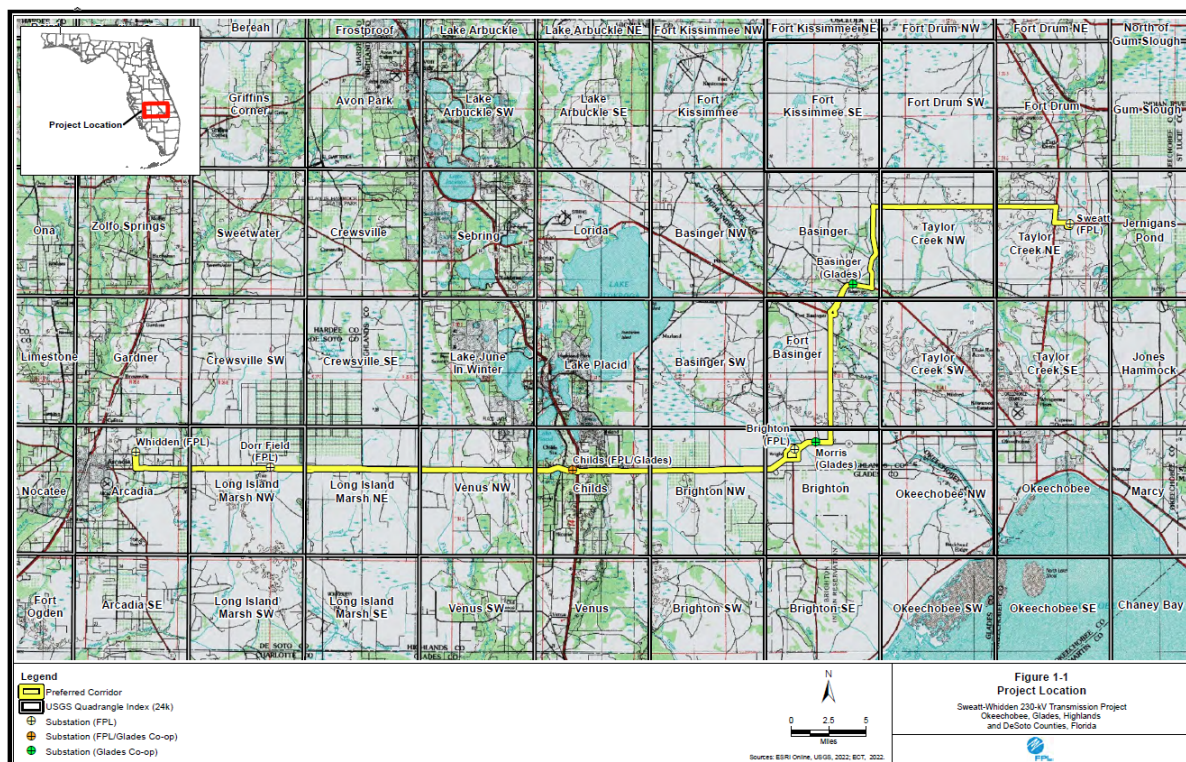


Figure 1. Location of Proposed Corridor - shows existing substations along preferred route (FPL Sweatt-Whidden 230kV TLSA Application FPL Completeness Response Figure 1-1)

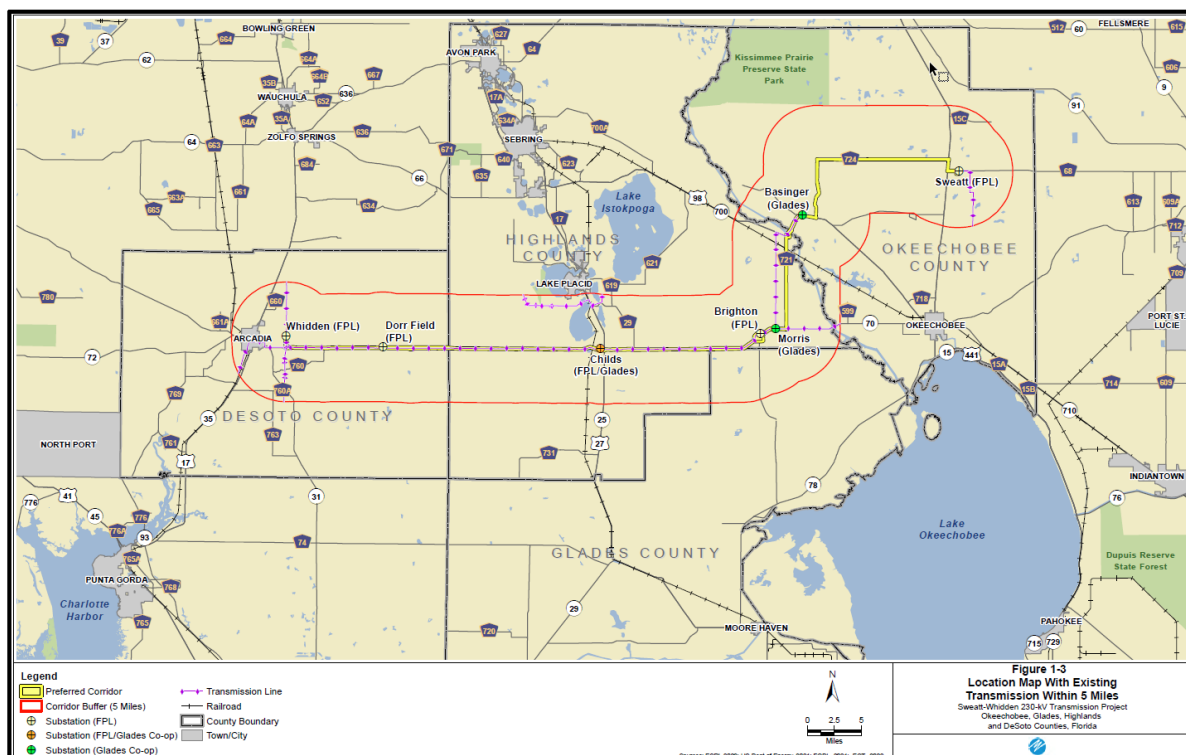


Figure 2. Location Map showing existing transmission line within 5 miles (FPL Sweatt-Whidden 230kV TLSA Application Figure 1-3)



**Figure 3. Existing Sweett Substation – beginning point for project
(FPL Sweatt-Whidden 230 kV TLSA Application Figure 2-2 Map 1 of 35)**



**Figure 4. Existing Whidden Substation – ending point for project
(FPL Sweatt-Whidden 230 kV TLSA Application Figure 2-2 Map 35 of 35)**

FPL will utilize monopole, self-supported structures for the proposed 230 kV line. Figure 5 represents typical monopole structure. The structure shown also indicates where communication and distribution underbuilt facilities will be attached when applicable.

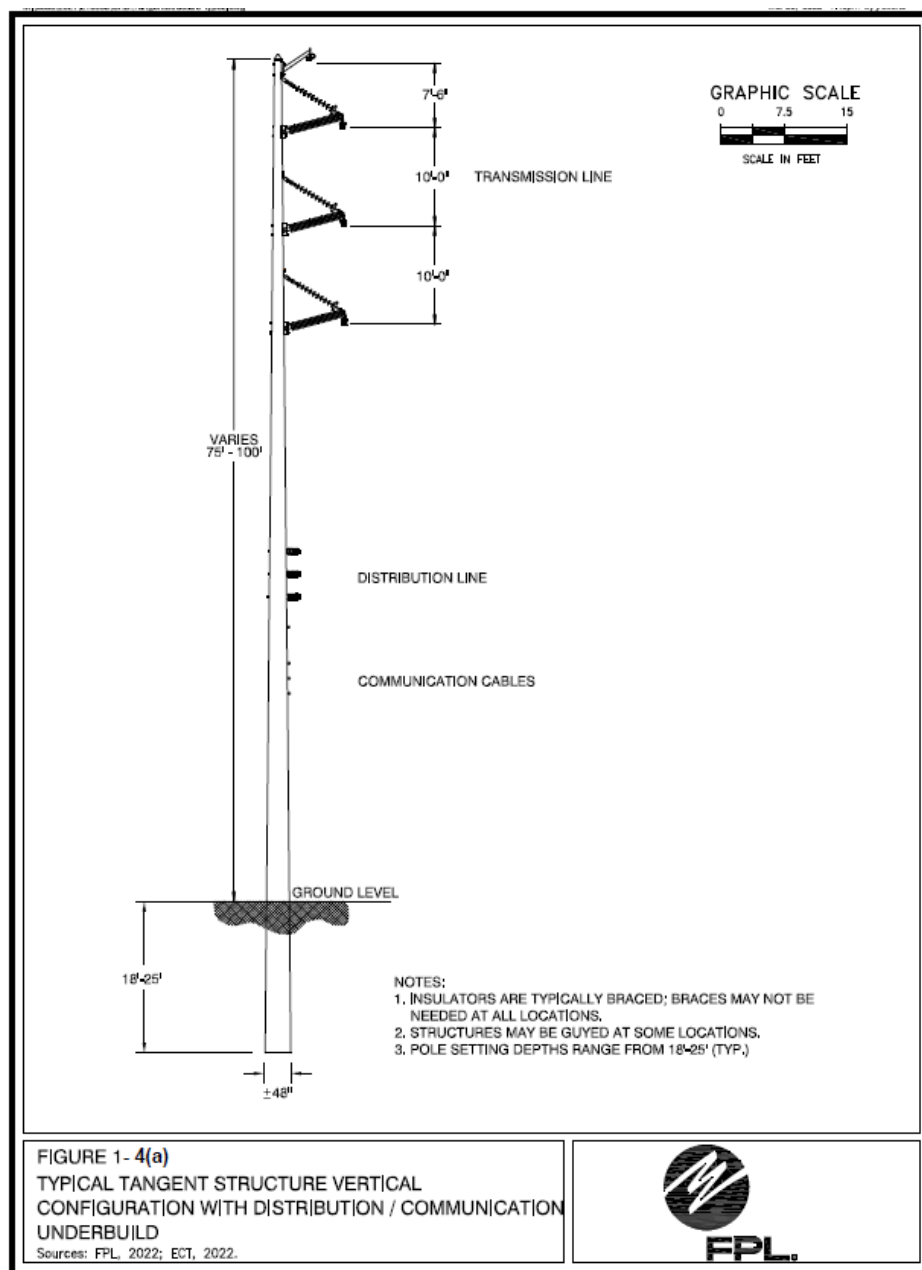


Figure 5. Typical Tangent Structure Vertical Configuration (shown with distribution/communication underbuild)
(FPL Sweatt-Whidden 230 kV TLSA Application Figure 1-4a)

The proposed Corridor will cross state-owned lands. Prior to any construction, authorization will be required to utilize state-owned submerged lands as well as the Lake Wales Ridge Wildlife and Environmental Area. Conditions have been proposed to address Water Management District and Department of Transportation land crossings.

FPL indicated that the Corridor crosses several conservation areas that front, or are located near, State Road 70. These include:

- Lake Wales Ridge Wildlife and Environmental Area in Highlands County
- Conservation lands surrounding the Kissimmee River in both Okeechobee and Highlands County
- Wetland Reserve Program easements in Highlands County
- Several Recreational Trails including the Florida National Scenic Trail, the Fort Basinger Trail Head, and the Florida Micco Landing Trail Head
- One river system, the Kissimmee River (Save Our Rivers Project)
- the Archbold Biological Station, a recognized research facility

The Fort Basinger Gopher Tortoise Long-term Recipient Site is located within 0.5 mile of the Corridor. This site is 264 acres located in Highlands County near the C-38 canal and is dedicated in perpetuity for gopher tortoise habitat conservation. The use of this site is restricted to SFWMD projects only.

According to the Application, a total of approximately 410 wetland and surface water acres are within the preferred corridor. This acreage was determined through available desktop data and has not been field-verified. Detailed design information, specific location and extent of wetland impacts, as well as appropriate mitigation, will be provided prior to construction as a requirement of the Conditions. The number of potential wetland and surface water acres to be impacted will decrease upon FPL's selection of a ROW.

Because it is anticipated that much of the Corridor will be co-located with existing roadways and ROWs, FPL does not anticipate significant changes to vegetation, wildlife, and aquatic life. FWC has included a proposed Condition requiring FPL to conduct listed species surveys prior to construction.

Additionally, the Viking and Basinger rural activity centers in Okeechobee County, and a low-density residential area in the southern part of the City of Lake Placid will be crossed by the Corridor.

3.0 ARCHAEOLOGICAL AND HISTORIC SITES

The Application specifies that there are known archaeological and historic resources located within the Corridor. FPL obtained a GIS database file from the Florida Department of State, Division of Historical Resources (DHR). This file contains DHR's known records of archaeological and historic sites within each county and was used to determine if known archaeological or historic sites are located along FPL's Preferred Corridor. In a response to a completeness request from DHR, FPL prepared a desktop analysis report to determine potential impacts from the Project to cultural resources. DHR proposed specific Conditions of Certification to address cultural resources in its agency report as discussed below.

4.0 NEED DETERMINATION

On June 3, 2022, the Florida Public Service Commission (PSC) issued a "Final Order Approving Determination of Need for an Electrical Transmission Line for FPL's Sweatt-Whidden 230kV Transmission Line Project" (PSC-2022-0196-FOF-EI). In approving the project, the PSC stated the following:

“FPL has demonstrated a need for the Sweatt-Whidden 230 kV transmission line project starting in December 2025, 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 this state. The appropriate starting and ending points of the line are the existing Sweatt Substation in Okeechobee County and FPL’s existing Whidden Substation in DeSoto County, respectively....”

The PSC’s Final Order is attached as Appendix II-A.

5.0 AGENCY ASSESSMENT

Although DEP is charged with coordinating the TLSA application process, many of the concerns to be addressed in the project impact assessment are outside the purview of DEP. The transmission line Certification process includes the reviews and recommendations of the reviewing agencies whose jurisdictions are impacted by the proposed Corridor.

Agency Conditions may be made provisional as to the final ROW location and specific construction techniques or additional information to be submitted after certification. This “Post Certification Review (PCR)” of a certified Corridor may include the review of information submitted after the exact location of the final ROW within the larger Corridor is determined. Through PCR, verification occurs which confirms that sensitive areas will be avoided, location and construction of the ROW and the transmission line will have minimal adverse impacts, and the project will be in compliance with all applicable agency regulations. PCR can apply to endangered species monitoring, wetland impact minimization, wetland mitigation requirements, archaeological assessments, road-crossing limitations, as well as other regulation subjects. The procedures and timeframes for PCR are established by Section 403.5317, F.S., and Rule 62-17.660, F.A.C. Conditions may require Post Certification Submittals such as monitoring reports, management plans, wildlife surveys, historical surveys, and Environmental Resource Permit (ERP) information submittals. DEP and other agencies have proposed Conditions requiring such PCR with respect to the Sweatt-Whidden Transmission Line Application.

6.0 AGENCY REPORTS

As stated above, the TLSA requires several state agencies to participate in the Application review process. Each of these agencies reviews a TLSA Application with regard to the project’s compliance with the applicable statutory and administrative requirements within each agency’s jurisdiction. The agencies are further directed to prepare and submit a written report to DEP on the potential impacts of the proposed transmission line project on subject matters within their jurisdiction. Each agency must provide DEP with a recommendation of approval or denial of the Application and specify any restrictions or requirements that should be included in the Conditions. The reviewing agencies are: the Public Service Commission (PSC); the Department of Economic Opportunity (DEO); the applicable Water Management District(s) (WMD or District); the Fish and Wildlife Conservation Commission (FWCC); the Department of Transportation (DOT); all local governments having jurisdiction over the area within which the project is located; and any other agency as requested by DEP. For this project, the Department has included the Department of State, Division of Historical Resources.

Section 403.526(2)(b)3, F.S., requires that any Conditions proposed by a reviewing agency must list the specific statute, rule, or ordinance which authorizes the proposed condition. Both Section 403.526(2)(b), F.S. and Rule 62-17.590(1)(e), F.A.C., limit any Condition of Certification proposed by an agency to matters within the proposing agency’s jurisdiction.

