

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



**Transmission Line Site Certification
Staff Analysis Report**

**Tampa Electric Company
WILLOW OAK WHEELER DAVIS
230 kV TRANSMISSION LINE PROJECT**

**TA07-15
DEP OGC Case No. 07-1858
DOAH Case No. 07-4745TL**

February 4, 2008

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I. Introduction

The Tampa Electric Company (TECo) Willow Oak Wheeler Davis (Willow Oak) transmission line project is being reviewed for licensing under the provisions of the Transmission Line Siting Act, § 403.52-403.536, Florida Statutes. The Act provides a coordinated environmental licensing process which results in the certification of a corridor for a new transmission line that crosses or affects multiple government jurisdictions. The Act provides a process to evaluate environmental and land use impacts of a transmission line and to balance the need for a new transmission line with the broad interests of the public. The Florida Cabinet sitting as the Siting Board ultimately makes the final decision on the transmission line corridor and its included transmission line facilities. The Siting Board's decision will be based on the recommendations of an Administrative Law Judge who has evaluated the testimony and evidence of reviewing agencies, the recommendation of the Department, as well as intervening parties and the public.

A. Project Description

On October 12, 2007, TECo submitted to the Department of Environmental Protection (DEP) an application for certification of its proposed Willow Oak 230-kV transmission line project. The transmission line will connect a new planned substation (Willow Oak) west of Mulberry in Polk County to the planned Tampa Electric Davis substation located in Temple Terrace, Hillsborough County (Figure 1 – TECo Figure 1.1.1 from Application). The line will also connect with the intermediate and existing Tampa Electric Wheeler substation located along Wheeler Road northeast of Brandon in Hillsborough County.

The total length of the proposed transmission line corridor is approximately 30 miles long (Figure 2 - TECo Figure 1.1.2 from Application). The new transmission line will be located on a right-of-way somewhere within this corridor. Width of the preferred corridor ranges from approximately 200 feet (ft) along road rights-of-way to 4,500 ft in areas where a new cross-county transmission line right-of-way will be required. The Willow Oak project may be constructed along or within existing road rights-of-way in some of the corridor areas (Figure 3 – TECo Figure 1.2.1 from Application). The Willow Oak and Wheeler substations are not part of the certification process under the Transmission Line Siting Act at the option of the applicant (see 403.522(22), F.S.).

The proposed corridor ranges in width from approximately 300 feet (ft) to nearly 1 mile (5,100 ft). In some areas, the corridor may be constructed along established road rights-of-way or within right-of-way already owned by Tampa Electric. The width of the new right-of-way will typically range from 25 to 100 ft. As provided in Section 403.522(10), F.S., once Tampa Electric acquires the property interests required for the Willow Oak-Davis Project, the boundaries of the certified corridor will narrow to only that land within the right-of-way. At that point, the remainder of the corridor will have no further legal significance related to this certification.

Figure 1: Project Location

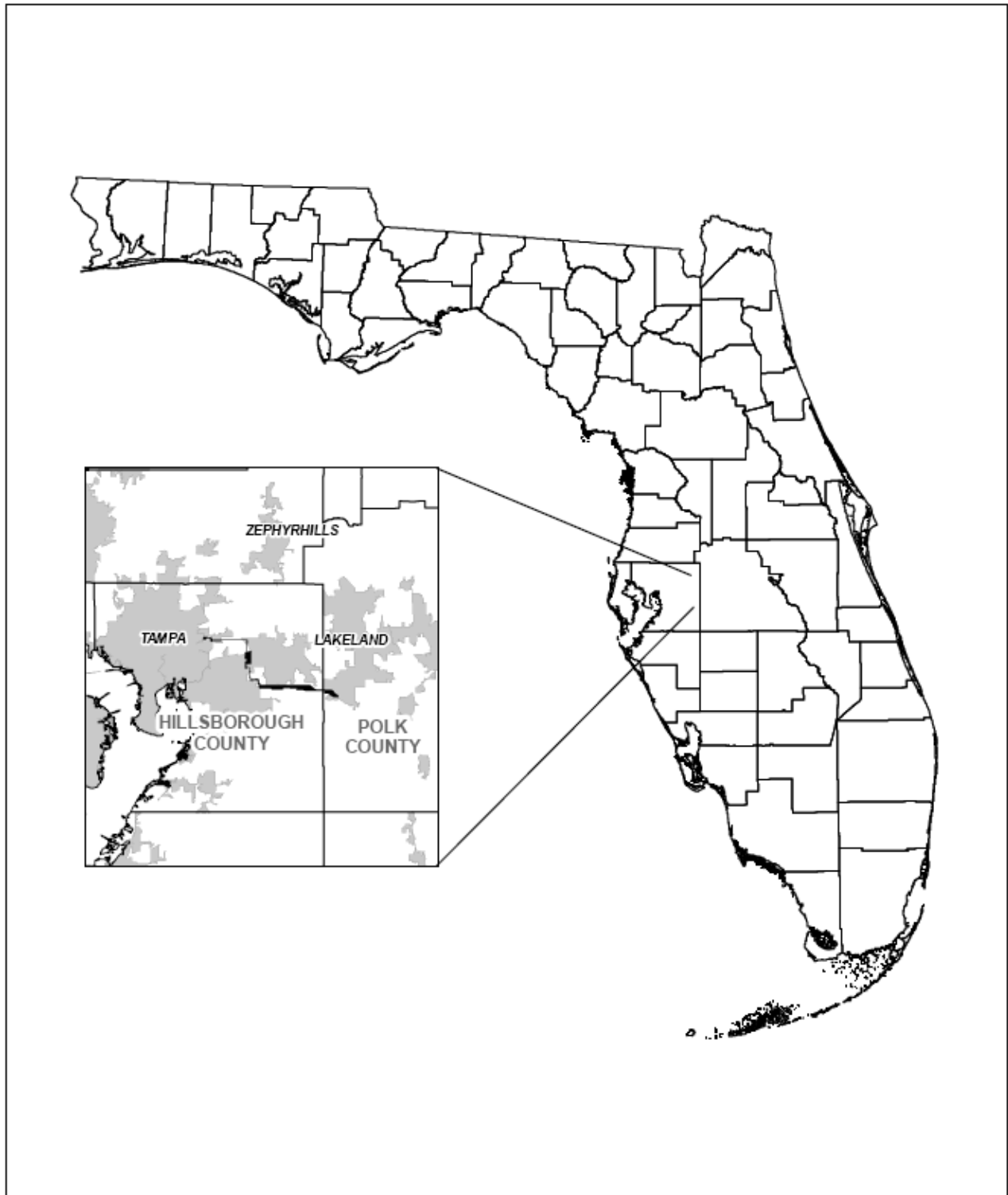


Figure 2: Preferred Corridor Location Alignment

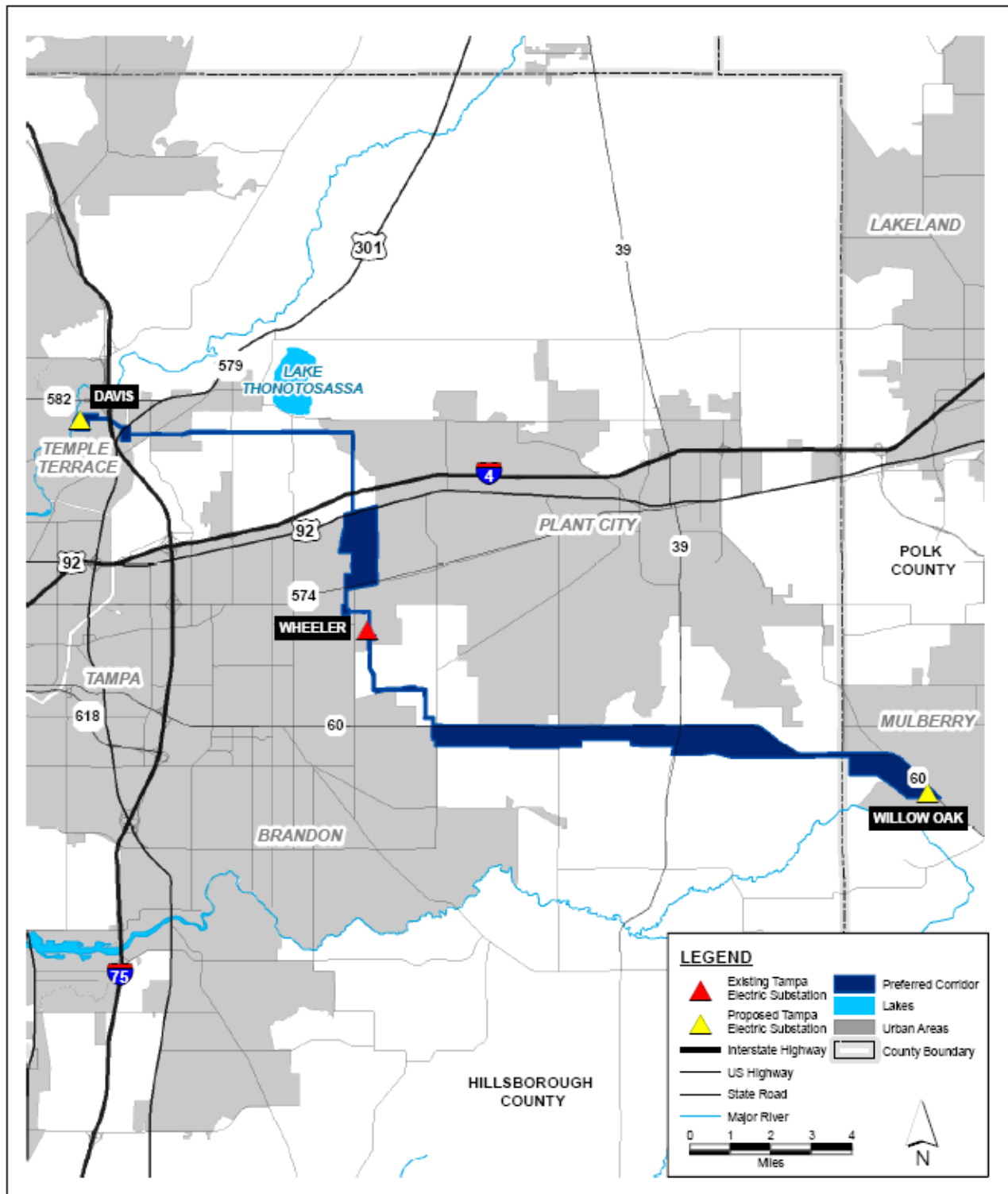
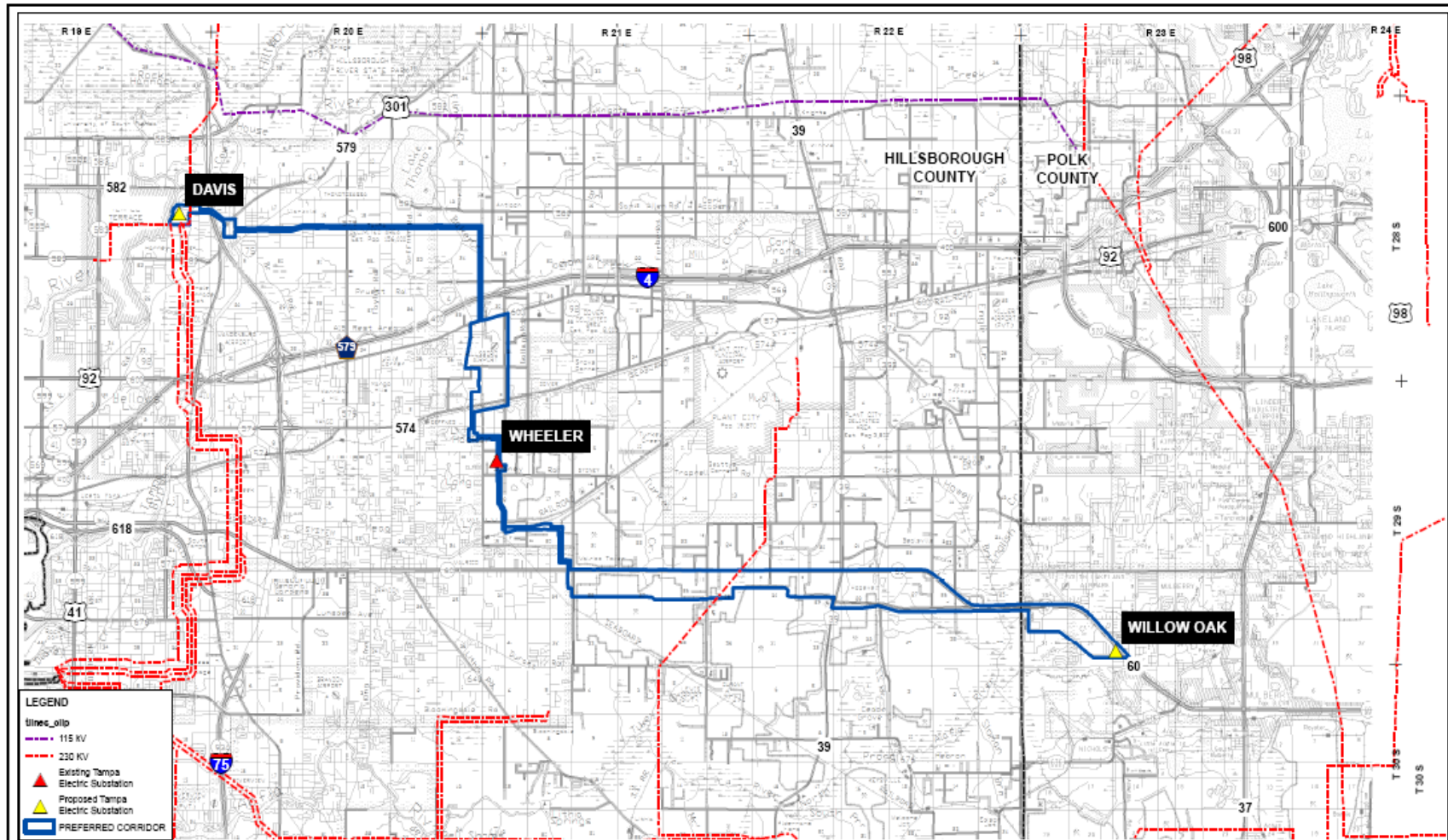


Figure 3: Preferred Corridor



The proposed transmission line is to be constructed typically with single-circuit, unguyed steel poles embedded in the ground using concrete or crushed stone backfill. Figures 4-8 (Figures 1.3-1 through 1.3-5 from TECO Application) illustrates typical structures anticipated for use on the Willow Oak-Davis Project. In some areas, where warranted, a horizontal framing configuration may be used. Such special structures and conductor configurations may be required at specific locations, such as the crossings of major road intersections, or to accommodate specific engineering considerations, such as near the South Lakeland Airport. Where the transmission line turns large angles or crosses other major linear facilities, the single-pole structure may require guys and anchors.

