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April 11, 2016

Ann Seiler  
Florida Department of Environmental Protection  
Siting Coordination Office  
2600 Blair Stone Road, MS 5500  
Tallahassee, FL 32399-2400  
[ann.seiler@dep.state.fl.us](mailto:ann.seiler@dep.state.fl.us)

Re: Transmission Line Site Certification Application TA16-17, Florida Power & Light (FPL) Duval-Raven 230-kilovolt, Agency Report; Duval, Nassau, Baker, and Columbia Counties

Dear Ms. Seiler:

Florida Fish and Wildlife Conservation Commission (FWC) staff has coordinated our agency's review of the Transmission Line Site Certification Application for the Duval-Raven 230 kV Transmission Line and planned Raven substation. We provide the enclosed Agency Report and Recommendations for Conditions to be included in the Duval-Raven 230 kV Transmission Line Certification in accordance with Section 403.526(2)(a), Florida Statutes (F.S.).

Florida Power and Light will need to comply with the State of Florida's listed species requirements found in Chapter 68-27A, Florida Administrative Code (F.A.C.), and Ch. 379, F.S., prior to construction activities of the Duval-Raven 230 kV Transmission Line and Raven substation.

We recommend approval of the Duval-Raven 230 kV Transmission Line and Raven substation, with the inclusion of recommended conditions related to listed species and their habitat; biological survey and monitoring (pre- and post-construction); and mitigation for impacts.

We appreciated the opportunity to review this project. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Laura DiGruttolo by phone at (352) 732-1225 or by email at [Laura.Digruttolo@MyFWC.com](mailto:Laura.Digruttolo@MyFWC.com).

Sincerely,

Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/ld

ENV 2-11  
FPL Duval Raven Transmission Line Agency Report\_letter\_30687\_041116  
Enclosure

cc: Daniel Hronec, Project Manager  
Transmission & Substation Siting  
Florida Power & Light Company  
[Daniel.Hronec@FPL.com](mailto:Daniel.Hronec@FPL.com)

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

### **Project Description**

Florida Power & Light (FPL) is proposing a service upgrade to a 38.5-mile transmission line which will include new construction, pole replacement, and operation and maintenance of a new 230 kV system. The project extends from the Duval substation (east of U.S. Highway 301 in Baldwin) to the planned Raven substation (State Road 100, southeast of the Lake City Airport). The project will cross through Duval, Nassau, Baker, and Columbia counties with approximately 96 percent of its length accommodated by existing FPL right-of-way. Additional rights-of-way will be acquired near Macclenny and the Raven substation. While performing the upgrade, all wooden poles will be replaced with single-pole spun concrete structures matched up to existing pole locations. Dominant land covers within the new corridors consist of wetland forested mixed and pine plantation. Wetland impacts are expected during placement of dirt-filled permanent service pads at pole bases which are needed to provide equipment stability during pole removal, installation, and future line maintenance.

### **Potentially Affected Resources**

The Duval-Raven 230 kV Transmission Line will be located within FPL's existing 100- and 170-foot right-of-ways, using portions of the right-of-way that are already improved and maintained. These portions of the project area do not contain significant areas of preferred wildlife habitat. As discussed in the application, several listed species were observed during a preliminary survey within a 0.25-mile buffer around the right-of-way: little blue heron, white ibis, and American alligator.

Based upon habitats identified within the corridor and the buffer, the following additional species have a moderate to high likelihood of occurring within and immediately adjacent to the project area: frosted flatwoods salamander, Eastern indigo snake, gopher tortoise, gopher frog, Florida pine snake, burrowing owl, snowy egret, tricolored heron, Southeastern American kestrel, Florida sandhill crane, wood stork, Florida black bear, and Sherman's fox squirrel. A list of all state- and federally listed species potentially impacted by the project and their listing status is included in the proposed conditions.

On a case-by-case basis, either a relocation or incidental take permit may be required for each impacted species. If there is evidence that any individuals of these species are present, then the applicant must report the findings to the FWC. If impacts to these species cannot be avoided, then the applicant must 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.

## Proposed Conditions

We recommend approval of Florida Power and Light's Duval-Raven 230 kV Transmission Line with the following proposed conditions to be included in the special conditions as part of the certification process related to specific listed species and their habitat, biological survey and monitoring (pre- and post-construction), and mitigation for impacts.

### DUVAL-RAVEN 230 kV TRANSMISSION LINE SITE CONDITIONS OF CERTIFICATION

#### FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

##### A. *Listed Species Conditions*

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

| Common Name                   | Scientific Name                       | Status <sup>1</sup> |
|-------------------------------|---------------------------------------|---------------------|
| American alligator            | <i>Alligator mississippiensis</i>     | FT (S/A)            |
| Bald eagle                    | <i>Haliaeetus leucocephalus</i>       | NL <sup>2</sup>     |
| Burrowing owl                 | <i>Athene cunicularia floridana</i>   | SSC                 |
| Eastern indigo snake          | <i>Drymarchon corais couperi</i>      | FT                  |
| Florida black bear            | <i>Ursus americanus floridanus</i>    | NL <sup>3</sup>     |
| Florida pine snake            | <i>Pituophis melanoleucus mugitus</i> | SSC                 |
| Florida sandhill crane        | <i>Grus canadensis pratensis</i>      | ST                  |
| Frosted flatwoods salamander  | <i>Ambystoma cingulatum</i>           | FT                  |
| Gopher frog                   | <i>Rana capito</i>                    | SSC                 |
| Gopher tortoise               | <i>Gopherus polyphemus</i>            | ST                  |
| Limpkin                       | <i>Aramus guarauna</i>                | SSC                 |
| Little blue heron             | <i>Egretta caerulea</i>               | SSC                 |
| Sherman's fox squirrel        | <i>Sciurus niger shermani</i>         | SSC                 |
| Snowy egret                   | <i>Egretta thula</i>                  | SSC                 |
| Southeastern American kestrel | <i>Falco sparverius paulus</i>        | ST                  |
| Tricolored heron              | <i>Egretta tricolor</i>               | SSC                 |
| White ibis                    | <i>Eudocimus albus</i>                | SSC                 |
| Wood stork                    | <i>Mycteria americana</i>             | FT                  |