General Conditions applicable to all certified transmission lines, and reviewing agencies' specific Conditions for the Sweatt-Whidden 230kV Project have been incorporated into the proposed Conditions of Certification found in Appendix I.

The following are summaries of the reports submitted by the reviewing agencies. The Agency Reports in their entirety can be found in Appendix II. The descriptions therein do not necessarily reflect the Department's views or positions; however, the overall recommendations of the Department are described in Section 10.4.

6.1 Department of Environmental Protection

For transmission lines, the scope of the project assessment which falls within DEP's jurisdiction includes the Environmental Resource Permit (ERP) review and electric and magnetic fields (EMF) effects. Pursuant to Chapters 62-330, 62-340, 62-345, and 62-814, F.A.C., the analysis performed by DEP includes the consideration of the following criteria relative to Corridor location impacts:

- Transmission line and ROW access road construction impacts
- ROW and access road maintenance impacts
- Mitigation measures
- Potential impacts of transmission line crossings on navigable waters, and submerged lands or wetlands
- Potential impacts on water quality and quantity, including hydrology and surface drainage resulting from construction, clearing, and maintenance
- Final or preliminary identification (depending on the level of detail provided in the Application) of those areas where the Department has environmental resource permit jurisdiction. Specific identification and the location of the landward extent of jurisdiction may not occur until after the ROW has been defined following certification of a Corridor; and
- Electric and magnetic field effects

6.1.1 ERP Review

For large projects such as this, many site-specific details and site-specific construction and maintenance impacts are not known until after certification, when the final ROW is selected by the Licensee within the certified Corridor. DEP's environmental resource assessment may include a review of areas where construction techniques and potential ROW locations will comply with departmental permitting requirements, but the Department does not possess sufficient information to make such determination. For example, such an instance might occur when neither the applicant nor the Department has permission to enter private property to verify conditions deduced from aerial photography or other remote means.

If site specific dredging and filling information has not been provided for all locations in the Corridor at the time of Application filing, DEP may identify areas within a Corridor in which the ROW, if located, would cause the transmission line Corridor to be "uncertifiable." DEP's designation of such areas may be premised on the following:

- There are no construction techniques which can reasonably be used in that area to mitigate adverse construction impacts to the extent that permitting requirements can be

met, including considerations of cumulative impacts as provided for in Section 373.414(8), F.S.

- It would be appropriate for the particular location to be excluded from the certified Corridor based on applicable non-procedural regulations
- Other matters relating to dredging and filling which fail to comply with all non-procedural requirements of an agency or fail to comply with the standards set forth in Section 403.529, F.S., e.g., endangered species habitat

In its review and evaluation, DEP's Southeast District and South District ERP Sections have concluded that the proposed Corridor may be certified, provided FPL complies with the proposed Conditions. FPL has identified the total wetlands within the corridor to be approximately 410.39 acres. FPL has identified that the total potential wetland impacts within the corridor could be approximately 246.78 acres. The total number of acres was based on available desktop data and not field verified. FPL provided reasonable assurance that the Project will be able to meet the applicable requirements of the ERP program. The environmental resource requirements included in Appendix I must be met before FPL will be allowed to begin construction.

Prior to the commencement of construction of new facilities and/or associated facilities, information not submitted in the Application, and necessary to complete the ERP review process, will be submitted to the Department as part of the post-certification review process. The Conditions proposed by the Department require FPL to avoid, minimize, or mitigate impacts to wetlands and to submit, as applicable, refined surveys 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 approval through the PCR process. Approved mitigation plans will be incorporated into the Conditions.

6.1.2 Electric and Magnetic Fields

FPL submitted an electric and magnetic field (EMF) report, including calculated EMF values for each segment of the proposed transmission line within the ROWs to the Department on April 18, 2022. The amount of current carried by the transmission line and the height of the conductors above the ground determine the strength of the magnetic field. The voltage of the transmission line and the conductor height above the ground determine the electric field. Consequently, the electric field near the transmission line is relatively constant over time, but the magnetic field fluctuates depending on customer demand for power. EMFs are calculated at the edge of the ROW, at the height of one meter above the ground, using the maximum current rating of the transmission line pursuant to Chapter 62-814, F.A.C.

Rule 62-814.450(2), F.A.C., includes standards for the electric and magnetic fields of new transmission lines. Based on the information provided in the Application and EMF report, the proposed Sweatt-Whidden transmission line project will meet the electric and magnetic field standards of Chapter 62-814, F.A.C., as shown in Table 2 below.

Table 1: Maximum EMF capable of being produced by the FPL Sweatt-Whidden 230kV Transmission Line (FPL Sweatt-Whidden TLISA 230 kV Application FPL Completeness Response Revised Table 4-1)

Cross Section Location	New or Existing	Ampacity of New Line (amps)	Right-of-Way Width (ft)	Electric Field (kV/m)			Magnetic Field (mG)	
				On Right-of-Way	Left Edge of Right-of-Way	Right Edge of Right-of-Way	Left Edge of Right-of-Way	Right Edge of Right-of-Way
Exiting Whidden Substation Property	Existing	3,025	660	5.24	0.01	0.12	1.61	49.97
Typical 170' Right-of-Way (Co-Located with other lines)	Existing	3,025	170	4.35	0.07	0.16	134.41	99.79
Typical 100' Right-of-Way	Existing	3,025	100	3.85	0.12	0.08	101.10	101.10
Typical 60' Right-of-Way	Existing	3,025	60	2.24	0.59	0.63	147.59	147.59
Typical 15' Right-of-Way Along Road Easement	New	3,025	15	1.65	0.07	1.07	30.74	149.46
Exiting Sweatt Substation Property	Existing	3,025	2,700	3.87	0.13	0.00	52.47	0.05
Florida EMF rule limit for new 230-kV lines ¹				8.00	2.00	2.00	150	150

Note: EMF = electric and magnetic fields.
kV = kilovolt.
kV/m = kilovolts per meter,
mG = milliGauss.

The field levels of the proposed transmission lines shown in this table are based on the highest fields anticipated for the 230-kV transmission line configurations, even though structural configurations with lower fields may be employed for some portions of the line routes. The transmission lines will generally operate at a level well under the maximum current rating (MCR). MCR is the nominal value expected to cause the conductor to reach a temperature limit of 180° Celsius.

¹The standard field levels are established in Rule 62-814.450(3), F.A.C.

Sources: EzEMF software program developed through Florida Electric Coordinating Group and accepted by the Florida Department of Environmental Protection. FPL, 2022.

6.2 Department of Transportation (DOT)

DOT submitted its agency report to DEP on July 15, 2022. On July 29, 2022, DOT submitted an amended agency report to DEP with revised proposed Conditions. As stated in its agency report, DOT is developing a Corridor Action Plan for State Road 70 in collaboration with the communities of Okeechobee, Lake Placid, Arcadia, Myakka City, and Lakewood Ranch. The Plan includes developing an integrated land use and transportation strategy for the State Road 70 corridor. DOT stated that its schedule for the expansion of State Road 70 will require ongoing consultation with FPL to address potential corridor location issues of the respective FPL facilities.

State Road 70 and US 27 are Strategic Intermodal System (SIS) facilities under DOT's jurisdictional responsibility pursuant to Section 339.64 F.S. and may potentially be impacted by FPL's proposed corridor. These SIS facilities provide evacuation routes during significant storm events. DOT's concerns with regard to the Project include the safe operation of vehicles, maintenance of traffic, and continuity of electric service, if FPL's transmission and substation facilities are located too close to the edge of DOT's right of way.

DOT also noted that FPL's proposed transmission line crosses the CSX railroad at US 98 (State Road 700) in Okeechobee County and the South-Central Florida Express AVC along State Road 70. DOT indicates that coordination between FPL and both railroad companies will be required for all locations which cross or encroach upon railroad right of way.

DOT recommends approval of the Project contingent upon FPL complying with its proposed Conditions.

DOT's amended agency report is attached as Appendix II-B.

6.3 Department of Economic Opportunity (DEO)

The Department received DEO's agency report on July 15, 2022. DEO reviewed the Sweatt-Whidden Application for consistency with specific goals of the State Comprehensive Plan (SCP), Section 187.201, F.S. In its Agency Report, DEO stated that the proposed transmission line is consistent with the following SCP goals:

- 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."*

Additionally, DEO reviewed the Application for consistency with the local government comprehensive plans and land development regulations. As stated by DEO, each local government in Florida, pursuant to Chapter 163, Part II, F.S., is required to adopt a local comprehensive plan, and to adopt land development regulations that implement and are consistent with the comprehensive plan and land development regulations.

DEO's Report described that under Section 163.3164(14), F.S., "development" is defined by express reference to Section 380.04, F.S., which states, in part, that:

"The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section: (b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like."

DEO determined that *"...the Sweatt-Whidden 230kV Transmission Line is exempt from constituting "development" for the purpose of local comprehensive plans and land development regulations adopted pursuant to the Community Planning Act; and therefore, approval of the Sweatt-Whidden 230kV Transmission Line would not have to be consistent with the comprehensive plans and land development regulations."*

DEO concluded that the proposed project *"furthers goals of the State Comprehensive Plan and is an efficient use of an existing electric power transmission line ROW."*

DEO recommends approval of the Project, and its agency report is included in Appendix II-C.

6.4 Florida Fish and Wildlife Conservation Commission (FWCC)

On July 18, 2022, FWCC submitted its agency report to DEP. FWCC stated that the proposed corridor contains approximately 5,023.5 acres. The land uses within the proposed corridor consist of approximately 3,868 acres of agriculture, 410 acres of wetlands and other surface waters, 314 acres of urban areas, 192 acres of rangeland, 182 acres of transportation and utilities, and 56.5 acres of upland forests.

The FWCC indicates that, according to the SCA, the following listed species have the potential to occur within the proposed corridor:

- Florida manatee (*Trichechus manatus*, Federally Threatened)
- Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
- Southeastern American kestrel (*Falco sparverius paulus*, ST)
- Florida burrowing owl (*Athene cunicularia floridana*, ST)
- Florida sandhill crane (*Antigone canadensis pratensis*, ST)
- Little blue heron (*Egretta caerulea*, ST)
- Tricolored heron (*Egretta tricolor*, ST)
- Roseate spoonbill (*Platalea ajaja*, ST)

State-owned conservation land, including FWCC's Lake Wales Ridge Wildlife and Environmental Area, may be impacted by the proposed corridor. The FWCC addressed this in its agency report stating:

"The potential use of state lands will be addressed by general conditions in the final Conditions of Certification issued by the Florida Department of Environmental Protection. These conditions stipulate that the Licensee will be required to comply with rules and statutes governing the use of lands of the state pursuant to applicable portions of 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), Florida Administrative Code."

The FWCC recommends approval of the Project subject to the Conditions included in its agency report attached as Appendix II-D.

6.5 St. Johns River Water Management District (SJRWMD)

The SJRWMD submitted its final agency report to DEP on July 13, 2022. The SJRWMD's review indicated the consumptive use of water associated with the Project appears to be an exempt use or could qualify for a general permit by rule, if certain conditions are met. The SJRWMD indicated that there will be no adverse impacts to water resources as long as FPL complies with the proposed Conditions.

The SJRWMD recommends certification subject to compliance with applicable Conditions required by Rules 40C-2, F.A.C. Its agency report is attached as Appendix II-E.

6.6 South Florida Water Management District (SFWMD)

The SFWMD filed its agency report with DEP on July 18, 2022. The SFWMD recommends certification of the Project subject to applicable Conditions required by Chapter 373, F.S. and Chapters 40E-2 and 40E-6, F.A.C., and as required to address the SFWMD's proprietary interests in lands within the Project's proposed corridor.

The SWFWMD agency report, including Conditions, is attached as Appendix II-F.

6.7 Southwest Florida Water Management District (SWFWMD)

The SWFWMD filed its agency report with DEP on July 14, 2022. The SWFWMD recommends certification of the Project subject to the proposed Condition.

The SWFWMD agency report, including Conditions, is attached as Appendix II-G.

6.8 Department of State

The Department of State - Division of Historical Resources (DHR) submitted its agency report on July 15, 2022. DHR indicated that it found the desktop analysis of cultural resources conducted by FPL sufficient to recommend approval of the certification application.

DHR's Agency Report, including Conditions, is attached as Appendix II-H.

6.9 Okeechobee County

Okeechobee County did not submit an agency report.

6.10 DeSoto County

DeSoto County filed its agency report with DEP on July 18, 2022. Conditions were provided by the County which address ditches owned or maintained by the County and use of DeSoto County Right-of-Way.

The County recommends certification subject to its proposed Conditions included in Appendix I.

The DeSoto County report is attached as Appendix II-I.

6.11 Highlands County

Highlands County filed its agency report on July 18, 2022, and an amended agency report with DEP on July 20, 2022.

The County stated it supports the Project, and its proposed Condition is included in Appendix I.

The Highlands County amended report is attached as Appendix II-J.

6.12 Glades County

Glades County filed its agency report with DEP on July 19, 2022.

The County recommends approval of the certification of the transmission line corridor.

The Glades County report is attached as Appendix II-K.

7.0 PUBLIC NOTICING AND OUTREACH

Prior to filing the Application, FPL developed a public outreach program that included distribution of an informational letter about the Project to property owners or persons living within 500 feet of the potential corridor routes. The outreach program also included three community open houses held on the following dates and locations to address any public questions and gather public input.

- March 1, 2022 in Lake Placid

-
- March 2, 2022 in Arcadia
 - March 3, 2022 in the City of Okeechobee

7.1 Public Notice

FPL met all public notice requirements set forth in the TLSA statute and rules. Notices for the filing of the Application and notices of the scheduled Certification hearing before the Administrative Law Judge were published in the Florida Administrative Register, the Lake Okeechobee News, the Daily Sun, and the Highlands News-Sun.

7.2 Public Informational Meetings

Pursuant to Section 403.5272, F.S., a local government “whose jurisdiction is to be crossed by a proposed Corridor may hold one informational public meeting...”. No local government requested a Public Informational Meeting.

7.3 Direct Notice

FPL provided direct notice, pursuant to Section 403.5363(5)(a), F.S., of the filing of the Application to all local landowners whose property and residences were located within a quarter mile of the proposed Corridor boundaries. Approximately 1,219 letters were mailed to these landowners.

8.0 PUBLIC COMMENTS

The Siting Coordination Office received four phone calls from members of the public, and was copied on one email, regarding potential impacts to personal properties due to the transmission line corridor. The correspondence sent from the DEP, including the response from FPL to the email, are attached as Appendix III.

9.0 VARIANCES

In its original Application, FPL sought a variance from Highlands County’s noise ordinance, found in Chapter 5.6, Article III, of the Highlands County Code, to allow construction activities at night in residential areas for the Sweatt-Whidden 230 kV transmission line project. On August 5, 2022, FPL filed a Motion for Amendment to Application to Withdraw Variance Request with the ALJ to withdraw its request for a waiver or variance from the Highlands County noise ordinance.

10.0 CONCLUSIONS AND RECOMMENDATIONS

10.1 Construction Impacts

Construction impacts of the proposed Project are summarized as follows:

- The majority of construction will occur within existing linear ROWs.
- Construction and any associated noise 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.

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

10.2 Operational Impacts

The following summarizes operational impacts of the Project:

- The Project increases transmission capability and relieves potential overloads for the area served.
- The Project improves reliability to the area served.
- 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 is consistent with specific goals of the SCP regarding Land Use, Public Facilities, and the Economy.

10.3 Agency Conclusions

The following table includes the recommendations of approval or denial from each of the affected agencies.

Table 2: Agency Recommendations

AGENCY	APPROVAL	DENIAL
PSC	Issued a Need Determination	
DEP	✓	
DOT	✓	
FWCC	✓	
DEO	✓	
SJRWMD	✓	
SWFWMD	✓	
SFWMD	✓	
DOS – Historical Resources	✓	
Okeechobee County*		
Glades County	✓	
Highlands County	✓	
DeSoto County	✓	

* No agency report was submitted.