Figure 4: Typical 230-kV Single-circuit roadside cross section

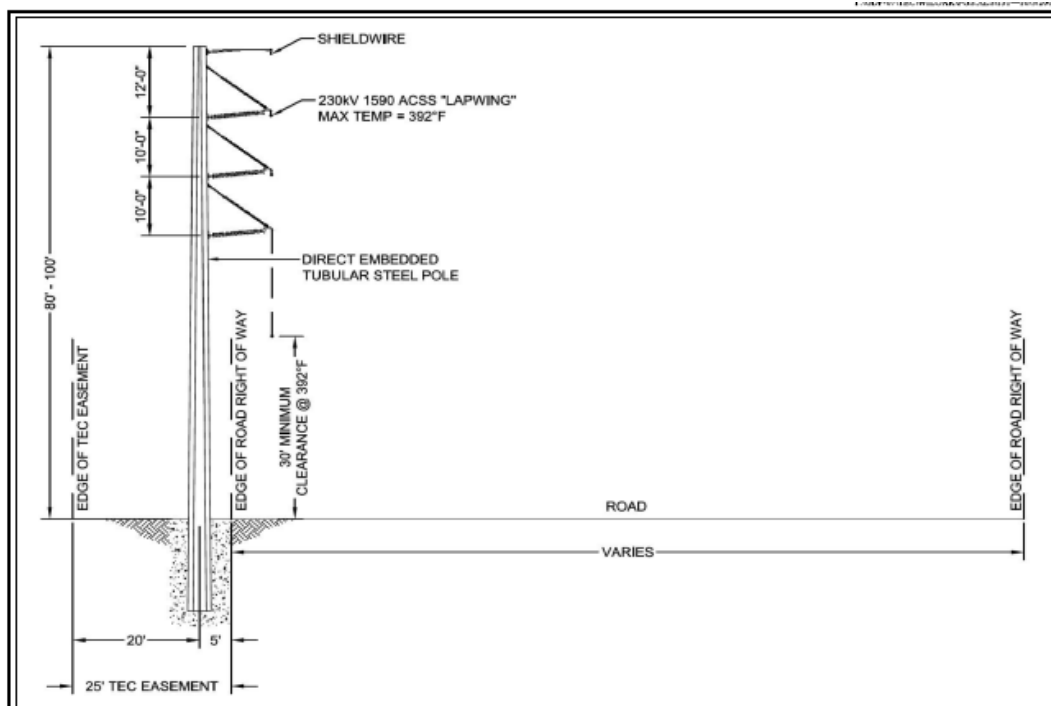


Figure 5: Typical 230-kV Single-circuit roadside cross section with 69-kV underbuild

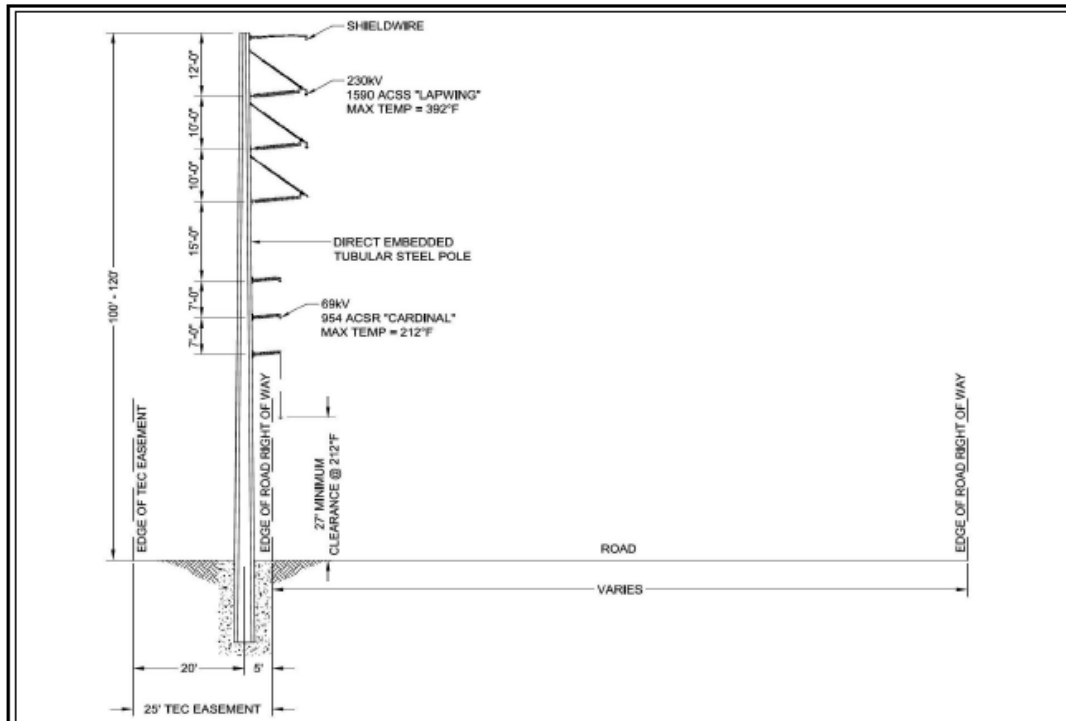


Figure 6: Typical 230-kV Single-circuit roadside cross section with 69-kV underbuild and distribution underbuild

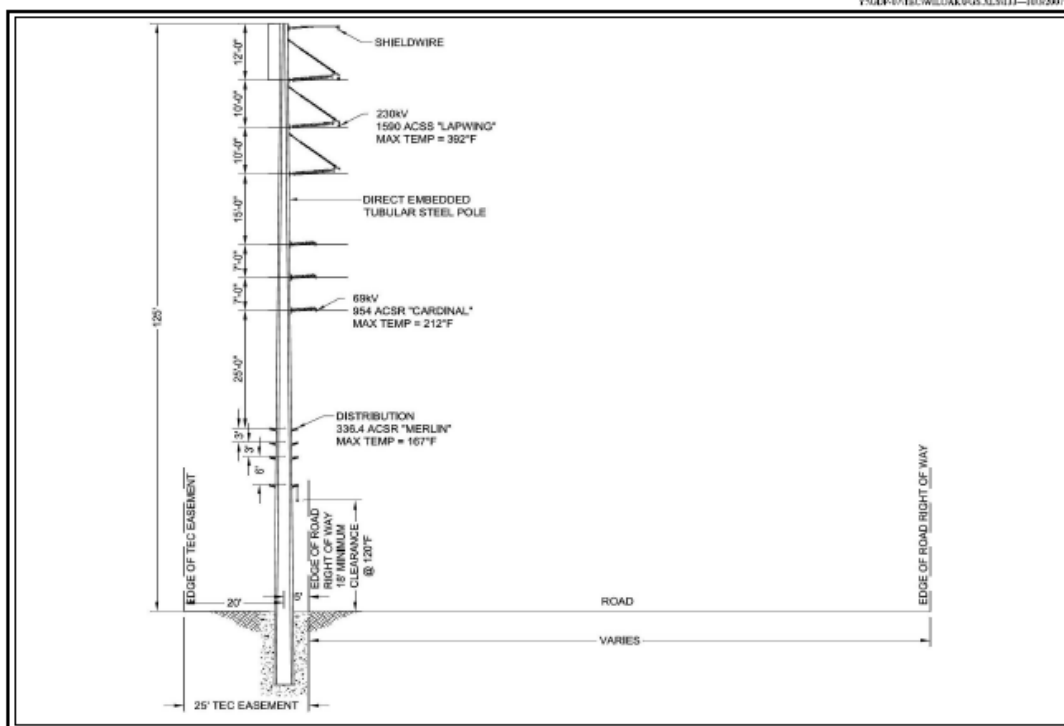


Figure 7: special 230-kV Single-circuit roadside cross section (South Lakeland Airport)

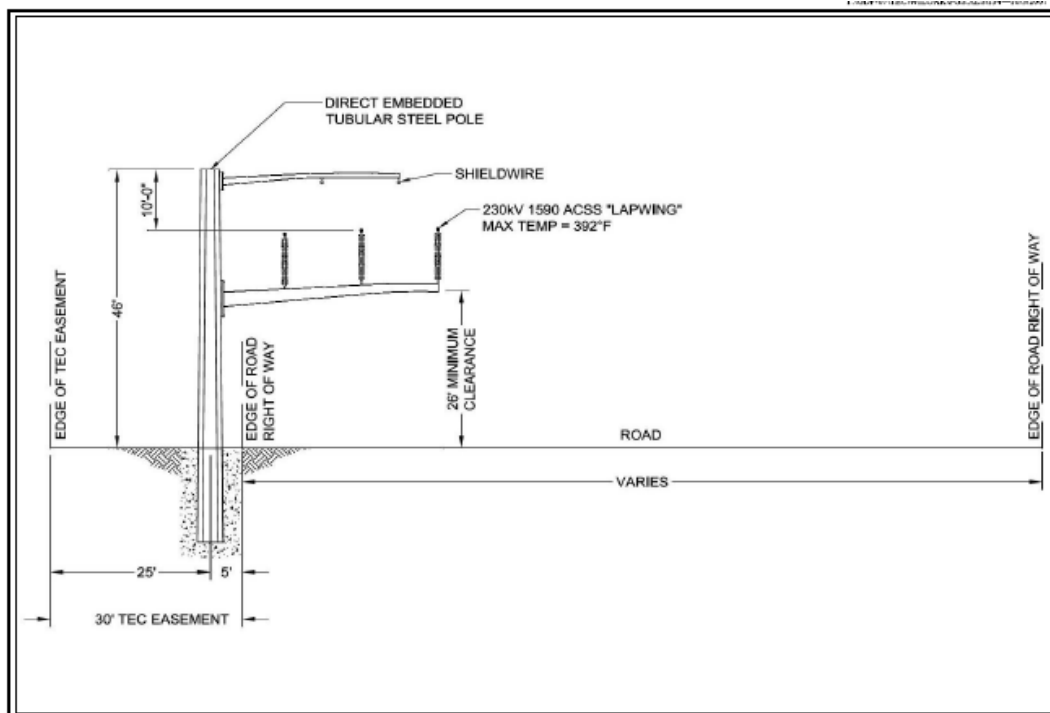
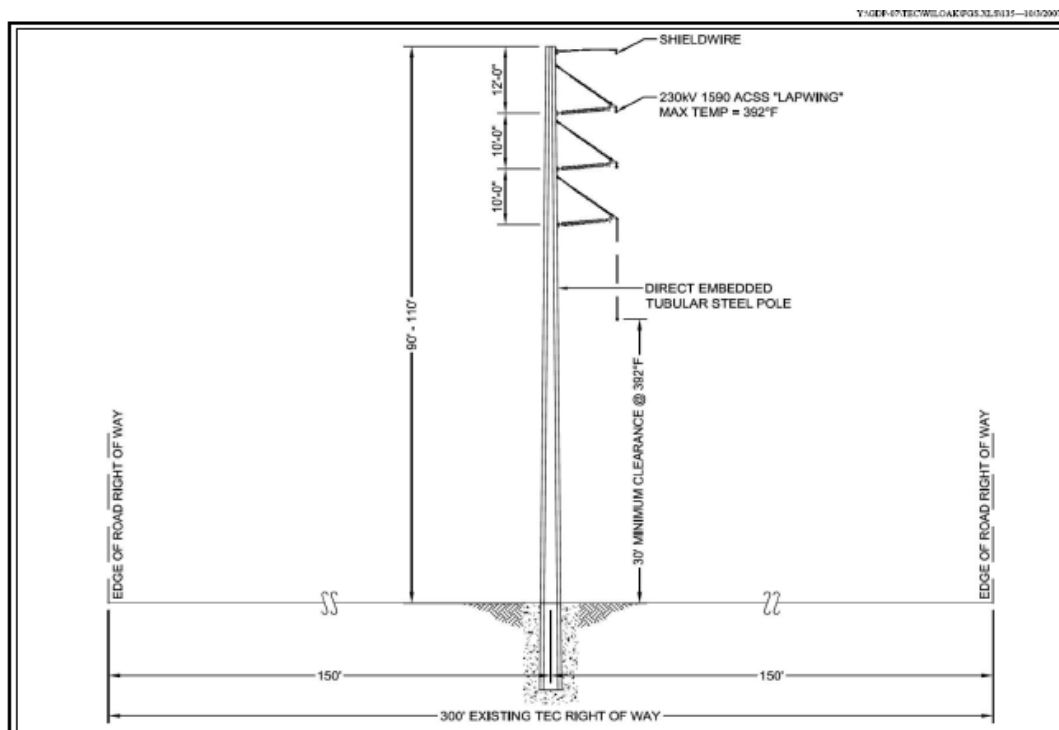


Figure 8: Typical 230-kV Single-circuit existing Tampa Electric right-of-way cross-section



B. Transmission Line Certification Process

The transmission line certification process includes the reviews and recommendations of the reviewing agencies whose jurisdiction is impacted by the proposed corridor. The filing of a complete application triggers an assessment process of environmental, socioeconomic, cultural and (potentially) land-use impacts resulting from the location of the proposed corridor, construction of the transmission line and maintenance of the transmission line and its associated right-of-way (ROW). The transmission line certification process does not assess impact on private property rights nor issues related to the possible condemnation or other takings of private lands. The Florida Public Service Commission determines the “need” for the proposed transmission line pursuant to §403.537, F.S.

The reviewing agencies submit to the DEP assessment reports including recommendations and potential conditions of certification based on their areas of jurisdiction. DEP incorporates these agency reports into a compilation as part of its report. The DEP report is guided by Rule 62-17 Part II Transmission Line Siting. The analysis performed by DEP may include the consideration of the following criteria in regards to corridor location impacts; transmission line construction impacts; electric and magnetic field effects; right-of-way and access road maintenance impacts; mitigation measures; potential impacts of transmission line crossings on navigable waters, and submerged lands or wetlands; potential impact on water quality and quantity, including hydrology and surface drainage resulting from construction, clearing, and maintenance; potential impact on terrestrial and aquatic plant and animal life, including endangered or threatened species; commensurate with the level of detail of information provided in the application, a final or preliminary identification 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 right-of-way has been defined]. If site specific dredging and filling information has not been provided for all locations in the corridor at the time of application filing the DEP may address an analysis of areas in which the right-of-way, if located, would cause the transmission line not to be certifiable. 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 impact as provided for in s.403.919, F.S., and therefore it would be appropriate for this particular location to be excluded from the certified corridor; and 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.

DEP’s analysis may include a review of areas where construction techniques and potential right-of-way locations may exist which 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 property to verify conditions deduced from aerial photography or other remote means.

A recommendation for certification may be made conditional as to location or as to specific construction techniques or as to provision of additional information to be submitted after certification. Post Certification Review (PCR) of a certified corridor can be a direct result of the uncertainty produced by not knowing the exact location of the final right-of-way within a 2600-foot wide corridor. Many site specific details and site-specific construction and maintenance impacts can not be known until the ROW is selected by the Licensee. In PCR, verification occurs that allows sensitive areas to be avoided, that location and construction of the ROW and the transmission line will have minimal adverse impacts, and that substantive agency regulations are complied with. PCR can apply to endangered species monitoring, wetland impact minimization, wetland mitigation requirements, archaeological assessments, road-crossing limitations, and so on. The procedures and timeframes for PCR conditions of certification are formalized in Florida Administrative Code Rule 62-17.665. DEP or other agencies may request the Siting Board to approve such PCR conditions with respect to the Willow Oak transmission line.

Where the proposed agency conditions of certification are nearly identical in substance, those conditions have been combined where possible to reduce confusion or conflicts. The Conditions of Certification can be found in Appendix I.

II. Agency Reports

The complete text of the following agency reports can be found in Appendix II.

A. Public Service Commission

A Determination of Need for this transmission line was issued by the Florida Public Service Commission (PSC) pursuant to §403.537, F.S., on June 21, 2007. The PSC in Docket No. 070193-EI found that “Tampa Electric Company (TECO) has demonstrated the need for the Willow Oak-Davis 230kV Transmission Line Project in Polk and Hillsborough Counties by March 2012 to: (a) provide additional transmission reinforcement to the existing 230kV transmission network north of State Road 60, west of Willow Oak substation and to the east of the existing River Substation in a reliable manner consistent with the North American Electric Reliability Council (NERC) and the Florida Reliability Coordinating Council (FRCC) and other applicable standards; (b) serve the increasing load and customer base in the projected service area; and (c) provide for another electrical feed via a separate right-of-way (ROW) path, thereby reducing the impact of a loss of the existing transmission facilities on a common ROW.

TECO evaluated three alternatives to the proposed Willow Oak-Davis Project. All three alternatives were transmission modifications to the proposed ROW that used a portion of or the entire existing common ROW. TECO rejected the alternatives primarily due to economics and reliability concerns. The estimated capital cost of the Willow Oak-Davis Project is \$72.2 million excluding right-of-way, and TECO estimates that the project

will reduce transmission losses by approximately 4 MW. The cost benefits and the reliability benefits of the project will be enhanced by the construction of the project in a geographically separate ROW. While the final cost of the project is subject to the final routing and conditions of certification required by the Transmission Line Siting Board, we find that the estimated cost of the project is reasonable, and we find that the transmission line will assure the economic well-being of the citizens of the state by serving projected new electric load in the region, and improving the region's electric reliability by minimizing exposure to single contingency events. ”

The Public Service Commission Final Order Determining Need for the Transmission Line is attached in Appendix II-A.

B. Department of Environmental Protection

The Department has concluded that the proposed corridor can be certified so long as the Conditions of Certification are met and, once the ROW is determined, TECo then supplies the information necessary to meet the informational requirements for an ERP permit as part of post-certification review. An Electric Magnetic Field (EMF) report was submitted with the application and found to be in compliance with DEP Rule 62.814.

	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
Segment 1	2.4 kv/m	8 kv/m	0.6 kv/m	2.00 kv/m	134.8 mG	150 mG
Segment 2	1.1 kv/m	8 kv/m	0.4 kv/m	2.00 kv/m	146.1 mG	150 mG
Segment 3	0.3 kv/m	8 kv/m	0.1 kv/m	2.00 kv/m	117.2 mG	150 mG
Segment 4	2.9 kv/m	8 kv/m	1.1 kv/m	2.00 kv/m	133.3 mG	150 mG
Segment 5	2.4 kv/m	8 kv/m	0.1 kv/m	2.00 kv/m	13.6 mG	150 mG

The Departments' agency comments are included in Appendix II-B.