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

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

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

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

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

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

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

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

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

1. Before land clearing and construction activities occur within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, the Licensee shall conduct an assessment for listed species and shall note all habitat and occurrence or evidence of listed species. Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities

within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

2. The surveys shall be conducted in accordance with FWC and U.S. Fish and Wildlife Service (FWS) guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
3. The surveys shall identify any wading bird colonies within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers that may be affected.
4. The surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with global positioning system (GPS) coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
5. The surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers prior to land clearing and construction activities. The vegetation communities can be described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) scheme at the third degree of detail, or a wildlife-based habitat classification scheme such as that used in Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)\*.

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

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

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

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

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

conditions of certification, they shall occur in the reproductive season prior to the anticipated date for commencement of clearing and construction. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office, the FWC, and the USFWS.
3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species to be impacted minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

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

#### **E. Gopher Tortoise**

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>), or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in E.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.
2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

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, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-004 and 68A-27, F.A.C.]*

#### **F. Wading Birds**

1. The Licensee shall conduct surveys for nesting wading birds during their breeding season, which extends from March through August. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide.
2. If there is evidence of nesting during this period, any wading bird nest sites shall be buffered by 100 meters (328 feet) to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

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

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes immediately prior to any clearing and construction that occurs during the January through August breeding season. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide and the FWC Nongame Technical Report No. 15 ([http://f50006a.eos-intl.net/ELIBSQL12\\_F50006A\\_Documents/97stys.pdf](http://f50006a.eos-intl.net/ELIBSQL12_F50006A_Documents/97stys.pdf)), which provides guidance on survey methods for Florida sandhill cranes.
2. If there is evidence of nesting during this period, any active Florida sandhill crane nests shall be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

#### **H. Bald Eagle**

1. If bald eagle nests are identified within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and consult with the FWC to determine the steps

appropriate to avoid, minimize, or mitigate, or otherwise appropriately address potential impacts in accordance with the FWC Bald Eagle Management Plan.

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

***I. Southeastern American Kestrel***

1. Surveys for Southeastern American kestrels shall be conducted during the nesting season (May to July) of existing power poles and in appropriate potential habitats in advance of demolition, clearing, and construction activities. Survey guidelines, reporting criteria, and habitat needs for the Southeastern American kestrel can be found within the FWCG at the following website:  
[http://fwcg.myfwc.com/docs/American\\_Kestrel\\_Technical\\_Report.pdf](http://fwcg.myfwc.com/docs/American_Kestrel_Technical_Report.pdf). The Licensee shall coordinate with the FWC prior to conducting surveys to ensure that surveys are in accordance with the FWC-approved protocol.
2. If there is evidence of nesting during this period, any Southeastern American kestrel nest sites shall be buffered by 150 meters to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal of existing wooden power poles, removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

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

***J. Eastern Indigo Snake***

1. The Licensee shall consult with the USFWS and FWC to ensure measures to avoid the “take” of Eastern indigo snakes on the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers are implemented during construction and operation, in accordance with the Standard Protection Measures for the Eastern Indigo Snake (USFWS 2013). The Eastern indigo snake protection/education plan (Plan) has been developed by the USFWS. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the USFWS North Florida Ecological Services Office at [jaxregs@fws.gov](mailto:jaxregs@fws.gov) that the Plan will be implemented.
2. Pre-Construction Activities:
  - a. The Licensee will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. Please see the following link for a sample poster:  
[http://www.fws.gov/northflorida/indigosnakes/20130812\\_EIS%20Standard%20Protection%20Measures\\_final.pdf](http://www.fws.gov/northflorida/indigosnakes/20130812_EIS%20Standard%20Protection%20Measures_final.pdf)

- b. Prior to the onset of construction activities, the Licensee will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office.
  - c. Construction staff will be informed that in the event that an Eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification to the USFWS North Florida Ecological Services Office.
- 3. During Construction Activities:
  - a. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an Eastern indigo snake sighting (e.g. discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
  - b. If an Eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
  - c. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any Eastern indigo snakes are seen.
- 4. Post-Construction Activities:
  - a. Whether or not Eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the USFWS North Florida Ecological Services Office within 60 days of project completion. The report can be sent electronically to [jaxregs@fws.gov](mailto:jaxregs@fws.gov).

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

#### **K. Federally Listed Species**

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

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

**L.      *Avian Protection Plan***

1. The Licensee will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with the certified facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:  
[https://birdreport.fws.gov/AVIAN\\_PROTECTION\\_PLAN\\_April2005.pdf](https://birdreport.fws.gov/AVIAN_PROTECTION_PLAN_April2005.pdf)

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