10.4 Overall Recommendation

DEP's recommendation includes consideration of the information provided in the agencies' reports required by Section 403.526(2)(a), F.S. Neither the failure of any agency to submit a

report nor the inadequacy of a report is grounds to deny or condition Certification (Section 403.526(4), F.S.).

The Department has 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 has considered affected agency recommendations and has determined that the FPL Sweatt-Whidden 230 kV Transmission Line Project will be in compliance and consistent with the nonprocedural requirements of affected agencies. The Department has also proposed Conditions compliant with the TLSA to monitor impacts and compliance with applicable non-procedural requirements of the reviewing agencies.

It is the Department's recommendation that, subject to the proposed Conditions of Certification in Appendix I, the FPL Sweatt-Whidden 230 kV Transmission Line Project can be certified considering the following factors to be weighed pursuant to Section 403.529(4), F.S.:

"...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."*

DONE AND ISSUED this 9th day of August 2022



Cindy Mulkey
Deputy Director
Division of Water Resource Management

APPENDICES

APPENDIX I – PROPOSED CONDITIONS OF CERTIFICATION

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power & Light Company
Sweatt-Whidden 230 kV Transmission Line
TA 22-19**

XX/XX/XXXX

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PROPOSED

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 Florida Power & Light Company (FPL) as owner/operator and Licensee of the Sweatt-Whidden 230 kilovolt (kV) Transmission Line. Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will construct, operate, and maintain a 230 kV transmission line consisting of approximately 80.5 linear miles of transmission line, associated structures, and access roads as described in FPL's Site Certification Application (SCA or Application). The electric transmission line will originate in Okeechobee County, cross through Highlands County, and potentially Glades County, and end in DeSoto County.

B. The certified facility includes the Sweatt-Whidden 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)
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62-302 (Surface Water Quality Standards)
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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

A. “Application” or “SCA” as defined in Section 403.522(5), F.S. For purposes of this license, “Application” shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.

B. “Complete” shall mean the post-certification filing provides the data required by the relevant Condition of Certification.

C. “DEO” means the Florida Department of Economic Opportunity.

D. “DEM” shall mean the Florida Division of Emergency Management.

E. “DEP” or “Department” means the Florida Department of Environmental Protection.

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

G. “DOT” means the Florida Department of Transportation.

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

I. “Facility” or “Project” shall mean the Sweatt-Whidden 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. “FPL” means Florida Power & Light Company

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. “SFWMD”, “SWFWMD”, and “SJRWMD” mean the South Florida Water Management District, Southwest Florida Water Management District, and the St. Johns River Water Management District, respectively.

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

SECTION A: GENERAL CONDITIONS

combination thereof. The terms “surface water management system” or “system” include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

T. “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

SECTION A: GENERAL CONDITIONS

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.

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

[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. 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)

Any 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.]

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

G. 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.]

H. Sanitary Wastes

Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the Department.

[Rule 62-6.0101, 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

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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 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

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certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the certified facility that are the cause of such action, and other portions of the certified facility shall remain unaffected by such action.

[Section 403.532, F.S.; 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-*

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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 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@dep.state.fl.us

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Florida Department of Environmental Protection
Southeast District Office
3301 Gun Club Rd
MSC 7210-1
West Palm Beach, FL 33406
Southeast.District@floridadep.gov

Florida Department of Environmental Protection
South District Office
2295 Victoria Avenue Suite 364
Fort Myers, FL 33901
SouthDistrict@floridadep.gov

Florida Department of Economic Opportunity
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

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

South Florida Water Management District
3301 Gun Club Road,
West Palm Beach, FL 33406
wucompliance@sfwmd.gov
rowpermits@sfwmd.gov

Southwest Florida Water Management District
2379 Broad Street,
Brooksville, FL 34604
james.golden@swfwmd.state.fl.us

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Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, Florida 32399-0250
CompliancePermits@DOS.MyFlorida.com

Highlands County
County Attorney's Office
600 S. Commerce Avenue
Sebring, Florida 33870

DeSoto County
Planning and Zoning
201 East Oak Street, Suite 204
Arcadia, Florida 34266
Planning@desotobocc.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

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.pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the certified facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5317(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 with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. Commencement of Construction

If Licensee has not been notified as specified in paragraph E. above, Licensee may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

G. Revisions to Design Previously Reviewed for Compliance

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

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[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 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

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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 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.

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[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, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to the applicable district office, SFWMD, SJRWMD, SWFWMD, DOT, DEO, FWC, Okeechobee County, Glades County, Highlands County, and DeSoto County 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 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.

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E. Once the ROW has been determined, the Licensee will submit to Okeechobee County, Glades County, Highlands County and DeSoto 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 applicable 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.

This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in 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 Environmental Resources Permit form, pursuant to Section 403.531, F.S., issuance of a separate Environmental Resources Permit is not required for certified facilities, and therefore, a separate ERP will not be issued.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with the respective SCA, 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 be submitted for discrete portions of the certified facilities for a determination of compliance with these Conditions.

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

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

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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 management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007), 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

SECTION A: GENERAL CONDITIONS

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 Site Certification Application, including water quality treatment features and discharge control facilities, prior to use of the portion of the certified facility being served by the SWMS.

5. At least 48 hours prior to 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 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.

SECTION A: GENERAL CONDITIONS

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.

SECTION A: GENERAL CONDITIONS

B. The Licensee shall hold at the site, or other location designated by these Conditions, 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 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.

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

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.

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

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

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

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

C. Hazardous Substance Release Notification

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

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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 FPL will 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, FPL will 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 FPL will 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 FPL will 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 included in Attachment D.

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

4. Erosion and Sediment Plan

Prior to any construction FPL will submit to the applicable district office, 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-certification process as described in Section A. Condition XXI. Procedures for Post-Certification Submittals.

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

5. Benthic Resource Survey

Prior to any construction FPL will submit to the applicable district office, a detailed survey describing submerged land characteristics within all proposed surface waters that may be impacted by 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 become part of Attachment D 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 FPL shall submit to the applicable district office 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 FPL will 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 as turbidity plumes are not visible at night. Should such activities need to occur, FPL 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.

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

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9. Hydrologic Studies

Prior to any construction FPL shall submit to the appropriate DEP district hydrologic studies to evaluate runoff characteristics for 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. Sovereignty Submerged Lands

Prior to any construction FPL 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 FPL 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 FPL 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 FPL 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 FPL 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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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 FPL 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.]

B. Potable Water

Prior to construction FPL will provide documentation demonstrating that the construction, operation and maintenance of the transmission line will not impact public water supply areas and meet all applicable requirements of Rule 62-520, F.A.C. 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.

[Chapter 62-520, 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 requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

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

B. Overweight or Overdimensional Loads

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

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

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

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

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

D. Standards

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

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

E. Drainage

All information necessary to complete a Drainage Connection permit application required by Chapter 14-86, Florida Administrative Code, 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 requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, Florida Administrative Code. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

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

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida

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Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

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

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

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

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

H. Specific Conditions related to State Road 70

1. To the extent that FPL has existing property or easements, not including centerline easements, sufficiently wide to locate transmission towers and associated facilities 70 to 100 feet setback from DOT's right-of-way line, to the extent practicable subject to construction, operation, and maintenance requirements for the Sweatt-Whidden transmission line, FPL shall design the project within its existing property or easement to maximize the distance of the replacement transmission towers and associated facilities from DOT's right-of-way.

[Applicant Agreement]

2. FPL and DOT shall meet every two months to consult and provide updates of the status of the respective projects until such time as both parties mutually agree to conclude consultations.

[Applicant Agreement]

3. Any publicly noticed meetings regarding the FPL Sweatt-Whidden 230 kV transmission line project conducted by FPL shall inform the public that both DOT and FPL may have projects taking place concurrently. If DOT conducts a publicly noticed meeting regarding its expansion of State Road 70 prior to the completion of construction of the FPL project, provided that DOT gives FPL 30 days direct notice, FPL will attend that public meeting.

[Applicant Agreement]

I. ROW Requirements

All information necessary to complete a Utility Permit application required by Chapter 14-46, Florida Administrative Code, for the construction, alteration, operation, relocation, removal, and maintenance of utilities on DOT right-of-way shall be submitted for processing in accordance with a post-certification submittal (see Section A. Condition XXI. Procedures for Post-Certification Submittals).

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[Sections 337.401, 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.]

J. Consultation Regarding Protected Species

Licensee shall submit a copy, for informational purposes only, to DOT of the listed species survey to be conducted and submitted to USFWS or FWC per “Specific Listed Species Surveys” Condition (Section B. Condition V, paragraph B.)

[Applicant Agreement]

III. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

The requirements in Sections A and B, below, apply in areas within the SJRWMD.

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.

[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)(a), 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

SECTION B: SPECIFIC CONDITIONS

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).

[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.

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:

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- 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.]

IV. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

The requirements in Sections A, B, and C, below, apply in areas within the SFWMD.

A. *Applicable General Agency Standards*

1. Minimum Standards

This certification is based on the Licensee's submitted information to SFWMD which reasonably demonstrates that harm to the water resources will not be caused by the authorized activities. The plans, drawings, and design specifications submitted shall be considered minimum standards for compliance.

[Sections 373.085, 373.086, 373.113, 373.118, 373.219, 373.223, 373.229, 373.308, and 373.316, 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.500-531, and 40E-6.381, F.A.C.]

2. Compliance Requirements

The Project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), and 40E-6 (Utilization of District Works), F.A.C., as applicable.

3. Liability

The Licensee shall hold and save SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, removal, abandonment, and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

[Sections 373.223, 373.443, and 373.423, F.S.; Rules 40E-2.091, 40E-2.381, and 40E 6.381, F.A.C.]

SECTION B: SPECIFIC CONDITIONS

4. Access

With advance notice to the Licensee, SFWMD staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of licensed facilities to determine compliance with the Conditions of Certification and approved plans and specifications. The Licensee shall either accompany SFWMD staff onto the property or make provision for SFWMD to access the property.

[Sections 373.223 and 373.319, F.S.; Rules 40E-2.301, 40E-2.381, and 40E-6.381, F.A.C.]

5. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the project authorized by this Certification. All structures on SFWMD works or lands constructed by the Licensee shall remain the property of the Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition and comply with all applicable federal, state and local safety standards. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The SFWMD further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities. The SFWMD is not responsible for any damages to installations located within its rights-of-way. The Licensee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way to the extent that such facilities are damaged as a result of the Licensee or its employees, agents, principals, contractors, or subcontractors' activities. Canal right-of-way disturbed during construction, installation or maintenance of the licensed facility shall be restored to original or better condition.

[Sections 373.309, 373.413, and 373.416, F.S.; Rules 40E-2.301, 40E-3.301, and 40E-6.381, F.A.C.]

6. Non-interference with SFWMD Operations

a. Except as may be authorized by this certification, the Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance or operation of the works of the SFWMD, including, but not limited to:

- (1) discharging pollutants, debris, or aquatic weeds into SFWMD works or lands;
- (2) causing erosion or shoaling within SFWMD works or lands;
- (3) degrading the existing condition and/or adversely impacting the performance, required specifications, or standards of SFWMD property interests in any manner; and
- (4) planting trees or shrubs or erecting structures which limit or prohibit access by SFWMD equipment and vehicles.

SECTION B: SPECIFIC CONDITIONS

b. The Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference.

[Sections 373.016, 373.085, 373.086, 373.117, and 471.003 F.S., Rule 40E-6.221, F.A.C.]

7. Enforcement

The SFWMD may take any and all lawful actions to enforce any condition of this certification that is based on SFWMD's rules. Prior to initiating such action, SFWMD may confer with DEP. SFWMD shall seek modification of this Certification for any change in any activity resulting from the SFWMD's enforcement of this Certification which change will have a duration longer than 60 days.

[Sections 373.223, 373.319, 373.603, and 403.514, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.461, and 40E-6.501, F.A.C.]

8. Revisions to Site Specific Design Authorizations

The Licensee shall submit any proposed revisions to the site-specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification, provided they are clearly identified as a requested amendment or modification to the previously authorized design.

[Sections 373.085, 373.086, 373.219, 373.223, 373.313, and 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-3.461, 40E-6.091, 40E-6.201, and 40E-6.221, F.A.C.]

9. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree in writing to vary the informational requirements.

[Sections 373.085, 373.086, and 373.229, F.S.; Rules 40E-2.101 and 40E-3.101, F.A.C.]

10. Off-site Impacts

The Licensee is responsible for ensuring that harm to the water resources does not occur during construction, operation, and maintenance of the Project.

[Sections 373.223, 373.309, and 373.413; Rules 40E-2.091, 40E-2.381, 40E-3.301, and 40E-6.381, F.A.C.]

B. Water Use

1. General

a. Water Shortage Compliance

Nothing in this Certification should be construed to limit the authority of the SFWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to the water shortage restrictions, as

SECTION B: SPECIFIC CONDITIONS

specified by the SFWMD. The Licensee is advised that during a water shortage, reports shall be submitted as required by SFWMD rule or order. The Licensee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by SFWMD orders issued pursuant to Chapter 40E- 21, F.A.C.

[Sections 373.223 and 373.246, F.S.; Rules 40E-2.301, 40E-21.231, 40E-21.251, and 40E-21.271, F.A.C.]

b. Interference with Existing Legal Uses

The Licensee shall mitigate interference with existing legal uses that was caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10-year drought event that results in the:

(1) Inability to draw water consistent with the provisions of these Conditions for Certification, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

c. Harm to Existing Off-Site Land Uses

The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

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d. Harm to Natural Resources

The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

- (1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/saltwater interface;
- (2) Reduction in water levels that harm the hydroperiod of wetlands;
- (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
- (4) Harmful movement of contaminants in violation of state water quality standards; or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

2. Site Specific Design Authorizations/Requirements

a. Water Use

- (1) The Licensee shall submit all data as required by the implementation schedule for each of the above Conditions for Certification to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301 and 40E-2.381, F.A.C.]

b. Dewatering Activities

Prior to commencement of construction of those portions of the licensed project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the applicable non-procedural requirements of Chapters 40E-2, F.A.C., in effect at the time of Certification. The following information, referenced to NGVD or NAVD where appropriate, shall include:

- (1) detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

SECTION B: SPECIFIC CONDITIONS

- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- (7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
- (8) The location of any infiltration trench(es) and/or recharge barriers; and
- (9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

[Section 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.500-531, F.A.C.]

C. Right-of-Way

1. General

a. Prior to commencing construction of any portion of the transmission line, which may cross over, on, under, or otherwise use, the SFWMD's right-of-way, the Licensee must submit complete drawings showing the proposed facilities to the SFWMD for documentation of compliance with Chapter 40E-6, Florida Administrative Code (F.A.C.), and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C. These drawings must depict the proposed crossing in both plan and profile views and must show, at a minimum:

- (1) The canal right-of-way lines;
- (2) The top of the canal bank and its elevation;
- (3) The centerline of the levee and its elevation;
- (4) The canal maintenance berm and its elevation at its highest point;
- (5) The location of any poles, tower, and/or access roads located within the SFWMD's right-of-way;
- (6) The location of any anchors, down-guys or span-guys within the SFWMD's right-of-way;
- (7) The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;
- (8) The location and elevation of any buried facilities installed as part of this transmission line project; and
- (9) The location of the facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities may be located in the field.

SECTION B: SPECIFIC CONDITIONS

b. Any parallel run of transmission line within the SFWMD's is prohibited.

c. Any improvement which requires a waiver from the SFWMD's rules or Criteria Manual referenced in paragraph 1.a. above shall be prohibited under this certification, unless the Licensee modifies this certification and follows the requirements for obtaining a waiver set forth in Chapter 120, F.S.

d. The Licensee shall submit all data and information as required by the above Conditions for Certification to: rowpermits@sfwmd.gov, or the Right-of-Way Section, 3301 Gun Club Road, West Palm Beach, FL 33406.

[Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.381, F.A.C.]