C. Department of Transportation

The Department of Transportation (DOT) recommended certification of the proposed transmission line contingent upon TECO complying with the DOT's recommended conditions of certification contained in Section VI of their report (see Appendix II-C). DOT's recommended conditions are included in Appendix I.

D. Department of Community Affairs

The Department of Environmental Protection has not, as of the date of this report, received an agency report from the Department of Community Affairs.

E. Florida Fish and Wildlife Commission

The Florida Fish and Wildlife Commission (FFWC) have indicated their approval of the project and a willingness to work with the applicant in minimizing impacts to wildlife

species. In addition to the proposed conditions of certification which are included in Appendix I, the FFWC recommends the following to avoid and/or minimize impacts to listed species in the corridor;

1. Follow existing roads such as agricultural roads.
2. Incorporate pervious low-water crossings at wetland and transmission line access road interfaces. Low-water crossings provide a larger surface area for wetland-dependent wildlife species to cross compared to a road with a narrow culvert (such as TECo has created in northeast Florida).
3. Where avoidance is impractical, that land-clearing and construction activities be conducted outside of nesting and breeding season in areas where there is potential breeding habitat for listed species observed within the ROW.
4. That vegetation is left undisturbed where practical to prevent fragmentation of habitats and allow movement of wildlife through the corridor and ROW footprint.

Their Agency report is included in Appendix II-D.

F. South West Florida Water Management District

Under the current operating agreement between the District and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing District substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way location for the proposed transmission line will not be determined until after a corridor is certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired right-of-way is determined. This allows for District verification of compliance with the substantive conditions set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the District's ERP Information Manual, and Chapter 40D-9, F.A.C., relating to District lands. Staff recommends approval of the proposed transmission line corridor, subject to the recommended conditions of certification attached and recommends forwarding of this Agency Report (see Appendix II-E) to the DEP for inclusion in its project analysis and proposed conditions of certification.

The SWFWMD proposed conditions of certification are included in Appendix I.

G. Tampa Bay Regional Planning Council

The preferred corridor crosses a number of vegetative communities identified as Natural Resources of Regional Significance in the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*. If the transmission line is constructed within or immediately adjacent to existing roads and other linear facilities or across farm fields, impact to regionally-significant natural resources will be minimized.

The Tampa Bay Regional Planning Council (TBRPC) recommends certification of

the proposed Willow Oak 230 kV Transmission Line Project. This recommendation is made contingent upon TECO complying with the conditions submitted in their report (see Appendix II-F). Tampa Bay Regional Planning Council conditions are included in Appendix I.

H. Central Florida Regional Planning Council

The Department of Environmental Protection has not, as of the date of this report, received an agency report from the Central Florida Regional Planning Council.

I. Hillsborough County

Hillsborough County (the "County") hereby recommends the approval of the proposed transmission line corridor for Tampa Electric Company's Willow Oak-Wheeler-Davis transmission line as well as the subsequent construction of the aforesaid transmission line subject to the conditions set forth in this Final Agency Report being addressed and/or met.

Their agency report is included in Appendix II-G. Hillsborough County conditions are included in Appendix I.

J. Hillsborough County Environmental Protection Commission

The Environmental Protection Commission (EPC) has no objections to the certification of the Willow Oak-Wheeler-Davis 230-kV Transportation Line Project, contingent upon satisfaction of the proposed conditions of certification. The EPC's agency report is included in Appendix II-H. The proposed conditions for EPC are located in Appendix I.

K. City of Temple Terrace

The City of Temple Terrace recommended certification of the proposed transmission line contingent upon conditions set forth in their agency report. The City would like TECo to grant an easement to the City for the purpose of conducting the same recreational uses currently ongoing at the Youth Sports Complex, near U.S. Highway 301, on any portion of TECO's future right-of way that would interfere with the City's current recreational uses at the Sports Complex, or that TECo otherwise agree that it will not materially limit or alter, in intensity or location, the City's current recreational uses at the Youth Sports Complex.

Their agency report is included in Appendix II-I. The City's proposed conditions of certification are located in Appendix I.

L. Polk County

The Department of Environmental Protection has not, as of the date of this report, received an agency report from Polk County.

M. Department of State

The Department of State, Division of Historical Resources, submitted a letter on December 3, 2007 indicating that a cultural survey would be required prior to construction. Their letter is included in Appendix II-J. The draft Conditions of Certification are in Appendix I.

N. Public Comments

The following table shows receipt and response dates of public comments received. Comments are attached as Appendix II-K.

Name	Receipt Date	Response Date	Summary
Bill Burnette, Jr. Feed Depot of Brandon Inc.	10/30/07	10/30/07	Concerned of how the preferred corridor will affect his retail business and property values.
Terry Flott Seffner Community Alliance. Inc.	11/11/07	11/13/07	Concerned about the impact the preferred corridor will have on his community. Wanted to know process and availability of opportunities to present his concerns.
Ferdinand Ramos- Faure	12/14/07	12/17/07	Interested in participating in the transmission line siting process as the outcome of the project may affect his residential area.
Jodie Bellis	1/2/08	1/2/08	Deeply concerned about property values and the health of their children being exposed to the electric energy field generated by high tension power lines.
Derek Whitman	1/11/08	1/14/08	Concerned about the location of the preferred corridor and the impact it may have on his community.
Jennifer Sartori	1/29/08	1/29/08	Concerned about the location of the preferred corridor and the impact it may have on her community.

III. Conclusions and Recommendations

Following is a table that shows the recommendations of approval or denial from each of the affected agencies.

AGENCY	APPROVAL	DENIAL
DEP	√	
DOT	√	
FWCC	√	
DCA	----	----
SWFWMD	√	
TBRPC	√	
CFRPC	---	----
Hillsborough County	√	
City of Temple Terrace	√	
Hillsborough County EPC	√	
Polk County	----	----
DOS – Historical Resources	√	

Based on the recommendations of the agencies with jurisdiction over the Willow Oak 230 kV electrical transmission line, the Department of Environmental Protection concludes that the transmission line corridor filed by TECo is proper for certification and can be constructed and operated in compliance with the nonprocedural requirements of the reviewing agencies. The Department recommends that the Willow Oak 230 kV electrical transmission line be certified subject to Transmission Line Siting Act and the conditions listed in Appendix I.

DONE AND ISSUED this 4th day of February 2008, at Tallahassee



Michael P. Halpin, P.E.
Administrator, Siting Coordination

Appendix I: Conditions of Certification

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



WILLOW OAK-WHEELER-DAVIS 230-kV TRANSMISSION LINE
TAMPA ELECTRIC COMPANY

CONDITIONS OF CERTIFICATION

Certified XX/XX/XX

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I. CERTIFICATION CONTROL

A. Under the control of these Conditions of Certification, Tampa Electric Company (TECO) will construct and operate a 230-kilovolt (kV) transmission line consisting of an approximately 30 mile transmission line connecting a substation (Willow Oak) west of Mulberry in Polk County to the Tampa Electric Davis substation located in Temple Terrace, Hillsborough County. The line will also connect with the intermediate and existing Tampa Electric Wheeler substation located along Wheeler Road northeast of Brandon in Hillsborough County.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon TECO and shall apply to the construction, operation and maintenance of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

I. Citation: Section 403.531, F.S. (2006).

II. APPLICABLE RULES

The construction and operation of the certified transmission line shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification: Chapter 403 (Environmental Control), Florida Statutes (F.S.), and Chapters 40D-4 (Individual Environmental Resource Permits), 40D-9 (District Land Use Rules), 62-4 (Permits), 62-17 Part II (Transmission Line Siting Act), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-343 (Environmental Resource Permit Procedures), 62-345 (Uniform Mitigation Assessment Method) and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

II. Citation: Section 403.531, F.S. (2006).

III. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, 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 determined by the Department. In addition, the following shall apply:

- A. "Application" shall mean the Application for Corridor Certification for the Tampa Electric Company Willow Oak-Wheeler-Davis transmission line.
- B. "Complete" shall mean the post-certification filing provides the data required by the relevant Condition of Certification.
- C. "DCA" shall mean the Florida Department of Community Affairs.
- D. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.
- E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
- F. "DOT" shall mean the Florida Department of Transportation.
- G. "EPC" shall mean the Hillsborough County Environmental Protection Commission.
- H. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement transmission line components or access facilities.
- I. "Facility" or "Project" shall mean the Willow Oak-Wheeler-Davis 230-kV electrical "transmission line" as defined in Section 403.522(21), F.S.
- J. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- K. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.
- L. "Licensee" shall mean TECO, which has obtained a certification order for the subject electrical transmission line.
- M. "Listed species" shall mean the species listed in Table 2.3-3 or Table 2.3-2 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. "Post-certification submittal" shall mean a submittal made by TECO pursuant to a Condition of Certification.

O. "ROW" shall mean the transmission line right-of-way to be selected by TECO within the certified corridor in accordance with the Conditions of Certification.

P. "SWFWMD" shall mean the Southwest Florida Water Management District.

Q. "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., as revised December 7, 2006.

R. "TECO" shall mean Tampa Electric Company, the Applicant/Licensee.

S. "Transmission line" shall mean the Tampa Electric Company Willow Oak-Wheeler-Davis 230-kV transmission line.

T. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

III. Citation: Section 403.531, F.S. (2006).

IV. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the range described in the Application and explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.5315, Florida Statutes, and Rule 62-17.680, F.A.C., is binding upon TECO in the design, construction, operation and maintenance of the certified transmission line. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

IV. Citation: Section 403.531, F.S. (2006).

V. RIGHT OF ENTRY/MONITORING

A. Upon presentation of credentials or other documents as may be required by law, TECO shall allow authorized representatives of DEP or other agencies with jurisdiction over a portion of the ROW:

1. At reasonable times, to enter upon the ROW in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or
2. During business hours, to enter TECO'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 DEP, on its own behalf or on behalf of another agency with regulatory jurisdiction, TECO shall within 10 working days or such longer period as may be mutually agreed upon by DEP and the Licensee furnish any information required by law, which is needed to determine compliance with the certification. If TECO becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be corrected promptly.

V. Citation: Section 403.531, F.S. (2006).

VI. EMERGENCY REPORTING

Replacement of ROW access roads or transmission lines constructed under this certification necessitated by emergency conditions shall not be considered a modification pursuant to Section 403.5315, F.S. (2006). An oral report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency, which would require TECO to perform an activity not in accordance with the Conditions of Certification, a report to DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

VI. Citation: Section 403.531, F.S. (2006).

VII. CERTIFIED CORRIDOR

The certified corridor is attached hereto in Attachment 1.

VII. Citation: Section 403.531, F.S. (2006).

VIII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by TECO are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the ROW and the construction and maintenance of the transmission line. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without any further agency action.

B. Filings

All post-certification submittals of information by TECO are to be filed with the DEP Siting Coordination Office, the DEP Southwest District Office, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5317, 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 promptly 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 right-of-way affected, and shall not delay further processing of the post-certification submittal for non-affected areas. TECO may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. TECO may continue to supplement the submittal with additional information through the 25th day.

If any portion of a post-certification submittal is found to be incomplete, TECO shall be so notified. 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, which 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 reasonable assurance of compliance with the Conditions of Certification has been provided. Failure of DEP to conduct an interagency meeting or 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, TECO shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Reasonable Assurances of Compliance

DEP shall give written within no more than 90 days, to TECO and the other agency(ies) to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, TECO shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify TECO in writing within 90 days of receipt of a complete post-certification submittal shall constitute a compliance determination.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, TECO may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

G. Water Quality Certification

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter in accordance with DEP Rule 62-17.665(7)(f), F.A.C. This letter shall be sent concurrently with a determination of compliance pursuant to paragraph E. above, or immediately upon request by TECO more than 90 days after the filing of a complete post-certification submittal addressing matters within DEP's environmental resource permitting jurisdiction.

H. Coastal Zone Consistency

Pursuant to Section 380.23, F.S., DEP's letter to the USCOE under paragraph G above constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

I. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to DEP, for its review, any proposed revisions to the project's site specific design that were previously reviewed for compliance with these Conditions during the post-certification review process. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

J. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and TECO may jointly

agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

K. Disputes

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

VIII. Citations: Sections 403.531, 403.5317, 373.413, 373.416, 120.569, and 380.23, F.S. (2006); Rules 62-17.600, 62-17.665, and 40D-4.101, F.A.C.

IX. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and TECO regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. TECO or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

IX. Citations: Sections 403.5317, 403.531, and 120.57, F.S. (2006).

X. 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 or such provision to other circumstances shall not be affected thereby.

X. Citation: Section 403.531, F.S. (2006).

XI. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, and 403.533, F.S. Any noncompliance by TECO with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement

action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will 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 this certified transmission line which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

XI. Citations: Section 403.141, 403.161 and 403.533, F.S. (2006).

XII. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.532, Florida Statutes.

XII. Citation: Section 403.532, F.S. (2006).

XIII. PROPERTY RIGHTS

Except as provided in Section 403.531(3)(b), F.S., the issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The Licensee shall obtain title, lease, easement, or right of use from the State of Florida to any sovereignty submerged or other state-owned lands occupied by the right-of-way for the transmission line. Section 403.531(3)(b), F.S., provides that, on certification, any license, easement, or other interest in state lands, except those the title of which is vested in the Board of Trustees of the Internal Improvement Trust Fund, shall be issued by the appropriate agency as a ministerial act.

XIII. Citation: Section 403.531, F.S. (2006).

XIV. PROCEDURAL RIGHTS

No term or Condition of Certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

XIV. Citation: Chapter 120, F.S. (2006).

XV. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.5315(1), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.680, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification, after notice and receipt of no objection by a party or other substantially affected person. In addition, the Secretary of the Department is delegated the authority to modify conditions as follows:

1. The Secretary of the Department may modify any condition of this certification after notice and opportunity for hearing.
2. The Secretary of the Department may grant modifications necessary to meet licensing conditions or requirements imposed on TECO by any federal regulatory agency. TECO shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies TECO.
3. The Secretary of the Department may authorize the reconstruction of the ROW or transmission line necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement of a transmission line pursuant to Rule 62-17.695, F.A.C., is not required or when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

B. DEP shall give written notice to the parties to the original certification, at their last address of record, of any requests for modification filed by TECO.

XV. Citations: Sections 120.569(2)(n) and 403.5315, F.S. (2006); Rules 62-17.680 and 62-17.695, F.A.C.

XVI. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these conditions at the following addresses, unless TECO and DEP 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 48
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Florida Department of Environmental Protection
Southwest District Office

13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Community Affairs
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 32399-1600

Central Florida Regional Planning Council
Office of the Executive Director
555 East Church Street
Bartow, FL 33830-3931

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, FL 34604-6899

Florida Department of Transportation
Director of Planning and Production, District 1
P. O. Box 1249
Bartow, FL 33831-1249

Hillsborough County Environmental Protection Commission
3629 Queen Palm Dr.
Tampa, FL 33619

Hillsborough County Planning Department
601 E. Kennedy Boulevard, 27th Floor
Tampa, FL 33601

Copy: Office of the County Attorney
Hillsborough County
601 E. Kennedy Boulevard, 27th Floor
Tampa, FL 33601

Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd.
Ste. 100
Pinellas Park, FL 33782

Polk County Attorney Office
330 W Church St
Bartow, FL 33830

City of Temple Terrace
c/o Shumaker, Loop & Kendrick, LLP
Bank of America Building, Suite 2800
101 E. Kennedy Boulevard
Tampa, FL. 33602

U.S. Fish and Wildlife Services
1339 20th Street
Vero Beach, FL 32960

XVI. Citation: Section 403.531, F.S. (2006).

XVII. TRANSFER OF CERTIFICATION

This certification is transferable, upon Department approval, to an entity determined to be competent to construct, operate and maintain the transmission line in accordance with these Conditions of Certification. A transfer of certification of all or part of a certified facility shall be initiated by the Licensee's filing with the Department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. The provisions of Chapter 120, F.S., will apply to the Department's approval or denial of the transfer.

XVII. Citations: Section 403.531, F.S. (2006); Chapter 120, F.S.; Rules 62-17.211 and 40D-4.351, F.A.C.

XVIII. ROW LOCATION

A. TECO 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, TECO's design shall reflect that new widened right-of-way.

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

XVIII. Citations: Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S. (2006).

XIX. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest District Office, SWFWMD, TBRPC, DOT, DCA, Hillsborough County, Hillsborough County EPC, the City of Temple Terrace and Polk County, delineating the certified corridor, and the selected transmission line ROW. In addition, TECO shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. TECO 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 TECO shall have an opportunity to review the photographs and to notify DEP, within 12 days of TECO'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 TECO's designated ROW cannot be accomplished in compliance with the Conditions of Certification, TECO 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 receipt of TECO's submittal of the aerial photographs to the agencies, TECO 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 TECO's risk, and no party will be stopped 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 TECO has acquired interest in the entire length of the transmission line ROW, TECO 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. TECO 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, TECO shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined TECO will submit information that is consistent with information typically submitted for County ROW permits.