2. Access

a. Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the Project and/or for inspection, maintenance, and/or operation of the Project after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the following: proposed route; type, weight, length, and number of vehicles to be used; daily trips for each vehicle; proposed material and/or vehicle/equipment storage within the right-of-way; and dates of proposed access of the right of way. If travel over a District bridge or facility is required, Licensee shall submit engineering analysis required by the District to determine if the bridge or facility can support the vehicles/equipment proposed to travel over the bridge or facility. Prior to the use of any portion of the SFWMD right-of-way, the Licensee must post a financial assurance, which shall be a minimum of \$5,000 per one-half mile, or a greater amount as determined by SFWMD, depending on the scope of work, the route, use of or travel over SFWMD bridges and/or facilities, types of vehicles, and duration. In addition, Licensee must obtain liability insurance covering the Licensee use of that portion of the right-of-way. Licensee shall comply with all safeguards and guarantees, financial or otherwise, required by SFWMD to ensure that no damage, liability or loss occurs to the District's right of way, including its bridges and facilities. All use of the SFWMD's right-of-way by Licensee shall be in accordance with Chapter 40E-6, F.A.C., and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C.

[Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221 40E-6.361, 40E-6.381, F.A.C.]

IV. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

To the extent practicable, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.

[Chapter 373, F.S.; Section 40D, F.A.C.]

V. 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 Florida Power & Light Company (FPL) Sweatt - Whidden 230-kilovolt Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to 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.

[Article IV, Sec. 9, Florida Constitution; Sections 379.229], 403.507, 403.526, and 403.5113(2), Florida Statutes (F.S.); and Rule 68A-27, F.A.C.]

B. Specific Listed Species Surveys

1. Before land clearing and construction activities within the FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way, the Licensee shall conduct an assessment for terrestrial listed species and shall note all habitat, occurrence, or evidence of listed species. Wildlife surveys shall be conducted during the reproductive or active season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance 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 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.

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4. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way 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 (FWC 2019) or the Natural Communities Guide (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, including but not limited to those specified in D, E, F, G, H, and I below, within the FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the FPL Sweatt-Whidden 230-kilovolt 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 DEP 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 attached herein as Attachment E 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, 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,

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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 403.526, 403.5317 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/media/18634/threatenedwadingbirds-guidelines.pdf>. 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.

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.]

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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/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf>. 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 site the Licensee shall also provide a detailed post-certification submittal (see Section A. Condition XXI. Procedures for Post-Certification Submittals). 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 site the Licensee shall also provide a detailed post-certification submittal (see Section A. Condition XXI. Procedures for Post-Certification Submittals). 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.
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.]

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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/media/2028/floridaburrowingowlguidelines-2018.pdf>. 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 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 (see Section A. Condition XXI. Procedures for Post-Certification Submittals). This submittal should include location information for the

SECTION B: SPECIFIC CONDITIONS

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 onsite 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.

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: Watch for Manatees must be posted. A second sign measuring at least 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 <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. Questions concerning these signs can be sent to the email address listed above.

SECTION B: SPECIFIC CONDITIONS

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

VI. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Prior to new construction in areas not previously surveyed, and after the ROW has been selected, the Licensee shall conduct a professional cultural resource assessment survey of the sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will conduct this investigation in accordance with the appropriate work plan for this project developed within the Desktop Analysis Report requested and approved in consultation with DHR. Upon completion of the field survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, any sites considered to be eligible for the National Register (“historic properties”) shall be avoided during construction of the project and access roads, and subsequently during maintenance of the ROW. If avoidance by the proposed ROW of any identified historic properties is not feasible, any adverse effect shall be mitigated through archaeological data recovery or other methods acceptable to DHR, as appropriate.

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

C. Human remains are protected under Chapter 872, Florida Statutes. As such, any known sites containing human remains should be avoided, including but not limited to the historical cemetery Pearce-Lockett Estate Cemetery (8HG875).

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

VII. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

VIII. DESOTO COUNTY

A. The transmission line shall not obstruct, block or interfere with any ditch owned or maintained by DeSoto County.

[Sec.7-7, DeSoto County Code of Ordinances]

B. The Licensee shall submit all information necessary to complete a Right-of-Way permit post-certification to be processed in accordance with Section A. Condition XXI. Procedures for Post-Certification Submittals.

SECTION B: SPECIFIC CONDITIONS

C. In any portion of the County right-of-way disturbed by the transmission line construction, operation or maintenance, the Licensee must repair and replace that portion of the County right-of-way at its own expense to the same condition as existed prior to the disturbance.

[Sec. 12-86, 12-87, and 12-116 through 12-121, DeSoto County Code of Ordinances]

IX. HIGHLANDS COUNTY

FPL shall comply with Sec.5.6-105 of the Highlands County Code in that no construction equipment will be operated between the hours of 9:00pm of one day and 6:00am of the next day except for emergency work, of any residential zoning district or residential area.

[Sec.5.6-105, Highlands County Code of Ordinances]

HISTORY

Certification issued XX/XX/XXXX, signed by XXXXXXXXXXXX

ATTACHMENTS

ATTACHMENT A: Certified Corridor Maps

PROPOSED

ATTACHMENTS

ATTACHMENT B: Final ROW Maps

PROPOSED

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

1. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall be in accordance with the designs, plans, calculations, and other specifications that are submitted with any Application, amendment, or modification and approved by the Department.
2. A registered professional must perform inspections annually after conversion of the project to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of the stormwater management system or other surface water management systems that may endanger public health, safety, or welfare, or the water resources, and to insure that systems are functioning as designed and approved. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department's Southeast or South District, as applicable, and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".
3. If deficiencies are found, FPL will be responsible for correcting the deficiencies so that the project is returned to the operational functions as designed and approved. The corrections must be done a timely manner to prevent compromises to flood protection and water quality.
4. If the operational maintenance and corrective measures are insufficient to enable the systems to meet the performance standards of this chapter, FPL must either replace the systems or construct an alternative design.
5. FPL shall provide for periodic inspections in addition to the annual inspections, especially after heavy rain. FPL must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and approved, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the permit, a report shall be submitted electronically or in writing to the Department's Southeast or South District Office and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
6. FPL shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Southeast District at (561) 681-6600, or South District at (293) 344-5600. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.
7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:
 - (1) Removal of trash and debris from the surface water management systems,
 - (2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

ATTACHMENTS

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

ATTACHMENTS

ATTACHMENT D: Mitigation Plans

Mitigation Plans shall be submitted in accordance with Section A. Condition XXIX, Environmental Resources, paragraph C of this License as applicable.

PROPOSED

ATTACHMENTS

ATTACHMENT E: Species Management Plan

The Species Management Plan shall be submitted in accordance with Section B. Condition V, Florida Fish and Wildlife Conservation Commission, paragraph C, Listed Species Locations, part 3. of this License as applicable.

PROPOSED

APPENDICES

APPENDIX II – AGENCY REPORTS

APPENDICES

APPENDIX II-A – PUBLIC SERVICE COMMISSION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Sweatt-Whidden 230 kV transmission line in
Okeechobee, DeSoto, Highlands, and Glades
Counties, by Florida Power & Light Company.

DOCKET NO. 20220045-EI
ORDER NO. PSC-2022-0196-FOF-EI
ISSUED: June 3, 2022

The following Commissioners participated in the disposition of this matter:

ANDREW GILES FAY, Chairman
ART GRAHAM
GARY F. CLARK
MIKE LA ROSA
GABRIELLA PASSIDOMO

FINAL ORDER APPROVING DETERMINATION OF NEED
FOR AN ELECTRICAL TRANSMISSION LINE

APPEARANCES:

WILLIAM P. COX, ESQUIRE, 700 Universe Boulevard, Juno Beach, Florida
33408-0420
On behalf of Florida Power & Light Company.

ASHLEY J. WEISENFELD and MATTHEW JONES, ESQUIRES, Florida
Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida
32399-0850
On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public
Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-
0850
Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Florida Public Service Commission General Counsel.

BY THE COMMISSION:

BACKGROUND

On March 2, 2022, pursuant to Section 403.537, Florida Statutes (F.S.), Chapter 120,
F.S., and Rules 25-22.075, 25-22.076, and 28-106.201, F.A.C., Florida Power & Light Company
(FPL) filed its Notice of Intent to File Petition for Determination of Need for Electrical

Transmission Line. FPL filed its Petition for Transmission Line Need Determination for the Sweatt-Whidden 230 kV Transmission Line on April 1, 2022.

In this docket, the Florida Public Service Commission (Commission) makes that need determination. Separate public hearings will be held before an Administrative Law Judge of the Division of Administrative Hearings to consider environmental and other impacts of the Sweatt-Whidden 230 kV transmission line, as required by the Florida Electric Transmission Line Siting Act, Sections 403.52-403.5365, F.S.

An Order Establishing Procedure, Order No. PSC-2022-0123-PCO-EI, was issued on March 21, 2022. A Prehearing Conference was held on May 5, 2022. The administrative hearing was held on May 16, 2022, and no issue was contested. By our bench decision, we approved the affirmative stipulation of all issues as set forth below.

DECISION

1. Whether there is a need for FPL's proposed Sweatt-Whidden 230 kV transmission line, taking into account the need for electric system reliability and integrity, as prescribed in Section 403.537, F.S.

The record in this case demonstrates that if FPL does not add or improve transmission capacity in the projected service area by December 2025, then sufficient transmission capacity would not be available to prevent overloads of the thermal line rating for certain existing lines under certain contingencies.

FPL has demonstrated a need for the proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for electric system reliability and integrity. This transmission line is needed to: (a) improve the reliability for FPL customers served from the existing radial 69kV circuit between Okeechobee and Whidden substations; (b) increase the east to west power transfer capabilities of the transmission network of FPL's territory north of Lake Okeechobee; (c) relieve potential overloads and low voltage conditions under contingency events; and (d) reduce line loading on existing transmission circuits. Therefore, the proposed Sweatt-Whidden 230kV transmission line project should maintain and improve the reliability and power transfer capability to FPL's customers in the area.

2. Whether there is a need for FPL's proposed Sweatt-Whidden 230 kV transmission line, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, F.S.

FPL has demonstrated a need for the proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the state. The record in this case demonstrates that the proposed Sweatt-Whidden 230 kV transmission line project is the most cost-effective and efficient means to improve reliability for customers served from FPL's existing 69kV circuit between Okeechobee and Whidden substations, provide a transmission route to increase east to

west power transfer capability, mitigate potential overloads and low voltage conditions under contingency events, and reduce line loading on existing transmission circuits.

The estimated cost of the proposed Sweatt-Whidden 230kV transmission line project is \$213.5 million. Approximately 75% of the new transmission line will be located within an existing 69kV transmission line right-of-way. While the final cost is subject to the final route and other conditions that could be imposed through the Transmission Line Siting Act process, the estimated cost appears reasonable.

FPL evaluated two transmission alternatives to the proposed project. Both involved the construction of new 230 kV transmission lines connecting to the Whidden substation, starting from the Ft. Drum substation in Indian River county for Alternative I, and the Martin substation in Martin County for Alternative II. Both had higher estimated construction costs on a nominal and cumulative present worth revenue requirement basis and did not improve reliability in the project service area to the same degree as the proposed Sweatt-Whidden 230 kV transmission line project.

3. Whether FPL's Sweatt Substation in Okeechobee County and its Whidden Substation in DeSoto County are the appropriate starting and ending points for the proposed Sweatt-Whidden 230 kV transmission line.

A new transmission line sited west from FPL's existing Sweatt Substation in Okeechobee County to FPL's existing Whidden Substation in DeSoto County would be the most reliable, cost-effective means to serve the projected load and demand growth within Okeechobee, DeSoto, Glades, and Highlands Counties and all of the counties in FPL's West Region. The record demonstrates that the appropriate starting and ending points are the Sweatt Substation and the Whidden Substation, respectively. The Department of Environmental Protection and ultimately the Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission line.

4. Whether the Commission should grant FPL's petition for determination of need for the proposed Sweatt-Whidden 230 kV transmission line project.

FPL has demonstrated a need for the Sweatt-Whidden 230 kV transmission line project starting in December 2025, 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 this state. The appropriate starting and ending points of the line are the existing Sweatt Substation in Okeechobee County and FPL's existing Whidden Substation in DeSoto County, respectively. The Department of Environmental Protection and ultimately the Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission line.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that there is a need for Florida Power and Light Company's proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for electric system reliability and integrity, in accordance with Section 403.537(1)(c), Florida Statutes. It is further

ORDERED that there is a need for Florida Power and Light Company's proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the residents of the state, in accordance with Section 403.537(1)(c), F.S. It is further

ORDERED that Florida Power and Light Company's Sweatt Substation in Okeechobee County and Whidden Substation in DeSoto County are the appropriate respective starting and ending points of the proposed Sweatt-Whidden 230 kV transmission line project. It is further

ORDERED that Florida Power and Light Company's petition for determination of need for the proposed Sweatt-Whidden 230 kV transmission line project is hereby granted. It is further

ORDERED that this docket shall be closed after the time for filing an appeal has run.

By ORDER of the Florida Public Service Commission this 3rd day of June, 2022.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AJW/MJJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

APPENDICES

APPENDIX II-B – DEPARTMENT OF TRANSPORTATION



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

July 29, 2022

Via E-mail – cindy.mulkey@FloridaDEP.gov

Cindy Mulkey, Program Administrator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

RE: Florida Power & Light Sweatt-Whidden Transmission Line
Transmission Line Certification Application No.: TA22-19
DOAH Case No.: 22-001246TL
DEP OGC Case No.: 22-1716

Dear Ms. Mulkey:

Enclosed is the Florida Department of Transportation's Amended Agency Report dated July 26, 2022, for the Florida Power & Light Sweatt-Whidden Transmission Line Certification Application TA22-19.

If you have any questions, please call me at (850) 414-5296 or Monica Zhong, Siting Coordinator, at (850) 414-4808.

Sincerely,

/s/ Richard E. Shine

Richard E. Shine
Assistant General Counsel

RS/dw

cc: All Parties of Record
Monica Zhong
Amanda Dyer
Ann Seiler

FLORIDA DEPARTMENT OF TRANSPORTATION
Amended Agency Report Submitted July 29, 2022

FLORIDA POWER & LIGHT
SWEATT-WHIDDEN TRANSMISSION LINE
TRANSMISSION LINE CERTIFICATION APPLICATION TA22-19

AMENDED AGENCY REPORT

The Department of Transportation has conferred with counsel for Florida Power and Light and after discussions, has amended SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION, 6.2 POST CERTIFICATION REVIEW ITEMS to include clarifying comments for the Use of State of Florida Right of Way or Transportation Facilities.

SECTION I. CORRIDOR LOCATION ISSUES

The Florida Power & Light (FPL) Transmission Line Certification Corridor includes State Road 70 which is part of the Florida Department of Transportation's (Department) Strategic Intermodal System (SIS), a high priority network of transportation facilities important to the State of Florida's transportation safety, statewide connectivity, system redundancy for emergency events, and economic competitiveness. A Corridor Action Plan for State Road 70 is under development in collaboration with the communities of Okeechobee, Lake Placid, Arcadia, Myakka City, and Lakewood Ranch. The Plan includes developing an integrated land use and transportation strategy for the State Road 70 corridor. This is a community-based approach to determine how best to serve the needs of current and future users of the corridor and to establish a long-term plan to guide State Road 70 toward the intended vision. The Department has scheduled the expansion of State Road 70 which will require ongoing consultation with FPL to address potential corridor location issues of the respective FPL facilities.

SECTION II. OUTSTANDING SUFFICIENCY ISSUES

No outstanding issues.

SECTION III. VARIANCES TO STANDARDS

No variances requested.

SECTION IV. SPECIAL USE PERMISSIONS

No special use permissions requested.

SECTION V. RECOMMENDATION FOR CERTIFICATION

Florida Power & Light is seeking certification of the proposed Sweatt-Whidden 230 kilovolt (kV) Transmission Line under the Florida Transmission Line Siting Act (TLSA). The proposed transmission line corridor includes FPL's existing 69 kV transmission facilities, substations, and

includes permitted crossings within the Department's right of way that extends approximately 80 miles beginning at the FPL Sweatt substation in Okeechobee County and ending at the Whidden substation located in Desoto County.

The transmission line also crosses the CSX railroad at United States 98 (State Road 700) in Okeechobee County and the South-Central Florida Express AVC along State Road 70. Coordination between FPL and both railroad companies would be required for all locations which cross or encroach upon railroad right of way. Documentation showing the railroads take no exception to the proposed impacts should be included with the final plan set(s) submitted to the Department. The following criteria must be considered with any potential right of way impacts: 1] Safety; 2] Effect on rail operations and expenses; and 3] Railroad company design and construction criteria. The applicant is encouraged to coordinate with CSX Corridor Occupancy Services, Scott Willis at (904) 359 - 1405, and the South-Central Florida Express AVC, Jarrett Mankin at (800) 818 - 0184 to ensure compliance with any applicable laws, regulations, or rail policy requirements.

The Department of Transportation recommends certification of the referenced proposed transmission line siting. This recommendation is made contingent upon the following conditions of Section VI being addressed/met.

SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION

6.1 REQUEST FOR RESTRICTED AREAS

No requests for restricted areas are necessary.

6.2 POST CERTIFICATION REVIEW ITEMS

Access Management to the State Highway System: Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

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

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

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

Use of State of Florida Right of Way or Transportation Facilities: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of

Transportation's Utility Accommodation Manual; Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

The Sweatt-Whidden Corridor Location maps are included in FPL's Application, Appendix A, Figure 2-1 and Figure 2-2, Maps 1 through 35. FPL provided a KMZ file to the Department showing the Sweatt-Whidden Routes which were reviewed by the Department and overlayed on the KMZ files produced by the Department. At this time, the Department has approximately 21 adopted projects, 6 SUN Trail projects, and 19 tentative projects underway where the proposed FPL corridor is located.

State Road 70 and US 27 are SIS facilities under the jurisdictional responsibility of the Department pursuant to F.S. 339.64 Florida Statutes, and these roads are within FPL's proposed TLSA corridor. These SIS facilities provide evacuation routes during significant storm events and the Department is concerned with safe vehicle operations, maintenance of traffic, and continuity of electric service if FPL's transmission and substation facilities are located too close to the edge of the Department's right of way.

Depending on the Department's PD&E study process for the future expansion of State Road 70 and the analysis of all possible alternatives, the Department determined that existing right of way widths may be insufficient and require an average of 220 feet of expanded right of way if infrastructure improvements were selected to expand two lane segments of State Road 70 to four lanes. Due to the above identified safety and operational issues and planned expansion of State Road 70, the Department suggests the following conditions:

- 1] The Department does not request that FPL acquire additional property or easements for the location of replacement transmission towers. To the extent that FPL has existing property or easements, not including centerline easements, sufficiently wide to locate transmission towers and associated facilities 70 to 100 feet setback from the Department's right of way line, to the extent practicable subject to construction, operation, and maintenance requirements for the transmission line project, FPL shall design the project within its existing property or easement to maximize the distance of the replacement transmission towers from the Department's right of way. The relocation will provide improvements to minimum clear zones, safety, and operational requirements for the future expansion of State Road 70. The Department seeks to coordinate with FPL as transmission towers are generally located too close to the edge of the Department's right of way.
- 2] The Department does not request that FPL acquire additional property or easements for the future location or expansion of electric substations within the transmission line corridor and recognizes that FPL's substations are not proposed to be upgraded as part of the TLSA. The Department suggests that to the extent that FPL has existing property or easements, not including centerline easements, sufficiently wide to locate electric substation facilities 80 to 100 feet from the Department's right of way line, to the extent practicable subject to construction, operation, and maintenance requirements for the transmission line project, FPL is requested to design the project within its existing property or easement to maximize

the distance of the electric substations from the Department's right of way. The relocation will provide improvements to minimum clear zones, safety, and operational requirements for the future expansion of State Road 70. The Department seeks to coordinate with FPL as electrical substations are generally located too close to the edge of the Department's right of way.

3] As mutually agreeable during the design process for the FPL project, the parties have agreed to meet every two months to consult and provide updates of the status of the respective projects. (The Department and FPL agree on this condition)

4] Any public meetings conducted by the Department or FPL should notify the public that both the Department and FPL may have projects taking place concurrently and the parties will coordinate their projects to limit impacts to the public.

During the TLSA process the Department has consulted with FPL on the proposed upgrade to their transmission-substation facilities and will continue to collaborate with FPL to explore the colocation of the proposed improvements with the Department's strategic investments in existing and future facilities on State Road 70. Additionally, the Department desires to consult with FPL on environmental coordination regarding protected species and their habitats for future FPL and Department projects, and the coordination with existing Florida Gas Transmission (FGT) facilities located within the TLSA corridor.

Permits required by Chapter 14-46, Florida Administrative Code, for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon Florida Department of Transportation right of way are issued by the District 1 Maintenance Permits office, (863) 519-2319 and the Bartow Operations Permits office, (863) 519-4318.

Authority: Sections 337.401, 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.

Consultation Regarding Protected Species

Licensee will be required to coordinate with FWC and USFWS (for federal-listed species) regarding surveys of the final transmission line rights of way, and to conduct surveys before land clearing and construction activities occur. Licensee shall submit as a post-certification submittal a copy to the Department of the listed species survey to be conducted and submitted to USFWS or FWC per "Specific Listed Species Surveys" Condition. (The Department and FPL agree on this condition)

Authority: Sections 334.044, F.S.

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

Authority: Chapter 14-15, F.A.C.

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

Authority: Chapter 14-86, F.A.C.

Use of Air Space: Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, Florida Administrative Code. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

Authority: Chapter 333, F.S.; Rule 14-60.009, F.A.C.

SECTION VII. BEST MANAGEMENT PRACTICES

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

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

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

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

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

APPENDICES

APPENDIX II-C – DEPARTMENT OF ECONOMIC OPPORTUNITY

July 15, 2022

Ms. Cindy Mulkey
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blainstone Road, MS 5500
Tallahassee, Florida 32399-2400

RE: Florida Power and Light Company Sweatt-Whidden 230KV Transmission Line
Site Certification Application TA22-19

Dear Ms. Mulkey:

Please find enclosed the Florida Department of Economic Opportunity's "Agency Report," prepared and submitted pursuant to Section 403.526, Florida Statutes, for the Florida Power and Light Company Sweatt-Whidden 230KV Transmission Line Site Certification Application TA22-19. On April 18, 2022, Florida Power and Light Company filed its site certification application for the Sweatt-Whidden 230KV Transmission Line under the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes. If you have any questions concerning this Agency Report, please contact Scott Rogers, Regional Planning Administrator, at (850) 717-8510, or by email at Scott.Rogers@deo.myflorida.com.

Sincerely,



Benjamin Melnick, Deputy Secretary
Division of Community Development

BM/sr

Enclosure: DEO Agency Report

**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
AGENCY REPORT
ON
FLORIDA POWER AND LIGHT COMPANY
SWEATT-WHIDDEN 230KV TRANSMISSION LINE
CERTIFICATION APPLICATION NO. TA22-19**

On April 18, 2022, Florida Power and Light Company (FPL) filed its Certification Application (Application No. TA22-19) for the Sweatt-Whidden 230kV Transmission Line (Project) under the Florida Electric Transmission Line Siting Act (Sections 403.52 through 403.5365, Florida Statutes (F.S.)). Under the Act, the Florida Department of Environmental Protection (FDEP) coordinates the certification process with input from various state, regional, and local agencies, along with interested citizens. The Florida Department of Economic Opportunity “Agency Report” on the FPL Sweatt-Whidden 230kV Transmission Line (Certification Application TA21-18) is pursuant to Section 403.526, F.S., of the Florida Electric Transmission Line Siting Act and Rule Chapter 62-17.590, Florida Administrative Code.

I. Project Summary

FPL proposes the construction, operation, and maintenance of the Sweatt-Whidden 230 kilovolt (kV) Transmission Line. The proposed electric transmission line extends approximately 80.5 miles within a transmission line corridor located in DeSoto County, Glades County, Highlands County and Okeechobee County. The termination points of the proposed transmission line are FPL’s existing Sweatt Substation in Okeechobee County and FPL’s existing Whidden Substation in DeSoto County.

The maximum anticipated width of the right-of-way for the proposed transmission line is 100 feet. The proposed transmission line will be constructed using monopole self-supported spun concrete or steel structures. The typical aboveground structure heights will range from approximately 75 feet to 110 feet. The typical span lengths between structures will range from approximately 300 feet to 750 feet. FPL proposes that the transmission line will be completed and in service by December 2025. According to the Certification Application, the proposed transmission line project is needed in order to improve reliability for FPL customers currently served from the existing 69-KV transmission line between the Sweat Substation and Whidden Substation, increase the east-west power transfer capabilities of the transmission network, and to mitigate potential overloads and low voltage conditions.

II. Recommendations: State Comprehensive Plan (Section 403.526(2)(a)3., F.S.)

The proposed Sweatt-Whidden 230kV Transmission Line is consistent with the following goals of the State Comprehensive Plan (SCP) (Section 187.201, F.S.):

a. SCP Goal 15 Land Use (Section 187.201(15), F.S.): *"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."*

In support of development, the transmission line will enhance the service capacity of the electric power system to accommodate growth in an environmentally acceptable manner (furtheres Goal 15).

b. SCP Goal 17 Public Facilities (Section 187.201(17), F.S.): *"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."*

The transmission line enhances the existing and future electric power system and will serve residents in a timely, orderly, and efficient manner (furtheres Goal 17). The transmission line enhances the provision of a stable supply of electrical power that assists emergency management activities, including emergency preparedness, response and recovery to serve residents in a timely, orderly, and efficient manner (furtheres Goal 17).

c. SCP Goal 21 The Economy (Section 187.201(21), F.S.): *"Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents."*

The transmission line will help provide Florida with a stable source of electric power and thus enhance the economic stability of the state (furtheres Goal 21).

III. Local Government Comprehensive Plans and Land Development Regulations **(Section 403.526(2)(a)3., F.S.)**

Each local government in Florida is required to adopt a local comprehensive plan as provided in the Community Planning Act (Act) under Chapter 163, Part II, F.S. Pursuant to the Act, each local government is required to adopt land development regulations that implement and are consistent with the comprehensive plan. Additionally, development orders are required to be consistent with the comprehensive plan and land development regulations. Under Section 163.3164(14), F.S., of the Act, "development" is defined by express reference to Section 380.04, F.S., which states, in part, that *"The following operations or uses shall not be taken for the purpose of this chapter to involve 'development' as defined in this section" ... "(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like."* Thus, the Sweatt-Whidden 230kV Transmission Line is exempt from constituting "development" for the purpose of local comprehensive plans and land development regulations adopted

pursuant to the Act; and therefore, approval of the Sweatt-Whidden 230kV Transmission Line contingent on consistency with the comprehensive plans and land development regulations.

IV. Section 403.526(2)(b)1., F.S.

Pursuant to Section 403.526(2)(b)1., F.S., the Agency Report shall contain “A notice of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the proposed electrical power plant to be certified.” The Florida Department of Economic Opportunity has not identified any such nonprocedural requirements in the application.

V. Recommendation for Approval or Denial of the Application (Section 403.526(2)(b)2., F.S.)

Pursuant to Section 403.526(2)(b)2., F.S., the Agency Report shall contain “A recommendation for approval or denial of the site certification application.” The Florida Department of Economic Opportunity concludes that the proposed Sweatt-Whidden 230kV Transmission Line furthers goals of the State Comprehensive Plan and is an efficient use of an existing electric power transmission line right-of-way. Therefore, the Florida Department of Economic Opportunity recommends approval of the Certification Application (Application No. TA22-19) for the FPL Sweatt-Whidden 230kV Transmission Line contingent on the Project meeting all applicable certification requirements.

VI. Proposed Conditions of Certification (Section 403.526(2)(b)3., F.S.)

Pursuant to Section 403.526(2)(b)3., F.S., the Agency Report shall contain “Any proposed conditions of certification on matters within the jurisdiction of such agency. For each condition proposed by an agency in its report, the agency shall list the specific statute, rule, or ordinance which authorizes the proposed condition.” The Florida Department of Economic Opportunity has no proposed conditions of certification.

APPENDICES

APPENDIX II-D – FLORIDA FISH AND WILDLIFE COMMISSION



Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Fort Lauderdale

Gary Lester
Oxford

Albert Maury
Coral Gables

Gary Nicklaus
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Executive Director
Eric Sutton
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Thomas H. Eason, Ph.D.
Assistant Executive Director

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*Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.*

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32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

July 18, 2022

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Ann.Seiler@FloridaDEP.gov

RE: Florida Power & Light Sweatt - Whidden 230-Kilovolt Transmission Line Project, Site Certification Application TA22-19, Okeechobee, Glades, Highlands, and DeSoto Counties, Agency Report

Dear Ms. Seiler:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Site Certification Application for the above referenced project submitted by the Florida Power & Light Company (FPL) and provides the enclosed Agency Report and proposed Conditions of Certification to be included in the FPL Sweatt-Whidden 230-Kilovolt Transmission Line State Certification in accordance with 403.507(2)(a)4, Florida Statutes.

FWC staff recommends approval of the FPL Sweatt-Whidden 230-Kilovolt Transmission Line with the inclusion of the proposed conditions related to listed species of fish and wildlife and their habitats, biological surveys, and mitigation for impacts. FPL will need to consider the State of Florida's listed species requirements found in Chapter 68A-27, Florida Administrative Code, prior to, during, and following construction of the transmission line.

FWC staff appreciates the opportunity to review this Site Certification Application and looks forward to working with FPL throughout the Site Certification process. For specific technical questions regarding the content of this letter, please contact Michelle Sempstrott at (407) 572-9122 or by email at Michelle.Sempstrott@MyFWC.com. All other inquiries may be sent to ConservationPlanningServices@MyFWC.com.

Sincerely,

Jason Hight, Director
Office of Conservation Planning Services

jh/ms

FPL Sweatt-Whidden Transmission Line_47612_07182022

Attachment:

1) Agency Report and Proposed Conditions to be Included in the State Certification

cc: Franck LeBlanc, Florida Power & Light Company, franck.l.leblanc@fpl.com
Brian Yates, Florida Power & Light Company, brian.yates@fpl.com
Jude Dawson, Environmental Consulting & Technology, Inc., jdawson@ectinc.com
Siting Coordination Office, sco@dep.state.fl.us

Agency Report and Proposed Conditions to be Included in the State Certification

Project Description

Florida Power & Light Company (FPL) is proposing the construction of a 230-kilovolt transmission line that will extend approximately 80.5 miles through portions of Okeechobee, Glades, Highlands, and DeSoto Counties. The project originates at FPL's existing Sweatt substation located in Okeechobee County and terminates at FPL's existing Whidden substation located in DeSoto County.

The typical width of the transmission line right-of-way will be less than 100 feet, but at this point in planning the corridor footprint is generally between 200 and 600 feet, with several wider points where the alignment is uncertain. The corridor as presented contains approximately 5,023.5 acres and land uses within the proposed corridor consists of approximately 3,868 acres of agriculture, 410 acres of wetlands and other surface waters, 314 acres of urban areas, 192 acres of rangeland, 182 acres of transportation and utilities, and 56.5 acres of upland forests.

The applicant proposes to minimize wetland and surface water impacts to the extent practicable. Impacts will be reduced by spanning transmission lines across the Kissimmee River along an existing bridge and other infrastructure. Other creeks, ponds, canals, and impoundments will be spanned with structures placed within adjacent uplands where practicable to minimize wetland fill required for poles or structural pads. Construction in wetlands will minimize disturbance to natural ground cover by using construction mats and low-pressure rubber-tired or non-tracked vehicles where appropriate. Low-lying vegetation and root mats will remain where practicable to reduce erosion potential and state water quality standards for turbidity will be maintained. Where crossings of existing drainage swales, ditches, or canals are required, appropriately sized culverts will be installed to accommodate flow regimes. Restoration of the right-of-way will begin after transmission line construction activities have been completed.