XIX. Citations: Sections 403.531 and 403.5312, F.S. (2006); Rule 62-17.600(4), F.A.C.

XX. ROW SURVEYS

A. Listed Species

1. *Listed Species Occurring or Potentially Occurring in the Corridor:* State-listed species occurring or potentially occurring within the preferred corridor footprint include but are not limited to the wood stork (*Mycteria americana*), which is listed as endangered; the eastern indigo snake (*Drymarchon corais couperi*), the bald eagle (*Haliaeetus leucocephalus*), Florida sandhill crane (*Grus canadensis pratensis*), and southeastern American kestrel (*Falco sparverius paulus*), all listed as threatened; and the gopher tortoise¹ (*Gopherus polyphemus*), gopher frog (*Rana capito*), Florida burrowing owl (*Athene cunicularia floridana*), limpkin (*Aramus guarauna*), little blue heron (*Egretta caerulea*), roseate spoonbill (*Platalea ajaja*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), white ibis (*Eudocimus albus*), and Sherman's fox squirrel (*Sciurus niger shermani*), all listed as species of special concern.

a. The following National Bald Eagle Management Guidelines will be observed for active bald eagle nests;

- 330 foot buffers around active nests where activity will not be visible.
- 660 foot buffers if activity will be visible to active nests.

2. *Listed Species Survey.* Before land clearing and construction activities within the ROW, where access is available, TECO shall conduct an assessment for listed species in the final right-of-way which will note all habitat, occurrence or evidence of listed species in the right-of-way. Listed species to be included in this survey shall include those listed as endangered, threatened or of special concern by Florida Fish and Wildlife Conservation Commission or those listed as endangered or threatened by U.S. Fish and Wildlife Service.

¹ please note that gopher tortoise may be uplisted to threatened from species of special concern.

a. This survey shall be conducted in accordance with USFWS/FFWCC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for listed species

b. This survey shall identify any wading bird colonies within one-half mile of the project ROW that may be affected.

c. This survey shall identify locations of breeding locations, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with 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 a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, and be physically marked so that clearing and construction will avoid impacting them.

d. This survey shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) of each community that is contained within the final ROW prior to land clearing and construction activities using GIS.

3. *Listed Species Locations*: Where any suitable habitat and evidence is found of the presence of listed species along the ROW, TECO will report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required, they shall be timed to be reasonably compatible with the construction schedule, considering the in-service date specified in the Public Service Commission's need determination. TECO will not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

a. *Listed Wildlife Species*: If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the DEP Southwest District Office, the FFWCC's Office of Policy and Stakeholder Coordination, the SWFWMD, Polk County, Hillsborough County and U.S. Fish and Wildlife Service.

b. *Listed Vegetation Species*: If listed vegetation species are found on public land or water, their presence shall be reported to the DEP Siting Coordination Office and the Florida Department of Agriculture and Consumer Services. Listed wildlife species and listed vegetation species on public land or water shall not be disturbed, if practicable. If avoidance is not practicable, TECO shall consult with DEP, FFWCC, and, if necessary, the U. S. Fish and Wildlife Service for listed wildlife species, and with the Florida Department of Agriculture and Consumer Services for listed

vegetation species on public land or water, to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to DEP, FFWCC and Hillsborough and Polk Counties.

B. Archaeological Survey

After the ROW has been selected, TECo shall conduct a survey of archaeological sensitive areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR) and Hillsborough County, where they are crossed by the ROW. This report shall be submitted to DHR and Hillsborough County. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. For any other significant site, TECo shall consult with DHR and Hillsborough County to determine appropriate action. If avoidance is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR and/or Hillsborough County, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, TECo shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850)245-6333.

XX. Citations: Sections 267.061 and 403.531, and Chapter 372, F.S. (2006); Hillsborough County Land Development Code, Part 3.03, et.seq.

XXI. ACTIVITIES IN WETLANDS

A. Informational Submittals for Activities Within Wetlands or Other Surface Waters

1. A minimum of 90 days prior to the commencement of construction, provide all information necessary for a complete Environmental Resource Permit application to the Department, SWFWMD and Hillsborough County Environmental Protection Commission including the engineering drawings and supporting documentation necessary to demonstrate that any temporary or permanent impacts to wetlands will be avoided or mitigated for. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida.

2. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.

3. The Department shall notify the licensee in writing that the information is complete upon review of all requested information and the correction of any errors or omissions. Construction shall not begin until the Department has provided written notification of approval of the project including the wetland mitigation plan as applicable. Such approval or denial shall be provided within 30 days following completeness of the information.

4. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above.

5. A minimum of 90 days prior to the commencement of construction, clearly delineate the location of the existing wetlands and surface waters within the preferred corridor on aerial photographs and flag the wetland jurisdictional line for field verification. Include the types of wetlands and surface waters using FLUCCS codes.

6. A minimum of 90 days prior to the commencement of construction, provide reasonable assurance that impacts to wetlands and surface waters have been avoided or minimized. If impacts are unavoidable, a UMAM form must be completed and a mitigation plan must be proposed by the applicant that will offset all wetland or surface water impacts associated with the project.

7. If wetland or surface water impacts are proposed, prior to construction, provide an aerial survey that clearly shows the impact areas. The survey should include the square footage of impacts, identification of the types of wetlands and surface waters to be impacted using FLUCCS codes, and whether the impacts will be temporary or permanent.

8. A minimum of 90 days prior to the commencement of construction, provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands or within an aquatic preserve then the project must comply with Chapter 18-20 and 18-21 F.A.C. and Chapter 253 and 258 Florida Statutes (F.S.) and section G of the Joint Application for Environmental

Resource Permits must be completed and submitted to the Department prior to construction.

9. A minimum of 90 days prior to the commencement of construction please provide reasonable assurance that the construction of the transmission line is not contrary to the public interest. Or, if this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest.

XXI.A. Citations: Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S. (2006); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 62-17.665(7)(d), F.A.C.; and Chapter 62-340-345, F.A.C.; Chapters 3.1.1, 3.2.1.1, 3.2.4.1, 3.3.3.1, and 3.3.3.2 of the South West Florida Water Management District (SWFWMD) Basis of Review (B.O.R.)

B. Consultation with Wetland Agencies

At the request of TECO, DEP Siting Coordination Office may conduct an interagency meeting for TECO to consult with the wetlands resource permitting staffs of DEP, SWFWMD, Hillsborough Environmental Protection Commission, and the FWC's staff, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, TECO shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

XXI.B. Citation: Section 403.523, F.S. (2006).

C. Reduction and Elimination of Impacts

1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, TECO shall utilize adjacent existing TECO access roads and public roads for access to the transmission line ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing TECO access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the extent practicable. TECO shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, TECO shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the certified corridor except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of

SWFWMD's Environmental Resource Permitting Information Manual. The length of the span between transmission line structures shall be varied as appropriate and other design changes, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

d. To the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

e. In the event temporary fill is used to facilitate construction of the transmission line, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

2. Wetland Clearing

a. TECO shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office in the post-certification review process. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 31 feet on each side of the outer conductors and in the structure pad areas (approximately 60 feet by 50 feet). Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas, beyond 31 feet on either side of the outer conductors and the structure pads, shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors and in the structure pad may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the area beyond 20 feet on either side of the outer conductors shall be left in place to preserve the root mat.

XXI.C. Citations: Sections 373.414 and 373.416, F.S. (2006); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.

XXII. MITIGATION

A. Mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

1. All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and
2. The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and
3. Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and
4. Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and
5. The proposed construction and clearing shall not adversely affect threatened and endangered species; and
6. The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.
7. Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.
8. Clearing or fill must not occur within 550 feet from the shoreline of a named water body designated as an Outstanding Florida Water.

B. If the project does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, TECO shall propose a mitigation plan as a post-certification

submittal under Condition VIII. The following information shall be provided to the DEP Southwest District Environmental Resource Permitting Section for review and to Hillsborough County Environmental Protection Commission, for portions of the line located in Hillsborough County, for informational purposes:

1. detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;
2. acreage of the type and quality of wetland being impacted at each such site;
3. narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;
4. detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;
5. acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;
6. if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and
7. an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.
8. To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

C. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with TECO in the development of acceptable mitigation plans. The mitigation plans proposed by TECO shall be submitted for review and compliance monitoring to DEP under Condition VIII.

D. If DEP, upon review of the proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from this project, TECO may propose additional or alternative mitigation or dispute the determination pursuant to Condition IX.

E. If the proposed mitigation plan is deemed acceptable by DEP and does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions as an Attachment.

F. No construction within wetlands subject to the regulatory jurisdiction of DEP that does not comply with the non-procedural limitations of Rule 62-341.620(2)(b)-(i), F.A.C., or paragraph A above, shall commence until DEP approves a mitigation plan, and, if a bank is not used, mitigation construction conditions, success criteria and a monitoring plan are incorporated into the certification conditions.

G. TECO shall be deemed to have met the requirements of this condition if TECO satisfies the criteria of either Section 3.3 or Appendix 4(3) of the Basis of Review for Environmental Resource Permit Applications (February 2007), and Chapter 62-345, F.A.C., if applicable.

XXII. Citations: Sections 373.414, 403.531, and 403.814(6), F.S. (2006); Rules 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and Chapter 62-345, F.A.C.

XXIII. DRAINAGE AND EROSION CONTROL

A. Maintenance of Drainage/Hydroperiod

1. TECO shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the transmission line ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude TECO from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. TECO shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, including but not limited to Section 4.4.

XXIII.A. Citations: Sections 373.416 and 403.531, F.S. (2006); Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.

B. Erosion/Runoff Control

1. TECO shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. Grass seed and mulch or sod must be installed and maintained on exposed slopes prior to finalization of construction, and at all times measures must be taken to prevent erosion, sedimentation or turbid discharges into wetlands and or waters of the state, where the soils have been disturbed during construction.

3. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings, and must be maintained in effective condition at all locations where sediment has the potential to reach nearby wetlands until construction in the area is completed and disturbed soil areas are stabilized. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. TECO shall comply with the applicable nonprocedural requirements in Rule 40D-4, F.A.C.

4. TECO shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C., by taking appropriate measures to stabilize affected areas.

XXIII.B. Citations: Section 403.531, F.S. (2006); Rules 40D-4.381, and 62-296.320, F.A.C.; Hillsborough County, Chapter 10, Article VI.

XXIV. CONSTRUCTION PRACTICES

A. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., TECO shall seek approval from the DEP Southwest District Office whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by TECO relating to open burning in Hillsborough County shall be sent to Hillsborough County EPC for informational purposes.

XXIV.A. Citations: Section 403.531, F. S. (2006); Chapters 5I-2 and 62-256, F.A.C.

B. Noise

Reasonable precautions shall be taken to abate the noise from construction activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities may be subject to the EPC noise Rule.

XXIV.B. Citations: Chapter 1-10, Rules of the Hillsborough County Environmental Protection Commission.

C. Unconfined Particulate Matter Emissions

1. The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c)Florida Administrative Code (F.A.C.).

2. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:

- i) Speed limit of 10 miles per hour shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.
- ii) Curtail operations during high wind conditions, if necessary.
- iii) Application of water or other dust suppressants to control emissions from such activities as land clearing, grading roads, spreading of excess soils on right-of-ways, and construction.
- iv) Application of water or other dust suppressants to unpaved roads, open stock piles, excess soils spread on right-of-ways, and similar activities.
- v) Seeding and mulching access road surfaces as shown in Figure 1.3-11 of this project's TLSA application (October 2007).

3. For activities in Hillsborough County these rules are governed and enforced by the EPC of Hillsborough County.

XXIV.C. Citations: Chapter 62-296.320(4)(c)F.A.C.

D. Historic Solid Waste Disposal Areas/Old Landfills

1. Construction on or development of a historic solid waste disposal area/old landfill shall require the specific written approval of the Director of the EPC. During the development/construction planning phase(s) associated with the project, the applicant is encouraged to review the EPC's old landfill database in order to determine the locations of all old landfills that may impact or be impacted by the proposed development and construction activities.

2. In accordance with the provisions of Chapter 1-7, Rules of the EPC, a Director's Authorization will be required for the disturbance and/or impact to any old landfill site.

XXIV.D. Citations: Chapter 1-7, Rules of the Hillsborough County Environmental Protection Commission.

E. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the non-procedural requirements of applicable regulations of Chapter 62-701, F.A.C.

XXIV.E. Citations: Section 403.531, F.S. (2006); Chapter 62-701, F.A.C.

F. Hazardous Substances and Spills

1. If hazardous substances are used in the construction or maintenance of the transmission line, TECO shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or water bodies.

2. Fuel and other petroleum product spills that enter stormwater drains or water bodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to Water Resources (ph: 941.861.5000; fax: 941.861.0986). Smaller ground surface spills shall be cleaned up as soon as practical.

XXIV.F. Citations: Sections 403.531 and 403.414, F.S. (2006); Chapter 40D-4, F.A.C.; Hillsborough County Code, Chapter 13, Article VI.

G. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA, enforced by the State of Florida Department of Environmental Protection and delegated to the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. Asbestos survey inspections must be performed by a licensed asbestos consultant. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

XXIV.G. Citations: Chapter 469.003, F.S.

XXV. ELECTRIC AND MAGNETIC FIELD EFFECTS

A. Bee Hives

TECO shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the transmission line on bee hives.

XXV.A. Citation: Section 403.531, F.S. (2006).

B. Radio and Television Interference

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

XXV.B. Citation: Section 403.531, F.S. (2006).

C. Electric and Magnetic Fields

The Willow Oak-Wheeler-Davis 230-kV transmission line shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

XXV.C. Citations: Section 403.523(10), F.S. (2006); Chapter 62-814, F.A.C.

XXVI. HERBICIDES

Herbicides applied in the ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used in the ROW unless effects on non-targeted vegetation are minimized.

XXVI. Citations: Sections 403.061, 403.088, 487.031 and 487.041, F.S. (2006).

XXVII. OPERATION AND MAINTENANCE OF FACILITIES

TECO shall properly operate and maintain the transmission line to achieve compliance with the Conditions of Certification.

XXVII. Citation: Section 403.531, F.S. (2006).

XXVIII.SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)

A. TECO shall provide to SWFWMD a copy of all post-certification filings for finalization of the right-of-way location and the construction and operation of the transmission line facilities including any access roads or surface water management system facilities.

B. A copy of the aerial photographs provided to DEP to show the boundaries of the acquired right-of-way will also be provided to SWFWMD. SWFWMD shall have an opportunity to review the photographs and notify DEP of any apparent conflicts with the requirements of the Conditions of Certification.

C. TECO shall provide reasonable assurance that the construction, operation and maintenance of the proposed facilities, including any access roads and structures constructed within wetlands or other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., TECO shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of floodplain impacts and appropriate floodplain impact compensation to achieve no net loss in floodplain storage capabilities and avoidance of secondary wetland dredging and/or filling impacts.

D. 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.

E. In the event that any portion of the certified corridor or acquired right-of-way is located on lands owned or controlled by SWFWMD, the width of the right-of-way shall be the minimum necessary for construction, operation and maintenance of the transmission line on SWFWMD lands. Any permanent access road constructed by TECO on SWFWMD lands shall be maintained by TECO and available for use by SWFWMD.

F. For any portion of the acquired right-of-way located on SWFWMD lands, TECO shall provide a survey of the right-of-way to be located on SWFWMD lands. The survey shall be prepared using procedures acceptable to the District and signed and sealed by a licensed surveyor pursuant to Chapter 472, F.S.

G. Prior to the commencement of activities on SWFWMD lands, TECO shall submit for review and approval an independent appraisal of the land described by the right-of-way survey. TECO shall compensate SWFWMD for the loss of intended use of the land within any right-of-way located on SWFWMD lands.

H. In the event that TECO seeks to use SWFWMD lands outside of the transmission line right-of-way for access during construction of the line or for inspection, operation and maintenance after construction, TECO shall submit to SWFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of lands prior to conveyance of a right-of-way easement by SWFWMD, including but not limited to survey or engineering work, or use of SWFWMD lands outside of the transmission line right-of-way, once conveyed, shall be in accordance with SWFWMD land management requirements.

I. Prior to commencement of any construction on SWFWMD lands, TECO shall contact SWFWMD to arrange a pre-construction meeting and participate in such meeting on-site.

J. Any construction, operation and maintenance-related activities on SWFWMD lands shall not cause erosion or adverse environmental impacts, including vegetation impacts. Vegetation maintenance and control activities will be consistent with District land management practices. Nuisance and exotic vegetation shall be controlled within the right-of-way.

K. Transmission line poles and supports will not be located along the banks of the Tampa Bypass Canal or in such a manner as to affect SWFWMD's operation and maintenance of the Tampa Bypass Canal.

L. TECO shall ensure that for any portion of the right-of-way to be located on SWFWMD Medard Reservoir property, impacts to access, use and operation of the Medard Park facilities will be avoided. Transmission line activities will not adversely affect the existing access route to the Turkey Creek Stables located just outside of Medard Park.

XXVIII. Citations: Sections 403.526(2)(a)2., 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S. (2006); Chapter 40D-4, Rules 40D-4 .301 and 40D-4.302, and Chapter 40D-9, F.A.C.

XXIX. FLORIDA DEPARTMENT OF TRANSPORTATION

A. Post-Certification Reviews of FDOT Matters

1. *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, F.A.C.

2. *Overweight or Overdimensional Loads:*

Operation of overweight or overdimensional loads by TECO on State transportation facilities during construction and operation of the transmission line will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

3. *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, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); 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. Although there is no major widening of the facilities in the area of the project planned in the foreseeable future, State Road 70 has been identified as a Florida Intrastate Highway System (FIHS) and an emerging Strategic Intermodal System's (SIS) facility. The placement of the transmission line should take into consideration the possible widening of this facility to the extent practicable. If future widening should be required, the cost of relocating or reconstructing the transmission line will be borne by TECO to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. *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.

5. *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, F.A.C., including the attainment of any permit required thereby.

6. *Use of Air Space:*

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographic 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 of Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

B. Best Management Practices

1. 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, F.A.C.; 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; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

2. It is recommended that TECO encourage transportation demand management techniques by doing the following:

a. Placing a bulletin board on site for car pooling advertisements.

b. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

3. If TECO uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, TECO should ensure that its contractors adhere to the necessary standards and receive the necessary permits

required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

XXIX. Citations: Chapters 14-26, 14-46, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapter 316, F.S. (2006); Sections 337.401-404, F.S. (2006); 14 C.F.R. Part 77.

XXX. HILLSBOROUGH COUNTY

A. Crossing of Hillsborough County ROW or Other County Property

All lines crossing Hillsborough County right-of-way and/or other county property will be designed for compliance with applicable county standards, contained and referenced in the County's Utility Accommodation Guide, Rights-of- Way Use Procedure Manuals, Hillsborough County Ordinance 3-29, and Hillsborough County Ordinance 04-36

B. Traffic Operations

1. TECO shall minimize the impacts of the transmission lines on intersection improvement projects to the extent practicable. All transmission line poles should be located outside of the ultimate configuration for all currently designed and acquired future signalized intersections.
2. In the event that TECO anticipates closing any public road during the project, TECO shall contact the County's Right-of-way Management Office and coordinate the work and, if applicable, obtain a Temporary Traffic Control Permit (TTC) whenever TECO plans to impede traffic in any manner whatsoever and/or when TECO is working within 15 feet of the edge of the pavement. TECO may also need to submit a signed, sealed, site specific Maintenance of Traffic (MOT) plan to the County for review and approval. TECO shall work with the County to develop a MOT plan for construction of entrances and exits. This plan will also include potential lane or road closures requests from TECO. TECO shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations.

C. Construction

1. A post-certification submittal of TECO's final design plan including pole locations throughout the entire right-of-way within Hillsborough County shall be provided to the Hillsborough County Permitting and Inspection Services.
2. Hillsborough County Resource Protection shall, for informational purposes, receive copies of the Post Certification Submittals identified in Conditions XX(A) and XXI(A)(1) or the portions of the transmission line within Hillsborough County.

3. In the event that the transmission line crosses any of the closed county landfill sites, TECO shall work with the County's Solid Waste Management Division to ensure that proper safety precautions are taken.

XXX. Citations: Hillsborough County Code of Laws and Ordinances; Chapters 34 and 37; Article XII and I; Hillsborough County Ordinance 3-29, and Hillsborough County Ordinance 04-36

XXXI. CITY OF TEMPLE TERRACE

A. Final Design Submittal

1. A post-certification submittal of TECO's final design plan including pole locations throughout the entire right-of-way within the City of Temple Terrace shall be provided to the City of Temple Terrace showing:

- a. All protected trees over 4" dbh to be removed outside the TECO ROW for the transmission line, access road and drainage installation. Protection measure for trees proposed for preservation shall be detailed.
- b. Contractor information, including a twenty-four hour, seven-day contact and phone numbers.
- c. Show the location of any proposed school or park sites within one-quarter mile of the transmission line location on the final design plan.
- d. Proposed locations and dimensions of all access roads.

2. Show as existing site conditions within the TECO ROW on the final design plan the following:

- a. The name, location and width of existing or platted street public right-of-way within or contiguous to the right-of-way.
- b. Approximate location, size and depth of sewers, water mains and storm drains, and approximate location of power and phone lines; within the right-of-way.
- c. Location and size of easements for all the above ground utilities, such as electric power lines, within the right-of-way.
- d. Topographic contours on one-foot intervals based on mean sea-level datum.

B. Youth Sports Complex

TECO shall make any requests for easements through, or use of, the SWFWMD property upon which the City's Youth Sports Complex is located in conjunction with the

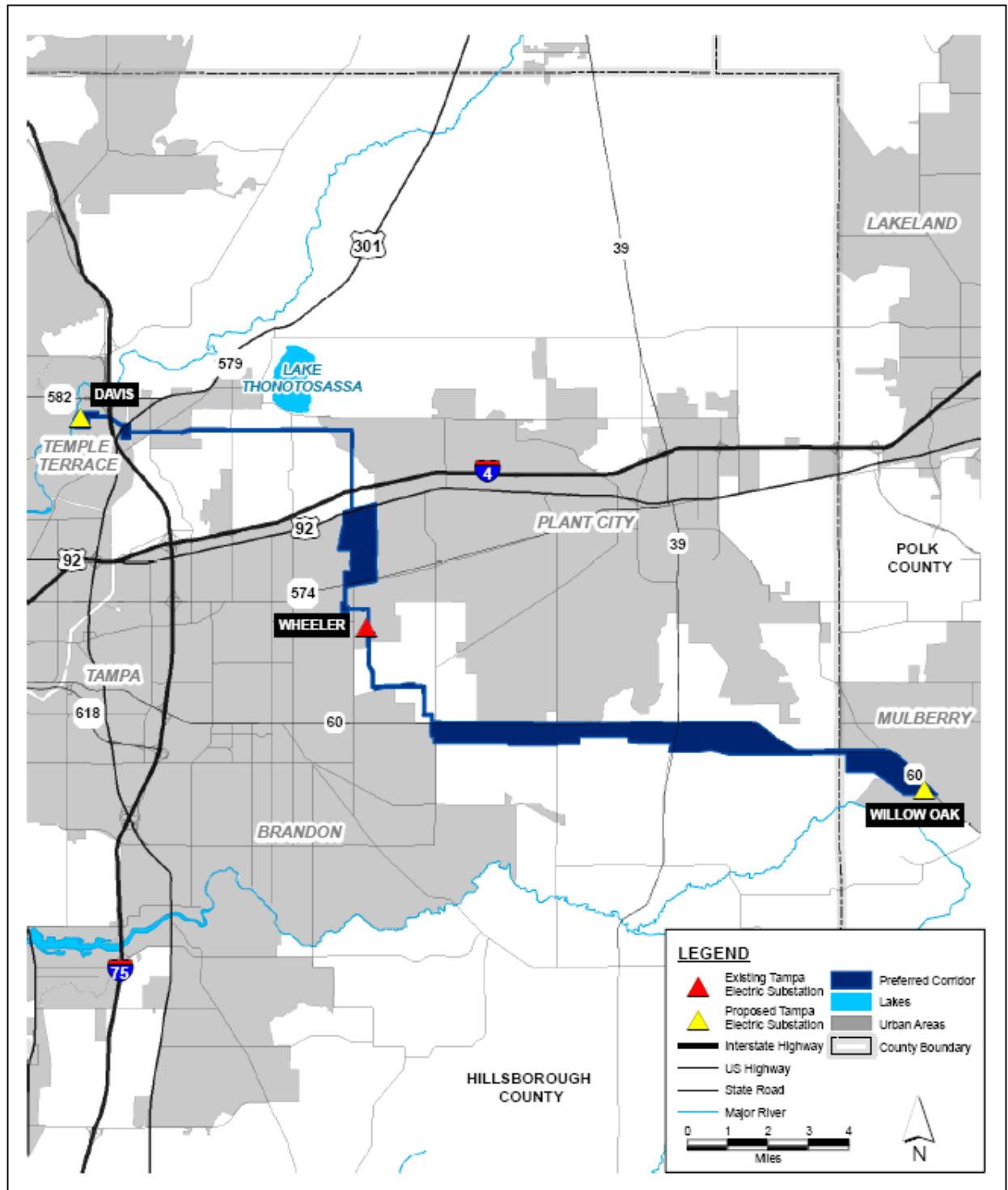
City. Where feasible, the transmission line and appurtenances will be located away from and not adversely impact the City's current uses on such property.

C. Public Recreational Uses.

TECO shall confer with the City, upon the City's request, to discuss the ability to co-locate public recreational parks and trails within the proposed transmission line right-of-way.

XXXI. Citations: City of Temple Terrace Code Section 25.915(b)(2)

Attachment 1: Certified Corridor Location Map



Appendix II: Agency Reports

- A. Public Service Commission
- B. Department of Environmental Protection
- C. Department of Transportation
- D. Florida Fish and Wildlife Commission
- E. Southwest Florida Water Management District
- F. Tampa Bay Regional Planning Council
- G. Hillsborough County
- H. Hillsborough County Environmental Protection Commission
- I. City of Temple Terrace
- J. Department of State – Historical Resources
- K. Public Comments

Appendix II–A: Public Service Determination of Need

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Willow Oak-Davis 230 kV transmission line in
Polk and Hillsborough Counties, by Tampa
Electric Company.

DOCKET NO. 070193-EI
ORDER NO. PSC-07-0522-FOF-EI
ISSUED: June 21, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

FINAL ORDER DETERMINING THE NEED
FOR AN ELECTRICAL TRANSMISSION LINE

APPEARANCES:

LEE L. WILLIS, ESQUIRE, and JAMES D. BEASLEY, ESQUIRE, Ausley &
McMullen, Post Office Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company (TECO).

MARTHA C. BROWN, ESQUIRE, Florida Public Service Commission, 2540
Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff).

BY THE COMMISSION:

CASE BACKGROUND

On March 28, 2007, Tampa Electric Company (TECO) filed a Notice of Intent to File a Petition for Determination of Need for a proposed 230 kV electrical transmission line in Polk and Hillsborough Counties, pursuant to the provisions of section 403.537, Florida Statutes (F.S.), and Rules 25-22.075 and 25-22.076, Florida Administrative Code (F.A.C.). We held an administrative hearing on TECO's petition on June 11, 2007. Notice of the filing of TECO's petition and of the June 11, 2007, public hearing was provided in accordance with applicable statutes and rules to those persons requesting notice and to counties and regional planning councils in whose jurisdiction the transmission line could be placed. Notice was published in the

Florida Administrative Weekly and in newspapers of general circulation no later than twenty (20) days prior to the date of the hearing.

No other parties intervened in the proceeding. At the hearing, the testimony and exhibits were stipulated into the hearing record and stipulated positions proposed to all the issues in the case. We issued a bench decision at the hearing approving the proposed stipulations and thereby determining the need for the transmission line. Our decision, explained in more detail below, determined the need and the beginning and end points for the transmission line. The transmission Line Siting Board will make the final determination concerning the length and route of the line.

DECISION

As provided in section 403.537, F.S., we are required to take the following into account in determining the need for a proposed transmission line subject to our review under Florida's Transmission Line Siting Act (sections 403.52-403.5365, F.S.):

[T]he need for electric system reliability and integrity; the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state; the appropriate starting and ending point of the line; and other matters within [our] jurisdiction deemed relevant to the determination of need.

Need for Electric System Reliability and Integrity

TECO's proposed new 230 kV transmission line, extending from its planned Willow Oak Substation in Polk County to its planned Davis Substation in Hillsborough County, is scheduled to be in service by March 2012. The project meets area load requirements by serving proposed future distribution Substations east of I-75 and north of State Road 60 in Hillsborough County while maximizing system reliability and minimizing cost to customers.

Transmission assessment studies conducted by TECO during 2006 have identified regional transmission system limitations in northeast Hillsborough County. These studies show that by 2012, the existing 230 kV transmission network will not have sufficient capability to provide reliable service to existing and proposed Substations. Additionally, some of the projected load to be served by the proposed future distribution Substations will be located further east and north of the existing 230 kV transmission network. A study of transmission improvements for this area evaluated various alternatives and resulted in the selection of the Willow Oak to Davis Project as the most cost-effective and efficient means to both increase the capability of the existing 230 kV network and provide electrical service to the new load areas and Substations east and north of the existing transmission facilities.

TECO has demonstrated the need for the Willow Oak-Davis 230 kV Transmission Line Project in Polk and Hillsborough Counties by March 2012 to: (a) provide additional transmission reinforcement to the existing 230 kV transmission network north of State Road 60, west of Willow Oak substation and to the east of the existing River Substation in a reliable manner

consistent with the North American Electric Reliability Council (NERC) and the Florida Reliability Coordinating Council (FRCC) and other applicable standards; (b) serve the increasing load and customer base in the projected service area; and (c) provide for another electrical feed via a separate ROW path, thereby reducing the impact of a loss of the existing transmission facilities on a common ROW.

For these reasons we find that TECO's proposed Willow Oak-Davis Project is needed to preserve electric system reliability and integrity.

Need for Abundant, Low-Cost Electrical Energy to Assure the Economic Well-Being of the Citizens of This State

TECO evaluated three alternatives to the proposed Willow Oak-Davis Project. All three alternatives were transmission modifications to the proposed ROW that used a portion of or the entire existing common ROW. TECO rejected the alternatives primarily due to economics and reliability concerns. The estimated capital cost of the Willow Oak-Davis Project is \$72.2 million excluding right-of-way, and TECO estimates that the project will reduce transmission losses by approximately 4 MW. The cost benefits and the reliability benefits of the project will be enhanced by the construction of the project in a geographically separate ROW. While the final cost of the project is subject to the final routing and conditions of certification required by the Transmission Line Siting Board, we find that the estimated cost of the project is reasonable, and we find that the transmission line will assure the economic well-being of the citizens of the state by serving projected new electric load in the region, and improving the region's electric reliability by minimizing exposure to single contingency events.

Appropriate Starting and Ending Points

We find that the planned Willow Oak Substation and the planned Davis Substation, as described and analyzed in the exhibit to the testimony of TECO's witness, Paul Davis, are the appropriate starting and ending points of the proposed Willow Oak-Davis 230 kV electrical transmission line. In addition to resolving the need to increase the 230 kV network capability, unlike the other alternatives TECO considered, the Willow Oak-Davis Project is in close proximity to planned distribution substations in the project area. As stated above, the Transmission Line Siting Board will make the final determination concerning the length and route of TECO's transmission line.

Conclusion

We approve Tampa Electric Company's petition for determination of need for the Willow Oak-Davis 230 kV transmission line in Polk and Hillsborough Counties. TECO has adequately demonstrated the need for the proposed project according to the criteria prescribed in section 403.537, F.S. This Order memorializing our decision will serve as our report to the Department of Environmental Protection.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company's petition for determination of need for the Willow Oak-Davis 230 kV transmission line in Polk and Hillsborough Counties is granted. It is further

ORDERED that Tampa Electric Company's Willow Oak-Davis 230 kV transmission line project is needed, taking into account the criteria set forth in section 403.537, Florida Statutes. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of June, 2007.



ANN COLE
Commission Clerk

(S E A L)

MCB

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 five (5) 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.

Appendix II-B: Department of Environmental Protection

State of Florida
Department of Environmental Protection

Intraoffice Memorandum

TO: Mike Halpin
Program Administrator
Office of Siting Coordination
Tallahassee

THROUGH: Albert A. Gagne, Jr.,
Environmental Manager
Environmental Resource Management Program
Southwest District

FROM: Greg Nieboer
Environmental Specialist II
Environmental Resource Management Program
Southwest District

Date: January 9, 2008

Subject: Willow Oak-Wheeler-Davis 230-kv Transmission Line Project
Recommendation for approval or denial of the application and proposed
conditions of certification

Comments:

The Florida Department of Environmental Protection recommends the certification of the proposed transmission line project. This recommendation is made contingent upon the following conditions being addressed/met.