Potentially Affected Resources

Effects on State-Listed Species

According to the Site Certification Application the species that have the potential to occur within the proposed right-of-way or surrounding vicinity include the following:

- Florida manatee (*Trichechus manatus*, Federally Threatened)
- Gopher tortoise (*Gopherus polyphemus*, State Threatened [ST])
- Southeastern American kestrel (*Falco sparverius paulus*, ST)
- Florida burrowing owl (*Athene cunicularia floridana*, ST)
- Florida sandhill crane (*Antigone canadensis pratensis*, ST)
- Little blue heron (*Egretta caerulea*, ST)
- Tricolored heron (*Egretta tricolor*, ST)
- Roseate spoonbill (*Platalea ajaja*, ST)

If, after conducting the surveys required by the proposed conditions below, there is evidence that any individuals of these species or other state-listed species are present, then the applicant should report the findings to the FWC. If impacts to these species cannot be avoided, then the applicant should contact the FWC before taking any action that might result in an impact to those species, as indicated in the recommended Conditions of Certification proposed below.

Effects on FWC Facilities

In addition to the listed species above, the proposed corridor contains portions of state-owned conservation lands, including FWC's Lake Wales Ridge Wildlife and Environmental Area. In

these areas, the installation of larger transmission line structures and expanded rights-of-way may impact FWC management activities. In the June 9, 2022 *Responses to the Completeness Determination* for this project, FPL states that once the location of the final route has been identified, FPL will initiate the steps necessary to obtain the required state lands authorizations including coordinating with applicable land managers to determine suitable replacement lands and other net positive benefits as required by Chapter 253, Florida Statutes (F.S.), and the Use of Natural Resource Lands by Linear Facilities Policy, dated January 23, 1996.

The potential use of state lands will be addressed by general conditions in the final Conditions of Certification issued by the Florida Department of Environmental Protection. These conditions stipulate that the Licensee will be required to comply with rules and statutes governing the use of lands of the state pursuant to applicable portions of 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), Florida Administrative Code. Based on these commitments and anticipated general conditions, no specific conditions related to the use of state lands are proposed.

Proposed Conditions

Florida Fish and Wildlife Conservation Commission staff recommends approval of the FPL Sweatt-Whidden 230-Kilovolt Transmission Line Project Site Certification with the following proposed conditions to be included as part of the Site Certification process related to specific listed species and their habitat, biological surveys, and mitigation for impacts.

FLORIDA POWER & LIGHT COMPANY SWEATT-WHIDDEN 230-KILOVOLT TRANSMISSION LINE CONDITIONS OF CERTIFICATION

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 Florida Power & Light Company (FPL) Sweatt - Whidden 230-kilovolt Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species survey protocols, prior to conducting detailed surveys. Guidance related to 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.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291, , 403.526, and 403.5317, Florida Statutes (F.S.); and Rule 68A-27, Florida Administrative Code (F.A.C.)]

B. Specific Listed Species Surveys

1. Before land clearing and construction activities within the FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way and construction staging areas, 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 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 FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers 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 Plan¹ (FWC 2019) or the Natural Communities Guide² (Florida Natural Areas Inventory 2010).

[Article IV, Sec. 9, Florida Constitution; Sections 403.526, 403.5317, and 379.2291, F.S.; and Rules 68A-27, 68A-4, and 68A-16, F.A.C.]

1. Florida Fish and Wildlife Conservation Commission (FWC). 2019. Florida's Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.
2. Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

C. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in D, E, F, G, H, and I below, within the FPL Sweatt-Whidden 230-kilovolt Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to, and confer with, the FWC to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation or avoidance recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these Conditions of Certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the FPL Sweatt-Whidden 230-kilovolt 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; Sections 403.526, 403.5317, and 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, 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 403.526, 403.5317 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/media/18634/threatenedwadingbirds-guidelines.pdf>. 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.
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; Sections 403.526, 403.5317, and 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/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf>. 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 right-of-way 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; Sections 403.526, 403.5317, and 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-meter) 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.

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; Sections 403.526, 403.5317, and 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/media/2028/floridaburrowingowlguidelines-2018.pdf>. 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 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; Sections 403.526, 403.5317, and 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 onsite 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.
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: Watch for Manatees must be posted. A second sign measuring at least 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 <https://myfwc.com/wildlifehabitats/wildlife/manatee/education-for-marinas/>. Questions concerning these signs can be sent to the email address listed above.

[Article IV, Sec. 9, Florida Constitution; Sections 403.526, 403.5317, and 379.2291, 379.2431(2), and 373.414(1)(a)2, F.S.;]

APPENDICES

APPENDIX II-E – ST. JOHNS RIVER WATER MANAGEMENT DISTRICT



St. Johns River

Water Management District

Michael A. Register, P.E., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500 • www.sjrwmd.com

July 13, 2022

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Ann.Seiler@FloridaDEP.gov

Re: Certification Application for the FPL Sweatt-Whidden 230kV Transmission Line Project FDEP SCO File TA22-19; SJRWMD File of Record No. 2P-093-184304-1; DOAH Case No. 22-1246TL.

Dear Ms. Seiler:

Attached please find the final agency report on the Certification Application for the FPL Sweatt-Whidden 230kV Transmission Line Project from the St. Johns River Water Management District approved by the District's Executive Director on July 12, 2022.

If there is any further assistance I can provide, please do not hesitate to contact me via phone at (386) 643-1920, or via email at jbenn@sjrwmd.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Benn', with a long horizontal flourish extending to the right.

Joel T. Benn

cc: Rich Burklew, Callie Register, Mary Ellen Winkler

Kelley F. Corbari
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 35
Tallahassee, Florida 32399-3000

GOVERNING BOARD

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Douglas Burnett
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Ron Howse, TREASURER
COCOA

Janet Price
FERNANDINA BEACH

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
ELECTRIC TRANSMISSION LINE SITING
AGENCY REPORT
STAFF RECOMMENDATION - APPROVAL
July 18, 2022**

Permittee: Florida Power & Light

Project: FPL Sweatt-Whidden 230kV Transmission Line

Subject: Certification Application for the FPL Sweatt-Whidden 230 kV
Transmission Line Project
FDEP SCO File TA22-19
SJRWMD File of Record No. 2P-093-184304-1

Procedural Overview

Florida Power and Light (applicant, FPL) is seeking certification for an electric transmission line and proposed corridor pursuant to the Florida Electric Transmission Line Siting Act (TLSA) (Sections 403.52 – 403.5365, Florida Statutes (F.S.)). The Florida Department of Environmental Protection (FDEP) coordinates the interagency review for certification of electric transmission lines which are 230 kilovolts(kV) or larger, cross a county line, and are 15 miles or longer. The applicant's proposed transmission line project meets the requirements for centralized processing by FDEP under the TLSA.

A TLSA application was submitted to the FDEP on April 18, 2022, for certification of the FPL Sweatt-Whidden 230 kV Transmission Line Project. Completeness reviews were submitted by respective agencies on June 15, 2022. No additional information was requested by the St. Johns River Water Management District (District) as a result of the completeness review. All agency reports and recommended conditions must be submitted to FDEP on July 18, 2022; however, agencies with collegial bodies as heads are allowed until August 2, 2022 to submit final reports. See Subsection 403.526(2)(d), F.S.

Pursuant to the TLSA, the District is required to prepare an agency report as to the impact on water resources and other matters within its jurisdiction, for a transmission line or corridor proposed to be constructed within the water management district's boundary. See Subsection 403.526(2), F.S. Each report must contain:

1. A notice of nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the proposed corridor to be certified. Failure to include the notice shall be treated as a waiver from the nonprocedural requirements of the agency.
2. A recommendation for approval or denial of the application.

3. The proposed conditions of certification on matters within the jurisdiction of each agency. For each condition proposed by an agency, the agency shall list the specific statute, rule, or ordinance, as applicable, which authorizes the proposed condition.

Proposed Transmission Line Corridor

FPL's proposed transmission line corridor is generally co-located with existing transmission line rights of way where possible and/or existing or proposed roadway rights of way or similar disturbed areas.

Statutory Requirements

The District regulations relevant to this proposed project include Chapter 40C-2 (Permitting of Consumptive Uses of Water), Florida Administrative Code (F.A.C.). Based on the Operating Agreement between District staff and FDEP, jurisdiction to review the project for compliance with Part IV, Chapter 373, F.S., is with the Department, not the District. Accordingly, environmental resource permitting requirements under Part IV, Chapter 373, F.S., will not be addressed in this report.

Review of Consumptive Uses of Water

The consumptive use of water for this application is regulated by Part II of Chapter 373, F.S. Two of the key statutory requirements set forth in sections 373.219 and 373.223, F.S. Subsection 373.219(1), F.S., provides:

The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area.

Subsection 373.223(1), F.S., and Rule 40C-2.301, F.A.C. require an applicant to establish that the proposed use of water:

- (a) is a reasonable-beneficial use;
- (b) will not interfere with any presently existing legal use of water; and
- (c) is consistent with the public interest.

In addition, the above requirements are detailed further in the District's Applicants Handbook: Consumptive Uses of Water, August 29, 2018 (A.H.).

The District has reviewed the TLISA application for the FPL Sweatt-Whidden 230 kV Transmission Line Project pursuant to the above-described regulatory requirements and recommends approval of the application, as the consumptive use of water associated with the project appears to be an exempt use or could qualify for a general permit by rule, if certain conditions are met. A summary of the District review is presented below.

Expected Compliance with Agency Standards

Staff evaluated the TLISA application to determine where potential water uses within the project area would require a consumptive use permit, be authorized as a general permit by rule, or be

an exempt use subject to certain conditions. The applicant did not identify any specific water use activities within the project. Based on our experience with similar projects, any dewatering to facilitate placement of utility poles will be transient in nature and of limited magnitude. If required, the anticipated use will not exceed thresholds for an individual consumptive use permit. The estimated maximum potential water use for construction dewatering within the jurisdiction of the District would be exempt pursuant to Rule 40C-2.051, F.A.C., (dewatering activities less than 30 days) or qualify for a general permit by rule pursuant to 40C-2.042(9), F.A.C. (dewatering activities less than 180 days).

Rule 40C-2.051, F.A.C., regarding dewatering activities less than 30 days provides that no permit shall be required for the following uses:

(7) Withdrawals of ground or surface water to facilitate construction (not including borrow or mining excavations) on or below ground surface (dewatering) subject to the following conditions:

(a) The withdrawal is conducted by one of the following:

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings and connected to a common header pumped by one or more wellpoint pumps.
2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.
3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well and connected to a common header pumped by one or more pumps.
4. Hydraulic pumps to dewater stormwater management ponds and basins, as part of their construction or maintenance, through the discharge control structures. The stormwater management pond or basin and associated discharge control structure must have been permitted by the District and be in operational phase at the time the dewatering is to occur.

(b) The withdrawal is 300,000 gallons per day or less.

(c) The withdrawal does not exceed 30 days in duration.

(d) The water withdrawn is not 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.

(e) The following turbidity control measures are implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.
2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.
3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

Rule 40C-2.042(9), F.A.C., regarding dewatering activities less than 180 days provides that a general permit by rule is granted:

[t]o withdraw ground or surface water anywhere within the District for short-term construction dewatering activities (excluding borrow operations), subject to the limiting conditions in Appendix I of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., and Form Number 40C-2.900(12). Notice to District of Dewatering Activity, Form Number 40C-2.900(12), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05969> and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This general permit by rule shall expire 190 days from the date a complete form 40C-2.900(12) is submitted to the District, and no dewatering may begin until 10 days after submittal of the complete form (except as allowed in Appendix I).

Appendix I allows that when construction dewatering is authorized by issuance of a permit or certification under Chapter 403, F.S., or a permit under Part IV of Chapter 373, F.S., and the dewatering withdrawals will not exceed any of the limitations in form 40C-2.900(12), then the user does not have to submit the aforementioned form, condition 2 described in Appendix I will not apply, and the general permit by rule will instead expire 180 days from the date dewatering begins.

Since the proposed transmission line falls under certification under Chapter 403, F.S., the remaining conditions 3 – 6 of Appendix I would apply as described below:

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

4. The permittee 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.

c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the permittee 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.

5. 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.

6. The permittee 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.

Staff concludes the proposed activities described in the TLSA application may involve a consumptive use of water for dewatering to facilitate installation of some of the transmission line poles, but that the consumptive use would fall within the exemption from permitting established in Rule 40C-2.051, F.A.C. or would qualify for a general permit by rule established under 40C-2.042(9), F.A.C. as long as the listed conditions are met.

Impacts of the project related to matters within the District's jurisdiction

The District reports there will be no adverse impacts to water resources if the conditions noted below are met.

Nonprocedural requirements not specifically listed in the application from which a variance or exemption is needed.

The District reports there are no nonprocedural requirements within the District's regulatory jurisdiction from which a variance or exemption is needed.

Conclusions and recommendations regarding certification

The District has reviewed the TLSA for FPL Sweatt-Whidden 230 kV Transmission Line Project with respect to potential impacts on water resources and recommends certification of the project, subject to the applicable conditions required by Rule 40C-2.051(7), F.A.C. and 40C-2.042(9), F.A.C.

CONDITIONS RECOMMENDED BY
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Chapter 40C-2, Florida Administrative Code (F.A.C.)

- 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. [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 II waterbody. A direct discharge means a discharge 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 be discharged 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). [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 permittee 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.
 - c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the permittee 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 permittee 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.]

APPENDICES

APPENDIX II-F – SOUTH FLORIDA WATER MANAGEMENT DISTRICT



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 18, 2022

Sent via email

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blainstone Road, MS 5500
Tallahassee, FL 32399-2400

Subject: FPL Sweatt-Whidden 230 kV Transmission Line Siting
Application, TA22-19
Final Agency Report

Dear Ms. Seiler:

Attached is the South Florida Water Management District approved Agency Report for the project known as FPL Sweatt-Whidden 230 kV Transmission Line Siting Application.

The report is attached and should you need assistance regarding this report please contact me at (561) 682-2705, or via email at ssunder@sfwmd.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Simon Sunderland".

Simon Sunderland, P.G.
Bureau Chief – Water Use
Regulation Division
South Florida Water Management District

c: Frank Leblanc, Florida Power & Light Company (via email)

**FPL Sweatt-Whidden 230 kV Transmission Line Siting
Application TA22-19**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT
STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS**

Purpose:

Florida Power & Light Company (FPL) is seeking certification for an electric transmission line and proposed corridor pursuant to the Florida Electric Transmission Line Siting Act (TLSA) under Sections 403.52 – 403.539, Florida Statutes (F.S.). Pursuant to Subsection 40-3.526(2)(a), F.S., of the TLSA, the South Florida Water Management District (SFWMD) is required to prepare an agency report as to the impact on the water resources and other matters within its jurisdiction, for a transmission line or corridor proposed to be constructed within the SFWMD's boundaries.

Project Description:

FPL plans to construct, operate, and maintain a new 230 kilovolt (kV) electrical transmission line that will connect the existing Sweatt substation, located in Okeechobee County, to the existing Whidden substation, located in DeSoto County. The transmission line is needed to improve reliability to customers served by the existing 69 kV line between the Okeechobee and Whidden substations, establish an additional transmission path to increase east-to-west power transfer capabilities, and mitigate potential overloads and low voltage conditions under contingency events. Accordingly, FPL filed Application Number TA22-19 (Application) for certification of the proposed Sweatt-Whidden 230 kV Transmission Line Project (Project) with the Florida Department of Environmental Protection (FDEP) pursuant to the TLSA.

The proposed transmission line will be approximately 80.5 miles long, traversing through multiple counties in a combination of new and existing right of ways. The width of the transmission line corridor described in the application ranges from 200 feet to approximately 5,150 feet, which allows FPL flexibility when selecting the final alignment of the right-of-way (ROW). The maximum width of the new ROW will be up to 100 feet.

The proposed corridor from the Sweatt substation to the intersection of County Road (CR) 721 and State Road (SR) 70 in Highlands County is collocated along existing linear facilities. From the intersection of CR 721 and SR 70 in Highlands County to the Whidden substation, the corridor is largely proposed to be collocated with or along a 69 kV transmission line. The 69 kV transmission line will be rebuilt for the new 230 kV transmission line wherever practicable.