The Department's conditions of certification are as follows:

1. A minimum of 90 days prior to the commencement of construction, provide all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that any temporary or permanent impacts to wetlands will be avoided or mitigated for. The drawings and documentation shall be signed, sealed and dated by a professional engineer registered in the State of Florida. Refer to Chapter 62-343.900(1)(Section E and C).
2. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.
3. The Department shall notify the licensee in writing that the information is complete upon review of all requested information and the correction of any errors or omissions. Construction

shall not begin until the Department has provided written notification of approval of the project including the wetland mitigation plan as applicable. Such approval or denial shall be provided within 30 days following completeness of the information.

4. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the *Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual*, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity.

If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above. Refer to Chapter 3.2.4.1 of the B.O.R.,

5. A minimum of 90 days prior to the commencement of construction, clearly delineate the location of the existing wetlands and surface waters within the preferred corridor on aerial photographs and flag the wetland jurisdictional line for field verification. Include the types of wetlands and surface waters using FLUCCS codes. Refer to Chapter 62-343.900(1)(Section E)(Part III) Florida Administrative Code (F.A.C.).

6. A minimum of 90 days prior to the commencement of construction, provide reasonable assurance that impacts to wetlands and surface waters have been avoided or minimized. If impacts are unavoidable, a UMAM form must be completed and a mitigation plan must be proposed by the applicant that will offset all wetland or surface water impacts associated with the project. Refer to Chapter 3.2.1.1, 3.3.3.1, and 3.3.3.2 of the South West Florida Water Management District (SWFWMD) Basis of Review (B.O.R.), and Chapter 62.345 F.A.C.

7. If wetland or surface water impacts are proposed, prior to construction, provide an aerial survey that clearly shows the impact areas. The survey should include the square footage of impacts, identification of the types of wetlands and surface waters to be impacted using FLUCCS codes, and whether the impacts will be temporary or permanent. Refer to Chapter 62-343.900(1)(Section E)(Part) F.A.C.

8. A minimum of 90 days prior to the commencement of construction, provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands or within an aquatic preserve then the project must comply with Chapter 18-20 and 18-21 F.A.C. and Chapter 253 and 258 Florida Statutes (F.S.) and section G of the Joint Application for Environmental Resource Permits must be completed and submitted to the Department prior to construction. Refer to Chapter 62-343.900(1), Section G

Comment [fdep1]: This would be covered by #1 with the submittal of 62-343.900(1)

9. A minimum of 90 days prior to the commencement of construction please provide reasonable assurance that the construction of the transmission line is not contrary to the public interest. Or, if this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest. Refer to Chapter 3.1.1 of the SWFMD B.O.R.

Appendix II-C: Department of Transportation



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0458

STEPHANIE C. KOPELOUSOS
SECRETARY

January 4, 2008

Mr. Mike Halpin, Program Administrator
Florida Energy and Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road, MS 48
Tallahassee, Florida 32399-2400

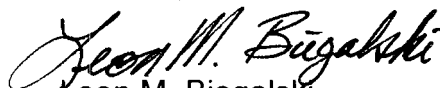
Re: Tampa Electric Company, Willow Oak-Wheeler-Davis
Transmission Line Siting Application
No. TA 07-15
DEP OGC Case No. 07-1858
DOAH 07-4745

Dear Mr. Halpin:

Enclosed is the Florida Department of Transportation's Agency Report for the Tampa Electric Company, Willow Oak-Wheeler-Davis Transmission Line Siting Application.

If there are any questions, please call either me at (850) 414-5286 or Connie Mitchell, Siting Coordinator, at (850) 414-4572. Thank you.

Sincerely,


Leon M. Biegalski
Assistant General Counsel

cc: Connie Mitchell
Kent Fast, DOT District 7
Bob Crawley, DOT District 1

**FLORIDA DEPARTMENT OF TRANSPORTATION
TECO WILLOW OAK-WHEELER-DAVIS 230KV
TRANSMISSION LINE PROJECT**

SECTION I. CORRIDOR LOCATION ISSUES

No outstanding issues.

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

The Florida Department of Transportation recommends the certification of the proposed transmission line. This recommendation is made contingent upon the 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.

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.

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 (Document 710-020-001); 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. State Road 60 has been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

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.

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.

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, Airspace Protection, 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.

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 System; 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 car pooling 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.

Appendix II-D: Florida Fish and Wildlife Commission



**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Rodney Barreto
Chair
Miami

Kathy Barco
Jacksonville

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Fort Lauderdale

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Kenneth D. Haddad
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Victor J. Heller
Assistant Executive
Director

Karen Ventimiglia
Deputy Chief of Staff

**Office of Policy and
Stakeholder
Coordination**
Mary Ann Poole
Director

(850) 410-5272
(850) 922-5679
FAX

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resources for their long-
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benefit of people.*

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(800) 955-8771 (T)
(800) 955-8770 (V)
MyFWC.com

January 11, 2008

Mr. Mike Halpin, P.E.
Siting Administrator
Department of Environmental Protection
2600 Blair Stone Road, Mail Stop 48
Tallahassee, FL 32399-2400

Re: Willow Oak-Wheeler-Davis Transmission Line Application Number TA07-15
Hillsborough and Polk Counties

Dear Mr. Halpin:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the referenced application for completeness in accordance with the Transmission Line Siting Act, Sections 403.52- 403.5365, Florida Statutes.

The 230-kilovolt Willow Oak-Wheeler-Davis transmission line proposed by Tampa Electric Company will connect a new planned substation (Willow Oak) to the planned Tampa Electric Davis substation and also connect with the existing and intermediate Tampa Electric Wheeler substation. The preferred corridor is of variable width and approximately 30 miles long; located mostly within or adjacent to existing road and transmission line rights-of-way. The corridor crosses large tracts of agricultural land as well as natural communities including upland pine flatwood forest, cypress-dominated forested wetlands, freshwater marsh, and wet prairies.

Potentially Affected Resources

The FWC conducted a GIS analysis (Environmental Resource Analysis tool) of known occurrences of listed species in the vicinity of the project corridor footprint. State-listed species occurring or potentially occurring within the power plant and preferred corridor footprint include but are not limited to the wood stork (*Mycteria americana*), listed as endangered; the eastern indigo snake (*Drymarchon corais couperi*), Florida sandhill crane (*Grus canadensis pratensis*), Florida scrub jay (*Aphelocoma coerulescens*), bald eagle (*Haliaeetus leucocephalus*), and Florida black bear (*Ursus americana floridanus*) all listed as threatened; and the gopher tortoise (*Gopherus polyphemus*), gopher frog (*Rana capito*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), and white ibis (*Eudocimus albus*), all listed as species of special concern.

Effects on habitat include the removal of vegetation, especially endemic scrub, that provides cover and nesting and foraging habitat that supports wildlife. The resulting fragmentation of remaining habitat may contribute to genetic isolation of local wildlife populations. If the transmission lines are in the direct flight path of wading bird colonies, the lines may injure or kill individuals, or disrupt foraging. Areas where the transmission line access road would intersect wetlands may inhibit movement of wetland-dependent species.

D-1

Willow Oak TA07-15

**Appendix II-D
Staff Analysis Report**

Wildlife Protection Conditions

We recommend the following be added to the Conditions of Certification:

TECO will estimate the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of detail) of each community that will be cleared within the final right of way (ROW) prior to land clearing and construction activities using GIS.

1. TECO will conduct a general wildlife survey prior to ROW acquisition to identify the potential habitat and general presence of listed species classified as species of species concern, threatened, or endangered. We recommend that the report includes methodology, results, discussion, and references to all survey protocols and documents used. We prefer that the report include a methodology table, transect location map, and FLUCFCS on an aerial photograph with species occurrences represented by differently colored symbols rather than by icons or acronyms.
2. Before land clearing and construction activities within the ROW, and preferably before ROW acquisition, TECO will conduct species-specific surveys to identify breeding locations, nests, and burrows for listed wildlife species where access is available. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with Global Positioning System, the FWC prefers that a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, be physically marked so that clearing and construction will avoid impacting them. We recommend that species specific surveys be conducted according to the following guidelines:
 - a. All upland herbaceous and forested habitats including agricultural lands and pine forests will be surveyed for the possible occurrence of gopher tortoises by a qualified biologist with experience in identifying gopher tortoise burrows and individuals. We recommend that surveys be performed according to guidelines by Cox et al. (1987) and Wood (2001) during the season when tortoises are most active (May through August). If any of the above are found, TECO should coordinate with FWC regarding available options.
 - b. All forested upland and isolated wetland habitats be surveyed for the possible occurrence of gopher frogs by a qualified biologist with experience in identifying gopher frog individuals, breeding calls, and burrow activity. We recommend that surveys be performed according to current survey methodology for herptofauna (Fence 1997) in both wetlands and uplands during October – April in wetlands and May – September in uplands. If surveys include more intrusive activities other than listening

for calls, a scientific collection permit may need to be obtained through our Tallahassee office and attached to any wildlife survey report.

- c. All upland habitats are surveyed for the possible occurrence of Florida scrub jays by a qualified biologist with experience in identifying Florida scrub jay individuals, nests, and breeding activity. We recommend that surveys be performed according to guidelines by the U.S. Fish and Wildlife Service (USFWS 2004), Fitzpatrick et al. (1991), and Wood (2001) during peak breeding and active seasons (March through September). If any of the above are observed, we recommend that the ROW be routed around the nest site using the appropriate buffer size. FWC biologists can help determine the buffer size, depending on specific local conditions.
- d. All herbaceous uplands and isolated herbaceous wetland habitats be surveyed for the possible occurrence of Florida sandhill cranes by a qualified biologist with experience in identifying Florida sandhill crane individuals, calls, breeding behavior, and nests. We recommend that surveys be performed according to guidelines for the Florida sandhill crane (Stys 1997; Wood 2001) during peak breeding season when sandhill crane migratory species are absent (April – August). If any of the above are observed, we recommend that the ROW be routed around the nest site using the appropriate buffer size. FWC biologists can help determine the buffer size, depending on specific local conditions.
- e. All herbaceous and forested wetland habitats are surveyed for the possible occurrence of colonial wading birds by a qualified biologist with experience identifying colonial wading bird species, nests, breeding plumage and behavior, and roosts. We recommend that surveys be performed according to Steinkamp et al. (2003) during peak breeding season for most colonial wading birds (April – August). If any are observed, we recommend following guidelines for set-back distances according to available research (Rodgers and Smith 1995). Surveys for wood storks shall be performed according to current survey methodology (Wood 2001) during peak breeding season (February - April). In the specific case of wood stork nesting occurrence, we recommend using the federally required set-back distance is no less than 500 feet (USFWS 1990).
- f. All forested wetland habitats are surveyed for the possible occurrence of bald eagles. We recommend that surveys be performed according to Wood (2001) during October – December to determine if a territory is active. There is one active bald eagle nest, HL-012, that lies within the potential corridor. In order to allow for undisturbed breeding activity, the National Bald Eagle Management Guidelines call for buffers of 330 feet around active nests where activity will not be visible, and for 660-foot buffers if activity will be visible to active nests.

- g. All herbaceous and forested wetland habitats are surveyed for the possible occurrence of Florida black bears. While the corridor is not in the primary or secondary range, bear related calls to FWC (1980-2006) have been documented within and in the vicinity to the proposed corridor.

Recommendations

In addition to the permit conditions identified, we recommend that several additional steps be taken to avoid or minimize impacts to listed species within the corridor.

1. FWC staff prefers that the transportation line follows existing roads to minimize potential impacts to wildlife; therefore, we recommend using existing agricultural roads for transmission line access rather than filling wetlands to create road access.
2. We recommend incorporating pervious low-water crossings at wetland and transmission line access road interfaces. Low-water crossings provide a larger surface area for wetland-dependent wildlife species to cross compared to a road with a narrow culvert. FWC staff is aware that TECO has created low-water crossings along transmission line access roads in northeast Florida.
3. Where avoidance is impractical, we recommend that land-clearing and construction activities be conducted outside of nesting and breeding season in areas where there is potential breeding habitat for listed species observed within the ROW.
4. We recommend that vegetation remain where practical to prevent fragmentation of habitats and allow movement of wildlife through the corridor and ROW footprint.

Conclusions

Following completion of all requested surveys by qualified biologists, please submit a final wildlife survey report following the common scientific method reporting outline. In addition, we would like to discuss a single integrated management plan for all listed species identified onsite and for species with a high potential for occurrence. We recommend that the USFWS Service's South Florida Multi-Species Recovery Plan (1999) be used as a reference for an integrated management plan of multiple species found within the corridor footprint. We realize that not all protected wildlife species may benefit from multi-species conservation areas, and we are willing to discuss single-species conservation and management issues in addition to a multi-species approach. Lastly, the FWC staff may be contacted for site-specific coordination. Please contact Jennifer Davis directly by phone at 561-625-5122 or by email at Jennifer.davis@myfwc.com for further site-specific coordination.

We look forward to working with the applicant regarding listed species surveys, protection measures, mitigation options, and habitat management plan for the proposed Willow Oak-Wheeler-Davis Transmission Line Project. If you or your staff would like to coordinate further on the recommendation contained in this report, please contact me at 850-410-5272, or email me at maryann.poole@myfwc.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Jennifer Davis at the contact information given above.

Sincerely,



Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/sr

Willow Oak-Wheeler-Davis_1093

ENV 2-11-3/3

cc: Paul Carpinone, TECO
Ann Seiler, DEP, Tallahassee
Emily Norton, FWC, Tallahassee

References Cited

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Appendix II-E: Southwest Florida Water Management District

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT

Tampa Electric Company Willow Oak – Wheeler – Davis Transmission Line Siting Application No. TA07-15 DOAH Case No. 07-4745TL SWFWMD OGC Case No. 2007119

STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS

Procedural Overview

The Florida Electric Transmission Line Siting Act (TLSA), Sections 403.52 – 403.5365, Florida Statutes (F.S.), establishes a regulatory review and approval process very similar to that of the Florida Electrical Power Plant Siting Act, Sections 403.501 – 403.518, F.S. Once a transmission line corridor is certified by the Governor and Cabinet sitting as the Siting Board, the conditions of certification constitute the only regulatory permitting requirements for certified transmission lines. The Florida Department of Environmental Protection (DEP) is the processing agency for all TLSA certifications. The Southwest Florida Water Management District is one of several statutory reviewing agencies that participate in the certification process. Reviewing agencies do not take final agency action on the application. As a reviewing agency, the District is required to submit an Agency Report with recommended conditions of certification. DEP issues a combined report and proposed conditions for certification, which are presented at an administrative hearing, along with any proposed alternative corridors, to an Administrative Law Judge who issues a Recommended Order on the certification application, with the Final Order certifying the transmission line corridor issued by the Siting Board. The schedule for processing of Tampa Electric Company's application for the Willow Oak-Wheeler-Davis Transmission Line requires the District to submit its Agency Report to DEP by January 25, 2008. The administrative hearing is presently scheduled for March 3, 2008. Following certification of a transmission line corridor, rights-of-way will be acquired, which will allow the certified corridor to be narrowed accordingly.

Tampa Electric Company Willow Oak-Wheeler-Davis Transmission Line

Tampa Electric Company (TECO) seeks certification of a new 230-kilovolt (kV) transmission line to connect a planned Willow Oak substation located west of Mulberry in Polk County to a planned Davis substation to be located in Temple Terrace, Hillsborough County. An existing intermediate substation (Wheeler) located in Hillsborough County will be connected as part of the project. The proposed transmission line will help meet projected electrical power needs for the northeast Hillsborough County area. The proposed transmission corridor is approximately 30 miles long and follows existing rights-of-way for much of its length. By co-locating the proposed transmission line in existing rights-of-way where available, adverse land use and environmental impacts are minimized. The proposed route will cross the Tampa Bypass Canal and cross through the Medard Reservoir and Alafia River Corridor properties owned by the District. On November 13, 2007, District staff requested additional information to address potential property issues and environmental concerns for the proposed route. On November 20, 2007, DEP issued a determination of incompleteness. TECO submitted responses on November 30, 2007 and the application was declared complete on December 7, 2007.

Staff Recommendation

This report contains the District's recommendations to DEP regarding conditions for certification of the proposed TECO Willow Oak-Wheeler-Davis Transmission Line, to be included in DEP's Report required by Section 403.526(2)(a), F.S., and Rule 62-17.590, F.A.C. Under the current operating agreement between the District and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing District substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way location for the proposed transmission line will not be determined until after a corridor is certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired right-of-way is determined. This allows for District verification of compliance with the substantive conditions set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the District's ERP Information Manual, and Chapter 40D-9, F.A.C., relating to District lands. Staff recommends approval of the proposed transmission line corridor, subject to the recommended conditions of certification attached hereto and incorporated herein as Exhibit "A," and recommends forwarding of this Agency Report to DEP for inclusion in its project analysis and proposed conditions of certification for this transmission line.