Staff Recommendation:

The SFWMD has reviewed the Application for FPL's proposed Project as to the impact on water resources and other matters within its jurisdiction and recommends

certification of the Project, subject to the applicable conditions of certification, included as Exhibit A, required by Chapter 373 of the Florida Statute, and Chapter 40E-2 and 40E-6 of the Florida Administrative Code, and as required to address the SFWMD's proprietary interests in lands within the Project's proposed corridor.

Exhibit A
SFWMD Proposed Conditions of Certification
FPL Sweatt-Whidden 230 kV Transmission Line Siting
Siting Application TA22-19

III. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. *Applicable General Agency Standards*

1. Minimum Standards

This certification is based on the Licensee's submitted information to SFWMD which reasonably demonstrates that harm to the water resources will not be caused by the authorized activities. The plans, drawings, and design specifications submitted shall be considered minimum standards for compliance.

[Sections 373.085, 373.086, 373.113, 373.118, 373.219, 373.223, 373.229, 373.308, and 373.316, 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.500-531, and 40E-6.381, F.A.C.]

2. Compliance Requirements.

The Project must be constructed, operated, and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), and 40E-6 (Utilization of District Works), F.A.C., as applicable.

3. Liability

The Licensee shall hold and save SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, removal, abandonment, and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

[Sections 373.223, 373.443, and 373.423, F.S.; Rules 40E-2.091, 40E-2.381, and 40E-6.381, F.A.C.]

4. Access

With advance notice to the Licensee, SFWMD staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of licensed facilities to determine compliance with the Conditions of Certification and approved plans and specifications. The Licensee shall either accompany SFWMD staff onto the property or make provision for SFWMD to access the property.

[Sections 373.223 and 373.319, F.S.; Rules 40E-2.301, 40E-2.381, and 40E-6.381, F.A.C.]

5. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the Project authorized by this Certification. All structures on SFWMD works or lands constructed by the Licensee shall remain the property of the Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition and comply with all applicable federal, state, and local standards and regulations. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The SFWMD further assumes no duty to ensure that the licensed use complies with the safety standards of other governmental entities. The SFWMD is not responsible for any damages to installations located within its rights-of-way. The Licensee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way. Canal right-of-way disturbed during construction, installation, or maintenance of the licensed facility shall be restored to original or better condition.

[Sections 373.309, 373.413, and 373.416, F.S.; Rules 40E-2.301, 40E-3.301, and 40E-6.381, F.A.C.]

6. Non-interference with SFWMD Operations

a. Except as may be authorized by this certification, the Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance, or operation of the works of the SFWMD, including, but not limited to:

- (1) discharging pollutants, debris or aquatic weeds into SFWMD works or lands;
- (2) causing erosion or shoaling within SFWMD works or lands;
- (3) degrading the existing condition and/or adversely impacting the performance, required specifications, or standards of SFWMD property interests in any manner; and
- (4) planting trees or shrubs or erecting structures that limit or prohibit access by SFWMD equipment and vehicles.

b. The Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference.

[Sections 373.016, 373.085, 373.086, 373.117, and 471.003 F.S., Rule 40E-6.221, F.A.C.]

7. Enforcement

The SFWMD may take any and all lawful actions to enforce any condition of this certification that is based on SFWMD's rules or Chapter 373, F.S.. Prior to initiating such action, SFWMD may confer with DEP. SFWMD shall seek modification of this Certification for any change in any activity resulting from the SFWMD's enforcement of this Certification which change will have a duration longer than 60 days.

[Sections 373.223, 373.319, 373.603, and 403.514, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.461, and 40E-6.501, F.A.C.]

8. Revisions to Site Specific Design Authorizations

The Licensee shall submit any proposed revisions to the site-specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations, and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification, provided they are clearly identified as a requested amendment or modification to the previously authorized design.

[Sections 373.085, 373.086, 373.219, 373.223, 373.313, and 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-3.461, 40E-6.091, 40E-6.201, and 40E-6.221, F.A.C.]

9. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree in writing to vary the informational requirements.

[Sections 373.085, 373.086, and 373.229, F.S.; Rules 40E-2.101 and 40E-3.101, F.A.C.]

10. Off-site Impacts

The Licensee is responsible for ensuring that harm to the water resources does not occur during construction, operation, and maintenance of the Project.

[Sections 373.223, 373.309, and 373.413; Rules 40E-2.091, 40E-2.381, 40E-3.301, and 40E-6.381, F.A.C.]

B. Water Use

1. General

a. Water Shortage Compliance. Nothing in this Certification should be construed to limit the authority of the SFWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to the water shortage restrictions, as specified by the SFWMD. The Licensee is advised that during a water shortage, reports shall be submitted as required by SFWMD rule or order. The Licensee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by SFWMD orders issued pursuant to Chapter 40E- 21, F.A.C.

[Sections 373.223 and 373.246, F.S.; Rules 40E-2.301, 40E-21.231, 40E-21.251, and 40E-21.271, F.A.C.]

b. Interference with Existing Legal Uses. The Licensee shall mitigate interference with existing legal uses that was caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to

offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10-year drought event that results in the:

(1) Inability to draw water consistent with the provisions of these Conditions for Certification, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

c. Harm to Existing Off-Site Land Uses. The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

d. Harm to Natural Resources. The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

- (2) Reduction in water levels that harm the hydroperiod of wetlands;
- (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
- (4) Harmful movement of contaminants in violation of state water quality standards; or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

2. Site Specific Design Authorizations/Requirements

a. Water Use

- (1) The Licensee shall submit all data as required by the implementation schedule for each of the above Conditions for Certification to: SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.

[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301 and 40E-2.381, F.A.C.]

b. Dewatering Activities. Prior to commencement of construction of those portions of the licensed Project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the applicable non-procedural requirements of Chapters 40E-2, F.A.C., in effect at the time of Certification. The following information, referenced to NGVD or NAVD where appropriate, shall include:

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

(7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

(8) The location of any infiltration trench(es) and/or recharge barriers; and

(9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

[Section 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.500-531, F.A.C.]

C. Right-of-Way

1. General

a. Prior to commencing construction of any portion of the licensed Project, which may cross over, on, under, or otherwise use, the SFWMD's right-of-way, the Licensee must submit complete drawings showing the proposed facilities to the SFWMD for documentation of compliance with Chapter 40E-6, Florida Administrative Code (F.A.C.), and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C. These drawings must depict the proposed crossing in both plan and profile views and must show, at a minimum:

(1) The canal right-of-way lines;

(2) The top of the canal bank and its elevation;

(3) The centerline of the levee and its elevation;

(4) The canal maintenance berm and its elevation at its highest point;

(5) The location of any poles, tower, and/or access roads located within the SFWMD's right-of-way;

(6) The location of any anchors, down-guys or span-guys within the SFWMD's right-of-way;

(7) The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;

(8) The location and elevation of any buried facilities installed as part of this Project; and

(9) The location of the licensed facilities in relation to a section line, major road or other prominent well-known landmark by which the licensed facilities may be located in the field.

b. Any parallel run of transmission line within the SFWMD's is prohibited.

c. Any improvement which requires a waiver from the SFWMD's rules or Criteria Manual referenced in paragraph 1.a. above shall be prohibited under this certification, unless the Licensee modifies this certification and follows the requirements for obtaining a waiver set forth in Chapter 120, F.S.

d. The Licensee shall submit all data and information as required by the above Conditions for Certification to: rowpermits@sfwmd.gov, or Right-of-Way Section, 3301 Gun Club Road, West Palm Beach, FL 33406.

[Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.381, F.A.C.]

2. Access

a. Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the Project and/or for inspection, maintenance, and/or operation of the Project after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the following: proposed route; type, weight, length, and number of vehicles to be used; daily trips for each vehicle; proposed material and/or vehicle/equipment storage within the right-of-way; and dates of proposed access of the right of way. If travel over a District bridge or facility is required, Licensee shall submit engineering analysis required by the District to determine if the bridge or facility can support the vehicles/equipment proposed to travel over the bridge or facility. Prior to the use of any portion of the SFWMD right-of-way, the Licensee must post a financial assurance, which shall be a minimum of \$5,000 per one-half mile, or a greater amount as determined by SFWMD, depending on the scope of work, the route, use of or travel over SFWMD bridges and/or facilities, types of vehicles, and duration. In addition, Licensee must obtain liability insurance covering the Licensee use of that portion of the right-of-way. Licensee shall comply with all safeguards and guarantees, financial or otherwise, required by SFWMD to ensure that no damage, liability or loss occurs to the District's right of way, including its bridges and facilities. All use of the SFWMD's right-of-way by Licensee shall be in accordance with Chapter 40E-6, F.A.C., and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C.

[Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221 40E-6.361, 40E-6.381, F.A.C.]

APPENDICES

APPENDIX II-G – SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office

7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Joel Schleicher

Chair, Charlotte, Sarasota

Ed Armstrong

Vice Chair, Pinellas

Michelle Williamson

Secretary, Hillsborough

John Mitten

Treasurer, Hernando, Marion

Kelly S. Rice

Former Chair, Citrus, Lake,
Levy, Sumter

Ashley Bell Barnett

Polk

Jack Bispham

Manatee

John Hall

Polk

William Hogarth

Pinellas

Seth Weightman

Pasco

Brian J. Armstrong, P.G.

Executive Director

July 14, 2022

Ms. Cindy Mulkey

Program Administrator

Florida Department of Environmental Protection

Siting Coordination Office

2600 Blair Stone Road, MS 5500

Tallahassee, FL 32399-2400

Subject: **FPL Sweatt-Whidden 230kv Transmission Line (TA22-19)**
Agency Report

Dear Ms. Mulkey:

The Southwest Florida Water Management District (SWFWMD) is transmitting its agency report on the above subject project pursuant to Sections 403.526(2)(a)2 and (b), F.S. We are recommending approval of the proposed project subject to the following certification condition:

- (1) To the extent practicable, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records. [Chapter 373, F.S.; Section 40D, F.A.C.]

If you have any questions or if I can be of further assistance, please do not hesitate to contact me at (352) 796-7211, extension 4790, or james.golden@watermatters.org.

Sincerely,

James J. Golden, AICP
Senior Planner

JG

cc: Elizabeth Fernandez, SWFWMD
Cara Martin, SWFWMD
Ellen Morrison, SWFWMD
Ann Seiler, DEP
Brian Yates, FPL
Attached Service List

SERVICE LIST

Scott.Goorland@FPL.com
VDailey@panzamaurer.com
Kelley.Corbari@FloridaDEP.gov
Kathryn.Lewis@FloridaDEP.gov
Alexis.Montiglio@FloridaDEP.gov
MWinkler@sjrwmd.com
JBenn@sjrwmd.com
KBreed@sjrwmd.com
LTan@psc.state.fl.us
ejohnson@sfwmd.gov
smiddleb@sfwmd.gov
Valerie.Wright@deo.myflorida.com
Emily.Norton@myfwc.com
ConservationPlanningServices@myfwc.com
Richard.Shine2@dot.state.fl.us
April.Combs@dot.state.fl.us
Jon.Morris@dos.myflorida.com
Jennifer.Tobias@dos.myflorida.com
WVose@voselaw.com
d.conn@desotobocc.com
richard@strayhornandstrayhornlaw.com

APPENDICES

APPENDIX II-H – DEPARTMENT OF STATE-DIVISION OF HISTORICAL RESOURCES



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Florida Department of Environmental Protection
DARM/Siting Coordination Office
2600 Blainstone Road
Tallahassee, FL 32399

July 15, 2022

Re: DHR No.: 2022-2207-C
Project: Transmission Line Siting Act - FPL Sweatt-Whidden Application (TA22-19)

To Whom It May Concern:

Our office reviewed the referenced application and pursuant to Section 403.526 (2)(b), *Florida Statutes*, we submit the following response.

- a. This office has no variances, exemptions, exceptions or other relief from any nonprocedural requirements to include.
- b. This office previously requested and received a desktop analysis of cultural resources within the proposed project area. We found the survey to be complete and sufficient. As such, this office recommends approval of the certification application.
- c. This office requests that the following Conditions of Certification be accepted:
 - Prior to new construction in areas not previously surveyed, and after the ROW has been selected, the Licensee shall conduct a professional cultural resource assessment survey of the sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will conduct this investigation in accordance with the appropriate work plan for this project developed within the Desktop Analysis Report requested and approved in consultation with DHR. Upon completion of the field survey, the results will be compiled into a report which shall be submitted to DHR. If feasible, any sites considered to be eligible for the National Register ("historic properties") shall be avoided during construction of the project and access roads, and subsequently during maintenance of the ROW. If avoidance by the proposed ROW of any identified historic properties is not feasible, any adverse effect shall be mitigated through archaeological data recovery or other methods acceptable to DHR, as appropriate.
 - If historical or archaeological artifacts or features are discovered at any time within the project site, 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.

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



- Human remains are protected under Chapter 872, *Florida Statutes*. As such, any known sites containing human remains should be avoided, including but not limited to the historical cemetery Pearce-Lockett Estate Cemetery (8HG875).

[Citation: Sections 267.061, 403.531, and 872, F.S.]

If you have any questions, please contact Jennifer Tobias, Historic Sites Specialist, by email at Jennifer.Tobias@dos.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Kelly L. Chase" with "For" written below it.

Alissa S. Lotane
Director, Division of Historical Resources and State Historic Preservation Officer

APPENDICES

APPENDIX II-I – DESOTO COUNTY



Desoto County
Board of County Commissioners
Planning and Zoning
201 East Oak Street; Suite 204
Arcadia, Florida 34266
Phone (863) 993-4806

July 18, 2022

Ms Cindy Milkey
Program Administrator
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5000
Tallahassee, Florida 32399-2400

Subject: **FPL Sweatt-Whidden Transmission Line (TA22-19) Agency Report**

Dear Ms Mulkey:

DeSoto County is transmitting its agency report on the above subject project pursuant to Sections 403.526(2)(a)2 and (b), F.S. We are recommending approval of the proposed project subject to the following certification conditions:

- (1) The transmission line shall not obstruct, block or interfere with any ditch owned or maintained by DeSoto County.
[Sec. 7-7, DeSoto County Code of Ordinances]
- (2) The transmission line may be placed within the DeSoto County rights-of-way in connection with the provision of generating, distributing and transmitting electricity after the Licensee submits the information necessary for a Right-of-Way permit, without the need for a permit fee.
- (3) In any portion of the County right-of-way disturbed by the transmission line construction, operation or maintenance, the Licensee must repair and replace that portion of the County right-of-way at its own expense to the same condition as existed prior to the disturbance.
[Sec. 12-86, 12-87, 12-116 through 12-121, DeSoto County Code of Ordinances]

If you have any questions or if I can be of further assistance, please feel free to contact me at (863)993-4806 or j.fisher@desotobocc.com.

Sincerely,

June Fisher
Development Director
DeSoto County, Florida

Cc: Mandy Hines, DeSoto County
Don Conn, DeSoto County
Ann Seiler, FDEP

APPENDICES

APPENDIX II-J – HIGHLANDS COUNTY

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER AND LIGHT
COMPANY SWEATT-WHIDDEN 230KV
TRANSMISSION LINE SITING APPLICATION TA22-19,

Case No.: 22-1246TL

HIGHLANDS COUNTY'S AMENDED AGENCY REPORT
PURSUANT TO FLA. STAT. § 403.526(2)(a)

COMES NOW, HIGHLANDS COUNTY FLORIDA, a political subdivision of the State of Florida (the "County"), by and through its undersigned counsel, pursuant to Fla. Stat. §403.526(2)(a), and submits the following report regarding the above referenced transmission line siting ("Project"):

1. Counsel for the County has reviewed the Application submitted by Florida Power and Light and the Order Establishing Schedule and other pleadings filed herein to date.
2. The County has also reviewed maps showing the planned Sweatt-Whidden Transmission Line corridor.
3. The undersigned has conferred with the counsel for Florida, Power and Light and after discussion, it was determined that Florida Power and Light would withdraw its proposed waiver to Highlands County Code Section 5.6, Article III, as provided in Section 5.0 of the Sweatt-Whidden TLSA Application.
4. Therefore, the only condition Highlands County has is that Florida Power and Light comply with Highlands County Code Section 5.6, Article III during construction of the Transmission Line.
5. Provided that the waiver is withdrawn, the County is in support of the project, has identified no additional issues of material fact or law giving rise to an objection to the project, and submits that it has no other conditions to request in reference to the Project.