Brian Starford, Director
Bartow Regulation Department

Date: _____



Alba Mas, Director
Tampa Regulation Department

Date: 1/23/08

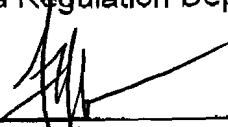
Robert Dasta, Sr. P.E.
Bartow Regulation Department

Date: _____



Paul Yosler, Sr. P.E.
Tampa Regulation Department

Date: 1/23/08

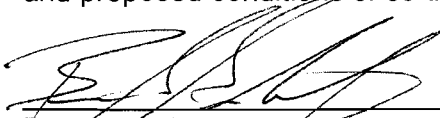


Fritz Musselmann
Director
Land Resources Department

Date: 1/25/08

Staff Recommendation

This report contains the District's recommendations to DEP regarding conditions for certification of the proposed TECO Willow Oak-Wheeler-Davis Transmission Line, to be included in DEP's Report required by Section 403.526(2)(a), F.S., and Rule 62-17.590, F.A.C. Under the current operating agreement between the District and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing District substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way location for the proposed transmission line will not be determined until after a corridor is certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired right-of-way is determined. This allows for District verification of compliance with the substantive conditions set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the District's ERP Information Manual, and Chapter 40D-9, F.A.C., relating to District lands. Staff recommends approval of the proposed transmission line corridor, subject to the recommended conditions of certification attached hereto and incorporated herein as Exhibit "A," and recommends forwarding of this Agency Report to DEP for inclusion in its project analysis and proposed conditions of certification for this transmission line.



Brian Starford, Director
Bartow Regulation Department

Date: 1/23/18

Alba Mas, Director
Tampa Regulation Department

Date: _____



Robert Dasta, Sr. P.E.
Bartow Regulation Department

Date: 1/23/18

Paul Yosler, Sr. P.E.
Tampa Regulation Department

Date: _____

Fritz Musselmann
Director
Land Resources Department

Date: _____

SWFWMD PROPOSED CONDITIONS OF CERTIFICATION FOR TECO WILLOW OAK-WHEELER-DAVIS TRANSMISSION LINE

1. The proposed transmission line will be co-located within existing rights-of-way and other impacted areas wherever feasible.
2. TECO shall provide to SWFWMD a copy of all post-certification filings for finalization of the right-of-way location and the construction and operation of the transmission line facilities including any access roads or surface water management system facilities.
3. A copy of the aerial photographs provided to DEP to show the boundaries of the acquired right-of-way will also be provided to SWFWMD. SWFWMD shall have an opportunity to review the photographs and notify DEP of any apparent conflicts with the requirements of the Conditions of Certification.
4. TECO shall provide reasonable assurance that the construction, operation and maintenance of the proposed facilities, including any access roads and structures constructed within wetlands or other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., TECO shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of floodplain impacts and appropriate floodplain impact compensation to achieve no net loss in floodplain storage capabilities and avoidance of secondary wetland dredging and/or filling impacts.
5. 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.
6. In the event that any portion of the certified corridor or acquired right-of-way is located on lands owned or controlled by SWFWMD, the width of the right-of-way shall be the minimum necessary for construction, operation and maintenance of the transmission line on SWFWMD lands. Any permanent access road constructed by TECO on SWFWMD lands shall be maintained by TECO and available for use by SWFWMD.
7. For any portion of the acquired right-of-way located on SWFWMD lands, TECO shall provide a survey of the right-of-way to be located on SWFWMD lands. The survey shall be prepared using procedures acceptable to the District and signed and sealed by a licensed surveyor pursuant to Chapter 472, F.S.

8. Prior to the commencement of activities on SWFWMD lands, TECO shall submit for review and approval an independent appraisal of the land described by the right-of-way survey. TECO shall compensate SWFWMD for the loss of intended use of the land within any right-of-way located on SWFWMD lands.

9. In the event that TECO seeks to use SWFWMD lands outside of the transmission line right-of-way for access during construction of the line or for inspection, operation and maintenance after construction, TECO shall submit to SWFWMD a detailed plan indentifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of lands prior to conveyance of a right-of-way easement by SWFWMD, including but not limited to survey or engineering work, or use of SWFWMD lands outside of the transmission line right-of-way, once conveyed, shall be in accordance with SWFWMD land management requirements.

10. Prior to commencement of any construction on SWFWMD lands, TECO shall contact SWFWMD to arrange a pre-construction meeting and participate in such meeting on-site.

11. Any construction, operation and maintenance-related activities on SWFWMD lands shall not cause erosion or adverse environmental impacts, including vegetation impacts. Vegetation maintenance and control activities will be consistent with District land management practices. Nuisance and exotic vegetation shall be controlled within the right-of-way.

12. Transmission line poles and supports will not be located along the banks of the Tampa Bypass Canal or in such a manner as to affect SWFWMD's operation and maintenance of the Tampa Bypass Canal.

13. TECO shall ensure that for any portion of the right-of-way to be located on SWFWMD Medard Reservoir property, impacts to access, use and operation of the Medard Park facilities will be avoided. Transmission line activities will not adversely affect the existing access route to the Turkey Creek Stables located just outside of Medard Park.

Appendix II-F: Tampa Bay Regional Planning Council



Chair
Commissioner Deborah Kynes

Vice-Chair
Reverend James T. Golden

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

January 7, 2008

Mr. Mike Halpin, P.E.
Siting Coordinator
FL Department of Environmental Protection
2600 Blair Stone Road
Mail Stop 48
Tallahassee, FL 32399-3000

Re: Tampa Electric Company, Willow Oak - Wheeler-Davis Transmission Line Siting Application;
TLSA No. TA07-15

Dear Mr. Halpin:

Attached is the preliminary Agency Report of the Tampa Bay Regional Planning Council for the above-referenced project, as required in Subsection 403.526(2)(a), Florida Statutes. The Tampa Bay Regional Planning Council will formally consider this report at its meeting on February 11th. At that time an adopted report will be provided to you.

If there are any questions, please call Suzanne Cooper, TBRPC Principal Planner, at (727) 570-5151 x 32.

Sincerely,

A handwritten signature in blue ink, appearing to read "Manny Pumariega", is located below the "Sincerely," text.

Manny Pumariega
TBRPC Executive Director

cc: Mr. Paul Carpinone
Renee F. Lee, Esquire
Ted Taub, Esquire

Mr. Paul L. Carpinone, Director
Environmental, Health & Safety
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601-0111

Renee F. Lee, Esquire
Hillsborough County Attorney
601 East Kennedy Boulevard
27th Floor
Tampa, FL 33601-1110

Ted Taub, Esquire
City of Temple Terrace Attorney
11250 North 56th Street
Temple Terrace, FL 33617

Mr. Mike Halpin, P.E.
Siting Administrator
FL Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

TAMPA BAY REGIONAL PLANNING COUNCIL
TECO WILLOW OAK - WHEELER - DAVIS 230 KV
TRANSMISSION LINE SITING APPLICATION

The proposed project is a 230-kV electric transmission line to connect the new Willow Oak substation being planned near Mulberry in Polk County to the new Davis substation being planned in Temple Terrace in Hillsborough County, connecting with the existing Wheeler intermediate substation located northeast of Brandon in Hillsborough County. The length of the corridor under consideration is approximately 30 miles, and the width varies from approximately 300 feet to nearly one mile. The actual width of the new right-of-way will be 25 to 100 feet. The two planned substations will be permitted separately from the TLSA process through local governments and regulatory agencies.

1. Consistency with the *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region* (2005).

The preferred corridor crosses a number of vegetative communities identified as Natural Resources of Regional Significance in the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* (2005) (See the attached maps). If the transmission line is constructed within or immediately adjacent to existing roads and other linear facilities or across farm fields, impact to regionally-significant natural resources will be minimized. Transmission line construction and operation in natural habitats and wetlands would adversely affect habitat values and hydroperiods; result in invasion by nuisance or exotic species; and create “edge,” changing the species composition to those adapted to the cleared condition and further reducing natural community values.

2. It is recommended that the application for certification be approved, subject to the recommended conditions set forth below.
3. Recommended Conditions of Certification, with accompanying relevant policies from *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* (2005):

- A. The transmission line corridor which is certified should only cross Natural Resources of Regional Significance where immediately adjacent to existing infrastructure.

4.43: Protect, preserve, and restore all regionally-significant natural resources shown on the Map of Regionally-Significant Natural Resources.

- B. Unavoidable impacts to Natural Resources of Regional Significance should be mitigated pursuant to adopted Council policies.

4.44: Allow impacts to regionally-significant natural resources only in cases of overriding public interest and when it is demonstrated and/or documented that mitigation will successfully recreate the specific resource. Mitigation should meet the following ratios, at minimum:

- LULC Habitat Dry 2:1
- LULC Habitat Wet 3:1

4.45: Ensure that mitigation by habitat re-creation employs native plant material which provides the same natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.

4.47: Recognize that mitigation efforts shall be:

- Performed within the same drainage basin where the unavoidable impacts to regionally significant wetlands occurs; and
- Allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.

4.48: Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio should be twice the habitat re-creation ratio set forth in policy 4.44.

4.57: Ensure that land use decisions are consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.

4.136: Hold recreation and park sites inviolate against diversion to other uses, except in cases of overriding public interest.

4.138: Protect the natural resources of regionally-significant parks, greenways, preserves, and conservation lands from incompatible land uses adjacent to these areas. Include pedestrian trails, where appropriate.

- C. The certified corridor should have minimal impact on public and semi-public facilities and on the quality of life of adjacent residential neighborhoods.

2.19: Consider existing and future land use plans when siting public and semi-public facilities of affected jurisdictions and appropriate agencies and the impact on the quality of life of any adjacent residential neighborhood(s).

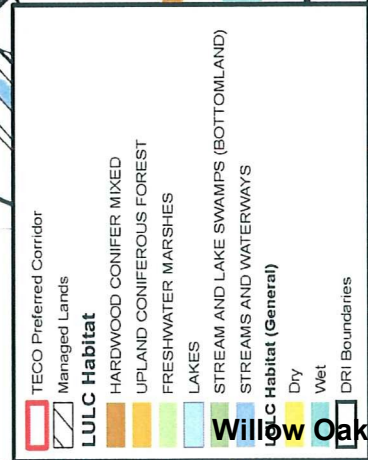
**Regionally Significant
Natural Resources**



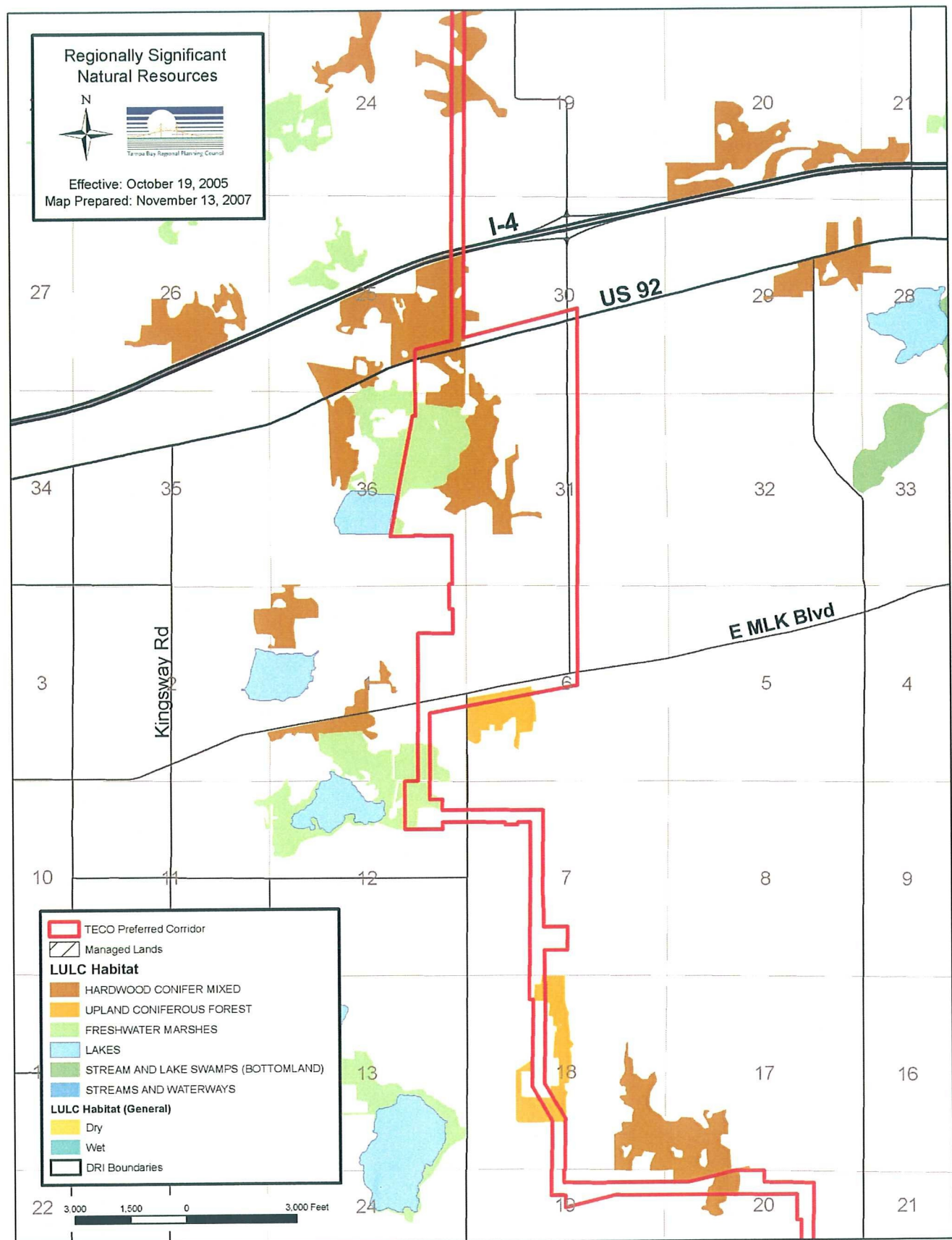
Effective: October 19, 2005
Map Prepared: November 13, 2007

**Appendix II-F
Staff Analysis Report**

F-5



Willow Oak TA07-15

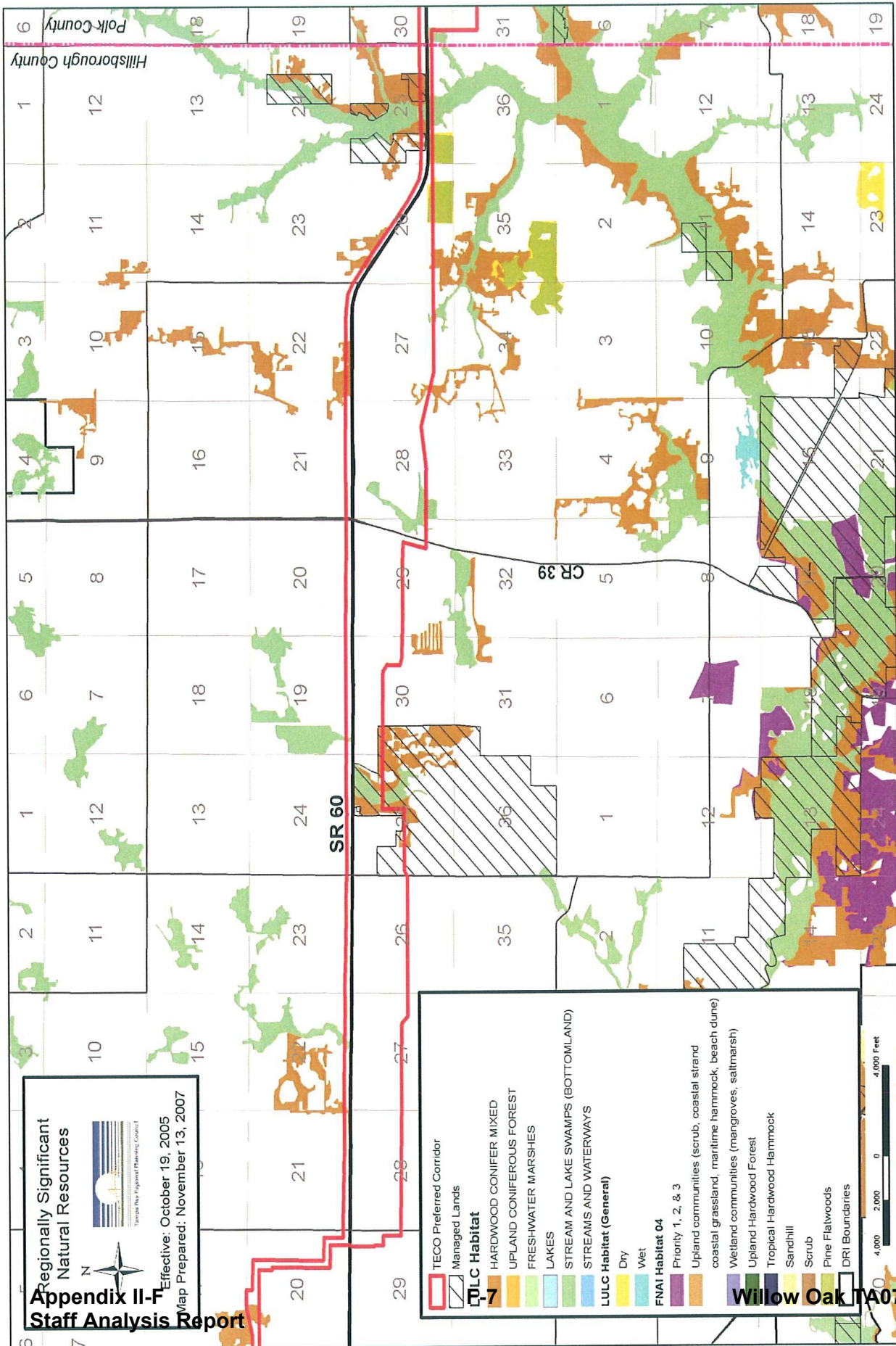


Regionally Significant Natural Resources



Effective: October 19, 2005
Map Prepared: November 13, 2007

Appendix II-F Staff Analysis Report



Willow Oak TA07-15

Appendix II-G: Hillsborough County

Appendix II-H: Hillsborough County Environmental Protection Commission

COMMISSION
Brian Blair
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Executive Director
Richard D. Garrity, Ph.D.