Dated this 20th day of July, 2022.

HIGHLANDS COUNTY, FLORIDA



D. Matthew Raulerson,
Assistant County Attorney
Florida Bar No.: 110630
600 S. Commerce avenue
Sebring, FL 33870
(863) 402-6501
draulerson@highlandsfl.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via electronic mail this 20th day of July, 2022, to the following:

Kelley F. Corbari, Esquire
Department of Environmental Protection
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
kelley.corbari@floridadep.gov

Stephanie A. Gray, Esquire
Department of Environmental Protection
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
Stephanie.Gray@mvfloridacfo.com

Scott A. Goorland, Esquire
Florida Power & Light Company Law/JB
700 Universe Boulevard Juno Beach,
Florida 33408
scott.goorland@fpl.com

Kathryn E.D. Lewis, Esquire
Department of Environmental Protection
Mail Station 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
kathryn.lewis@floridadep.gov
Michelle.M.Knight@FloridaDEP.gov

Lee Eng Tan, Esquire
Florida Public Service Commission 2540
Shumard Oak Boulevard Tallahassee,
Florida 32399
ltan@psc.state.fl.us

Valerie A. Wright, Esquire
Department of Economic Opportunity
Caldwell Building
107 East Madison Street, MSC 110
Tallahassee, Florida 32399
valerie.wright@deo.mvflorida.com
DEOEService@deo.myflorida.com

Emily Johnson, Esquire
South Florida Water Management
District MSC 1410
3301 Gun Club Road
West Palm Beach, Florida 33406
ejohnson@sfwmd.gov
litigation@sfwmd.gov

Elizabeth M. Fernandez, Esquire
Southwest Florida Water Management
District
7601 US 301 North
Tampa, Florida 33637
elizabeth.fernandez@swfwmd.state.fl.us
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Jon F. Morris, Esquire
Department of State
R.A. Gray Building
500 South Bronough Street Tallahassee,
Florida 32399-0250
jon.morris@dos.myflorida.com

Richard E. Shine, Esquire
Department of Transportation 605
Suwannee Street
richard.shine2@dot.state.fl.us
amber.greene@dot.state.fl.us

Alexis Montiglio, Esquire
Florida Department of Environmental
Protection
Mail Stop 35
3900 Commonwealth Boulevard
Tallahassee, Florida 32399
alexis.montiglio@floridadep.gov
anne.willis@floridadep.gov

Sherry G. Sutphen, Esquire
Highland County Attorney's Office
600 South Commerce Avenue
Sebring, Florida 33870
Via US Mail

Joel Thomas Benn, Esquire
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177
jbenn@sjrwmd.com

Mary Ellen Winkler, Esquire
St. Johns River Water Management District
4049 Reid Street
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Savannah Middlebush, Esquire
South Florida Water Management
District
3301 Gun Club Rd
West Palm Beach, Florida 33406
smiddleb@sfwmd.gov
litigation@sfwmd.gov

Donald D. Conn, Esquire
201 East Oak Street, Suite 201
Arcadia, Florida 34266
Via US Mail

Richard Pringle, Esquire
Glades County Attorney's Office
500 Avenue J Southwest
Moore Haven, Florida 33471
Via US Mail

Wade C. Vose, Esquire
Okeechobee County Attorney
324 West Morse Boulevard
Winter Park, Florida 32789
Via US Mail

HIGHLANDS COUNTY, FLORIDA



D. Matthew Raulerson,
Assistant County Attorney
Florida Bar No.: 110630
600 S. Commerce avenue
Sebring, FL 33870
(863) 402-6501
draulerson@highlandsfl.gov

APPENDICES

APPENDIX II-K – GLADES COUNTY



Community Development Department

P.O. Box 1527 • 198 6th Street • Moore Haven, Florida 33471

Phone: (863) 946-6018 • Fax: (863) 946-1535

Internet address <http://www.MyGlades.com>

July 18, 2022

Florida Department of Environmental Protection Ms. Ann Seiler, Environmental Consultant
DARM/Siting Coordination Office
2600 Blair Stone Road
Tallahassee, Florida 32399

VIA EMAIL ONLY

Re: FPL Application Sweat Whidden (TA22-19)

Dear Ms. Seiler:

Please be advised that Glades County staff has reviewed the FPL Application related to the transmission corridor proposed to be located in Glades County. As a result of its review, and pursuant to Section 403.526, Florida Statute, the County prepared its Final Agency Report. That report is enclosed with this letter.

Please contact my office at (863) 946-6000 if there are any questions or concerns in this matter.

Sincerely,

Susan BuChans
Community Development Director

cc: Marcos Montes De Oca,
County Manager

Encl.

GLADES COUNTY FINAL AGENCY REPORT

Pursuant to Section 403.526, Fla. Stat., Glades County submits the following Final Agency Report related to Florida Power & Light Company Sweatt-Whidden 230 kV Site Certification Application of the transmission corridor proposed to be located in Glades County. Glades County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed transmission corridor to be certified. The County recommends the approval of the certification of the transmission corridor proposed to be located in Glades County.

APPENDICES

APPENDIX III – PUBLIC COMMENTS

From: [Seiler, Ann](#)
To: ngerjan97@gmail.com
Cc: [SCQ](#)
Subject: FPL Sweatt-Whiddon 230kV Transmission Line
Date: Wednesday, April 27, 2022 1:00:00 PM

Good afternoon Nadia.

Very nice to speak with you this afternoon. Following are the links I discussed with you. First, here is the link to the Application Florida Power & Light Company (FPL) filed with our Department http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPLSweattWhiddon230kVTA22_19/Application/. This is a large file, due to the maps, so it may take a while to open. The maps for Okeechobee County, showing where the proposed transmission line corridor is located start on page 87 at the Sweatt substation. The yellow line indicates the corridor which is what FPL is seeking approval for – the corridor will shrink to approximately 150 ft in width, if approved, and the actual transmission line will be located somewhere within that corridor. The proposed corridor in Okeechobee County continues until page 96.

The second link is to the information regarding this application <https://floridadep.gov/air/siting-coordination-office/content/fpl-sweatt-whidden-230kv-transmission-line-project>, which includes the schedule as I mentioned. Okeechobee County needs to let the Department know by May 30, 2022 if they intend to have an Informational Public Meeting. The deadline for the local governments to hold the Informational Public Meeting is June 13, 2022. The other date I mentioned was, by statute, FPL has to provide Direct Notice to landowners located within one-quarter mile of the proposed transmission line corridor. FPL's deadline for providing Direct Notice to you is June 2, 2022.

Here is a link to the Florida Transmission Line Siting Act <https://floridadep.gov/air/siting-coordination-office/content/transmission-line-siting-act>. This Act directs the process by which this Application will be handled by law.

We spoke about Eminent Domain and here is information on that <https://floridadep.gov/air/siting-coordination-office/content/rights-way-and-eminent-domain>

I am also providing you with a link that describes what opportunities you may have to be involved <https://floridadep.gov/air/siting-coordination-office/content/opportunities-public-involvement>

Finally I explained that the state of Florida has an Electric and Magnetic Fields (EMF) Rule that this transmission line will have to comply with. Here is the link to information on EMF in Florida <https://floridadep.gov/air/siting-coordination-office/content/electric-and-magnetic-fields-emf> including that EMF rule.

I know this is a lot of information but hopefully it will help you understand the process. Please contact me with any questions! We are here to help.

Thank you,

**Ann Seiler**

Florida Department of Environmental Protection
DARM/Siting Coordination Office
Environmental Consultant
ann.seiler@FloridaDEP.gov
Office: 850-717-9113
Cell: 850-228-6237

From: [Seiler, Ann](#)
To: jaredfigley@gmail.com
Cc: [SCO](#)
Subject: FPL Sweatt-Whidden Transmission Line Application
Date: Tuesday, May 17, 2022 4:49:42 PM

Good afternoon Jared.

Very nice to speak with you this afternoon. Following is the information regarding the Florida Power & Light Company (FPL) Application submitted under the Transmission Line Siting Act we discussed.

First, here is a link to the Application FPL filed

<https://floridadep.gov/air/siting-coordination-office/content/fpl-sweatt-whidden-230kv-transmission-line-project>

Here is a link to information on the Transmission Line Siting Act <https://floridadep.gov/air/siting-coordination-office/content/transmission-line-siting-act>

And here is a link to how members of the Public may get involved <https://floridadep.gov/air/siting-coordination-office/content/opportunities-public-involvement> - go to the Transmission Line Certification Process portion.

If you want to discuss any of this information in more detail, please just give me a call. I know it's a lot and I am happy to go through it with you.

Thank you,



Ann Seiler

Florida Department of Environmental Protection
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Environmental Consultant
ann.seiler@FloridaDEP.gov
Office: 850-717-9113
Cell: 850-228-6237

From: [Francisco Pines](#)
To: [Goorland, Scott](#)
Cc: [Virginia Dailey](#); [SCO](#); [Yates, Brian](#); [Luedike, Benny](#); [Corbari, Kelley](#)
Subject: RE: Machado Family Limited property in Highlands County, FL
Date: Tuesday, June 7, 2022 8:28:59 PM
Attachments: [Executed AA.pdf](#)

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hi Scott. Great talking last week. Please see attached authorization form. Please keep me informed as things move all. Thank you,

FRANCISCO J. PINES

ATTORNEY AT LAW

DIRECT DIAL: 305.444.1215

MOBILE: 786.246.7781

FACSIMILE: 305.444.1273

Fpines@Pinespartners.com

3301 PONCE DE LEON BOULEVARD

SUITE 220

CORAL GABLES, FLORIDA 33134

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From: Goorland, Scott <Scott.Goorland@fpl.com>

Sent: Thursday, June 2, 2022 3:13 PM

To: Francisco Pines <fpines@pinespartners.com>

Cc: Virginia Dailey <vdailey@panzamaurer.com>; sco@floridadep.gov; Yates, Brian <Brian.Yates@fpl.com>; Luedike, Benny <Benny.Luedike@fpl.com>; Corbari, Kelley <Kelley.Corbari@FloridaDEP.gov>

Subject: RE: Machado Family Limited property in Highlands County, FL

Francisco,

Thanks for taking the time to speak with me today, and allowing me to clarify that we are not currently at the phase of the project where a specific right-of-way for the transmission line has been identified within the proposed corridor. Once we reach that phase, we will certainly reach out to you. As requested, my contact information is below, please do not hesitate to reach out to me anytime.

Thanks,

Scott

Scott A. Goorland, Esq.

Senior Attorney

Florida Power & Light Company

LAW/JB

700 Universe Boulevard
Juno Beach, FL 33408
Phone: (561) 304-5633

From: Francisco Pines <fpines@pinespartners.com>

Sent: Wednesday, June 1, 2022 7:44 AM

To: SharedMailbox, Sweatt-Whidden-230kV-TLSA <reliability@fpl.com>

Cc: Juan Muniz (jmuniz@gunster.com) <jmuniz@gunster.com>; sco@floridadep.gov

Subject: Machado Family Limited property in Highlands County, FL

Good morning Mr. Yates. Hope this email finds you well. I represent the above referenced owner that is in receipt of the attached notice on an FPL project. Can you please advise if my client's property (that is identified in your notice) will be impacted by the project and if any of their property will be needed and/or sought to be taken by eminent domain. Thank you in advance for your assistance in this regard.

FRANCISCO J. PINES

ATTORNEY AT LAW

DIRECT DIAL: 305.444.1215

MOBILE: 786.246.7781

FACSIMILE: 305.444.1273

Fpines@Pinespartners.com

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From: [Seiler, Ann](#)
To: brian.yates@fpl.com
Subject: FPL Sweatt-Whidden
Date: Monday, July 11, 2022 3:34:00 PM

Good afternoon Brian.

Our office had a gentleman contact us regarding the FPL Sweatt-Whidden line and the point of crossing the Kissimmee River. He received a notification from FPL as a landowner and would like to speak to FPL. He has tried the number given in the letter but has received no call back and could never reach anyone when he called. I have given him your name and number as a contact. His property is in South Highlands County just south of 98 where the corridor crosses the Kissimmee River.

His information is as follows:

Herbert Williams
Kissimmee Getaway LLC
904-868-1146

Please copy me on any correspondence. Thank you,



Ann Seiler

Florida Department of Environmental Protection
DARM/Siting Coordination Office
Environmental Consultant
ann.seiler@FloridaDEP.gov
Office: 850-717-9113
Cell: 850-228-6237

From: [Seiler, Ann](#)
To: brian.yates@fpl.com
Subject: FPL Sweatt-Whidden
Date: Tuesday, July 12, 2022 9:43:00 AM

Good morning Brian.

Our office had another gentleman contact us regarding the FPL Sweatt-Whidden line and potential impact to his property. I have given him your name and number as a contact.

His information is as follows:

Isaiah Gallimore

igallimore@zkslawfirm.com

347-407-1599

Please copy me on any correspondence.

Thank you,



Ann Seiler

Florida Department of Environmental Protection
DARM/Siting Coordination Office
Environmental Consultant
ann.seiler@FloridaDEP.gov
Office: 850-717-9113
Cell: 850-228-6237

From: [Seiler, Ann](#)
To: igallimore@zkslawfirm.com
Subject: FPL Sweatt-Whidden Transmission Line
Date: Tuesday, July 12, 2022 9:55:00 AM

Good Morning Mr. Gallimore.

As we discussed, here is a link to information on the FPL Sweatt-Whidden Transmission Line Project. <https://floridadep.gov/air/siting-coordination-office/content/fpl-sweatt-whidden-230kv-transmission-line-project>. You will see a link to the Application submitted by FPL as well as the Schedule and other relevant project processing information.

If you look on the left hand side of the page you will see a link to the [Transmission Line Siting Act](#), [Opportunities for Public Involvement](#), and [To Become a Party Information](#).

The contact at FPL is Brian Yates

Brian Yates

Environmental Project Manager

FLORIDA POWER & LIGHT COMPANY

Environmental Services | Power Delivery Operations & Construction

OFFICE: 561-904-3328

CELL: 772-214-6597

Brian.Yates@FPL.com

Please let me know if you have any further questions. Thank you,



Ann Seiler

Florida Department of Environmental Protection

DARM/Siting Coordination Office

Environmental Consultant

ann.seiler@FloridaDEP.gov

Office: 850-717-9113

Cell: 850-228-6237

From: [Yates, Brian](#)
To: [Seiler, Ann](#)
Subject: RE: FPL Sweatt-Whidden
Date: Thursday, July 14, 2022 9:33:55 AM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Good morning Ann. I wanted to provide an update on the two gentlemen that contacted your office. I spoke to both Mr. Gallimore and Mr. Williams this morning to answer their questions and provide an update on where we are in the process. Thank you.

Brian Yates

Environmental Project Manager

FLORIDA POWER & LIGHT COMPANY

Environmental Services | Power Delivery Operations & Construction

OFFICE: 561-904-3328

CELL: 772-214-6597

Brian.Yates@FPL.com

From: Seiler, Ann <Ann.Seiler@FloridaDEP.gov>
Sent: Tuesday, July 12, 2022 9:44 AM
To: Yates, Brian <Brian.Yates@fpl.com>
Subject: FPL Sweatt-Whidden

Good morning Brian.

Our office had another gentleman contact us regarding the FPL Sweatt-Whidden line and potential impact to his property. I have given him your name and number as a contact.

His information is as follows:

Isaiah Gallimore

igallimore@zkslawfirm.com

347-407-1599

Please copy me on any correspondence.

Thank you,



Ann Seiler

Florida Department of Environmental Protection
DARM/Siting Coordination Office

Environmental Consultant

ann.seiler@FloridaDEP.gov

Office: 850-717-9113

Cell: 850-228-6237

Dep Customer Survey