Roger P. Stewart Center
3629 Queen Palm Dr. • Tampa, FL 33619
Ph: (813) 627-2600

Fax Numbers (813):
Admin. 627-2620 Waste 627-2640
Legal 627-2602 Wetlands 627-2630
Water 627-2670 ERM 627-2650
Air 627-2660 Lab 272-5157

January 9, 2008

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

Re: Transmission Line Application TA07-15

Dear Ms. Seiler:

Thank you for the opportunity to review and comment on the TECO Willow Oak-Wheeler-Davis Transmission Line Application (TA07-15). The Environmental Protection Commission (EPC) is a local government environmental agency that operates under the Hillsborough County Environmental Protection Act, Chapter 84-446, Laws of Florida. The EPC staff has reviewed the above referenced document and offers the enclosed comments for your consideration.

Should you have any questions or need further clarification on the information provided above, please feel free to contact me at 813-627-2600 extension 1254 or Sanford@epchc.org.

Sincerely,

for Allanna S. Glusica

Reginald Sanford, M.P.H.
General Manager II
Air Management Division

**ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
AGENCY REPORT ON WILLOW OAK-WHEELER-DAVIS 230-kV TRANSPORTATION
LINE PROJECT APPLICATION FOR CORRIDOR CERTIFICATION**

SECTION I. PROJECT OVERVIEW

No outstanding issues.

SECTION II. BACKGROUND FEATURES OF THE PROPOSED CORRIDOR

No outstanding issues.

**SECTION III. EFFECTS OF RIGHT-OF-WAY PREPARATION AND
TRANSMISSION LINE COSTRUCTION**

1) Noise Conditions

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule “Exceptions” exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to the EPC noise Rule.

2) Unconfined Particulate Matter Emissions Conditions

a. The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

b. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

Reasonable precautions deemed necessary for this project include, but are not limited to, the following:

i) Speed limit of 10 miles per hour shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.

- ii) Curtail operations during high wind conditions, if necessary.
- iii) Application of water or other dust suppressants to control emissions from such activities as land clearing, grading roads, spreading of excess soils on right-of-ways, and construction.
- iv) Application of water or other dust suppressants to unpaved roads, open stock piles, excess soils spread on right-of-ways, and similar activities.
- v) Seeding and mulching access road surfaces as shown in Figure 1.3-11 of this project's TLSA application (October 2007).

3) Historic Solid Waste Disposal Areas/Old Landfills Conditions

- a. Pursuant to Chapter 1-7, Rules of the EPC, construction on or development of an historic solid waste disposal area/old landfill shall required the specific written approval of the Director (Director's Authorization). During the development/construction planning phase(s) associated with the project, the applicant is encouraged to review the EPC's old landfill database in order to determine the locations of all old landfills that may impact or be impacted by the proposed development and construction activities.
- b. In accordance with the provisions of Chapter 1-7, Rules of the EPC, a Director's Authorization will be required for the disturbance and/or impact to any old landfill site.

4) Wetland Delineation/Impact Conditions

To obtain a recommendation of approval from EPC staff for subsequently submitted plans, including construction plans, the following items must be addressed.

a. *Delineations:*

Knowledge of the actual extent of the wetlands is necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11, Wetlands, Rules of the EPC. The wetlands can be delineated by either the EPC or SWFWMD. Once the wetlands have been delineated, wetland surveys must be submitted to EPC staff for review and formal approval. The approved wetland line must then be incorporated into the development of a site plan. The wetland line must appear on all site plans, labeled as "EPC Wetland Line", the wetland must be labeled as "Wetland Conservation/Preservation Area", and the setback labeled as "30/50-foot Wetland Conservation/Preservation Area Setback", pursuant to Article

IV, Section 4.01.07.B of the Hillsborough County Land Development Code (LDC).

b. *Wetland Impacts:*

i) The project describes impacts to wetlands that have not been reviewed by staff or authorized by the Executive Director of the EPC. Chapter 1-11, Rules of the EPC, prohibits wetland impacts unless they are necessary for reasonable use of the property.

ii) If it is the applicant's intention to proceed with the wetland impacts described within the submittal, a separate wetland impact/mitigation proposal and the appropriate review fee, as provided in Chapter 1-6, Rules of the EPC, must be submitted to the EPC for review.

iii) Chapter 1-11.01, Rules of the EPC, states that development requiring mitigation be an avenue of last resort when reasonable use of the property is otherwise unavailable. To complete a proposal to impact wetlands, the applicant must provide detailed information through a separate process.

5) Wetland Construction Plan Conditions

Construction plans must, at a minimum, must include the following information and must be included in all future submittals. Please be advised that omission of any of the following may result in a recommendation of denial from EPC staff.

- a. Wetland lines, wetland areas and wetland setback lines must be labeled as "EPC Wetland Line", "Wetland Conservation/Preservation Area ", and "30/50-foot Wetland Conservation/Preservation Area Setback Line" respectively, pursuant to Article IV, Section 4.01.07.B of the Hillsborough County Land Development Code (LDC). The setback line must be shown in its entirety even if impacts to the setback are proposed. Furthermore, where setback encroachments are proposed, a narrative shall be submitted describing the necessity for the setback encroachments proposed, and measures taken to protect the wetland areas from construction related impacts

6) Lake / Pond Excavation Conditions

Pursuant to Article VIII, Section 8.01.05 B of the Hillsborough County LDC, "No excavation shall extend below the permitted design depths/elevations shown on the drawings, unless additional testing supports otherwise; and no lower semi-confining unit clayey soil material and/or limestone materials shall be excavated, regardless if

these materials are encountered within the permitted excavation depths/elevations. If any lower semi-confining unit clay soil materials or limestone materials are encountered above the permitted depths/elevations, then excavation operations shall cease in the general area. EPC Wetlands Management staff must be contacted prior to any excavation of clays.”

7) General Wetland Conditions:

- a. A 30 or 50-foot setback must be maintained around each Wetland Conservation or Preservation Areas, respectively, and the **setback line must also be shown on all future plan submittals**. Land alterations within this setback are restricted, pursuant to Article IV, Section 4.01.07.B of the Hillsborough County Land Development Code LDC. Exceptions are allowed only with specific recommendation of the EPC and with approval of the Natural Resources Review Team of the Hillsborough County Planning and Development Management Department, and/or the Land Use Hearing Officer.
- b. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges may not exceed 29 Nephelometric Turbidity Units above background levels pursuant to Chapter 1-5, Rules of the EPC. The erosion or discharge of sediments into wetlands is prohibited pursuant to Chapter 1-11, Rules of the EPC. Silt screens or other EPC approved methods or erosion/turbidity control may be required.
- c. Pursuant to Chapter 1-11.07, Rules of the EPC and Section 17 of the Environmental Protection Act, any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent is prohibited.

SECTION IV.

ENVIRONMENTAL EFFECTS OF TRANSMISSION LINE RIGHT-OF-WAY MAINTENANCE AND POSTCONSTRUCTION IMPACTS

- 1) The applicant is required to adhere to all requirements for electric and electromagnetic fields from electrical transmission lines, under the provisions of Florida Statutes 403.061(30) and 403.523(14), with the pertinent rule being 62-814, F.A.C.
- 2) Pursuant to Chapter 1-10, Rules of the EPC, no person or entity shall exceed the noise level limits and conditions established in the Rule.

SECTION V.

VARIANCES, EXCEPTIONS, AND EXEMPTIONS

No EPC variances, exceptions or exemptions have been requested.

SECTION VI.

RECOMMENDATION FOR CERTIFICATION

The Environmental Protection Commission has no objections to the certification of the Willow Oak-Wheeler-Davis 230-kV Transportation Line Project, contingent upon satisfaction of the proposed conditions of certification.

SECTION VII.

PROPOSED CONDITIONS OF CERTIFICATION

The Environmental Protection Commission proposed conditions of certification are listed in Sections III and IV of this document.

Appendix II-I: City of Temple Terrace

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: TAMPA ELECTRIC COMPANY
WILLOW OAK - WHEELER - DAVIS
TRANSMISSION LINE SITING APPLICATION
NO. TA07-15**

**DOAH CASE NO. 07-4745
DEP OGC CASE NO. 07-1858**

CITY OF TEMPLE TERRACE'S TRANSMISSION LINE IMPACT REPORT

The City of Temple Terrace (the "City"), by its undersigned attorneys, hereby serves the City's Transmission Line Impact Report regarding Tampa Electric Company's ("TECO") line siting application No. TA07-15 (the "Application"), as follows:

SECTION I. CORRIDOR LOCATION ISSUES

Youth Sports Complex: The City is concerned that the inclusion of the Youth Sports Complex recreational facilities, located on the Southwest Florida Water Management District's (SWFWMD) property west of the Tampa Bypass Canal south of the U.S. Highway 301, in the proposed transmission line corridor could adversely impact the City's current recreational uses at that site and could potentially effect the City's Level of Service provisions for parks and recreation facilities. The proposed transmission line corridor provides TECO the option of locating the transmission line and/or right-of-way near or through portions of the Sports Complex Park, if other locations within the corridor are not feasible. Critically, the U.S. 301 Youth Sports Complex is the City's primary facility for its baseball and soccer league programs. Any impact on these existing recreational facilities will adversely affect the City's ability to provide these types of programs.

The City requests that the transmission line be located in the northern portion of the SWFWMD property within the line siting corridor that will have the least impact to the Youth Sports Complex recreational facilities. TECO has previously indicated to the City that the transmission line and right-of-way may be located from the northwest corner of the SWFWMD property in the corridor and follow a southeasterly direction across U.S. Highway 301 and the Tampa Bypass Canal. Locating the corridor in this fashion will avoid any adverse impact to the City's recreational uses at the Youth Sports Complex, and particularly baseball field #5 in the north portion of the Park.

County/City Public Park: The City is required to meet concurrency standards for recreation and open space. [City of Temple Terrace Code Section 25.915(b)(2)]. A County/City Public Park and Hillsborough County Greenway Trail are proposed to be located on the SWFWMD property west of the Tampa Bypass Canal and north of U.S. Highway 301 to be connected to the existing Youth Sports Complex that is located south of the U.S. Highway 301. The proposed transmission line corridor will effectively divide these two properties and, if accommodations are not made so as to allow for construction of the proposed park and access thereto, could adversely impact the City's ability to meet future Level of Service requirements for recreation and open space as outlined in the City's Comprehensive Plan.

At a meeting between representatives of the City and TECO in December 2007, TECO indicated a preference for a transmission line with as few turns as possible and a desire to locate such line in a manner that causes the least amount of impact on the City's planned and existing recreational facilities; however, the final location of the transmission line cannot be identified until the corridor application is approved. The City expects TECO's good faith cooperation in this respect after the corridor application is approved.

SECTION II. OUTSTANDING SUFFICIENCY ISSUES

In order to allow TECO's line siting application to proceed without undue delay, the City agreed to consent to TECO's line siting application being found complete. However, in doing so the City did not withdraw its Second Completeness Questions, nor has it received answers to the questions set forth therein. Rather, the City expects TECO to respond to the questions and concerns in a good faith manner, with the understanding that certain questions and issues may have been raised prematurely. The City reserves its right to raise the issues set forth therein to the Administrative Review body before TECO's line siting application is approved.

SECTION III. VARIANCES TO STANDARDS

No outstanding issues.

SECTION IV. SPECIAL USE PERMISSIONS

The TECO property in the City of Temple Terrace retains its Hillsborough County zoning of Agricultural Single-Family Conventional-1 (ASC-1). Development of electricity substations and overhead lines in the ASC-1 zoning district are conditional uses per County Code Section 2.02.02 Allowable Uses in Zoning Districts. *See also* Section 403.50665, Florida Statutes.

SECTION V. RECOMMENDATION FOR CERTIFICATION

The City requests that the certification of the proposed transmission line corridor be contingent upon the conditions of Section VI, set forth below.

SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION

6.1 REQUESTS FOR RESTRICTED AREAS

Easements, Impact on Current Uses, and Level of Service Standards: The City requests that certification of the transmission line corridor be conditioned upon requiring that any requests for easements through, or use of, the SWFWMD property upon which the City's Youth Sports Complex is located will be made in conjunction with the City. Moreover, the City requests that approval of the line siting application be conditioned upon a requirement that the transmission line and all appurtenances will be located away from and not abut the Youth Sports Complex recreational facilities and not adversely impact the City's current uses on such property which would negatively impact the City's Level of Service as outlined in the Comprehensive Plan for
Appendix III
Staff Analysis Report

- 2 -

the City of Temple Terrace Recreation and Open Space Element and the Concurrency requirements of City Code Section 25.900. *See also* City of Temple Terrace Comprehensive Plan, Recreational Development Objective 1.3 & Policies 1.3.1 & 1.3.3.

6.2 POST CERTIFICATION ITEMS

General Site Development Plans: The City requests that certification of the transmission line corridor be conditioned upon requiring that all development plans, whether by TECO or another entity, within the City of Temple Terrace adhere to the review process for general site plans per the City's Land Development Code Chapter 25.

Conditional Use: A conditional use is required for the electricity substation and overhead line in the ASC-1 zoning district per County Code Section 2.02.02 Allowable Uses in Zoning Districts. The City requests that certification of the transmission line corridor be conditioned upon the applicant following the criteria set forth with regard to particular conditional uses including the adequate provision for buffers, landscaping, public open space, and other improvements necessitated by the use. [City of Temple Terrace Code Section 25.535(c)(7)] As part of the conditional use requirement the City recommends that open space and parks be provided as part of the Goals of the Comprehensive Plan and Multi-Modal Transportation District Comprehensive Plan Amendments for the City of Temple Terrace Future Land Use and Transportation Elements in the form of a trail or bikeway easement. [City of Temple Terrace Comprehensive Plan, Recreational Development Objective 1.3 & Policies 1.3.1 & 1.3.3].

Continued Recreational Uses at the City's Youth Sports Complex: The City proposes that certification of the transmission line corridor be conditioned upon TECO granting the City an easement for the purpose of conducting the same recreational uses currently ongoing at the Youth Sports Complex, near U.S. Highway 301, on any portion of TECO's future right-of-way that would interfere with the City's current recreational uses at the Sports Complex, or that TECO otherwise agree that it will not materially limit or alter, in intensity or location, the City's current recreational uses at the Youth Sports Complex. [City of Temple Terrace Code Sections 25.915(b)(2); 25.935].

Land Dedication: Recreational lands should continue to be maintained and/or improved and the dedication of properties for recreational uses should be encouraged as part of the Goals of the Comprehensive Plan and the Multi-Modal Transportation District Comprehensive Plan Amendments for the City of Temple Terrace Future Land Use and Transportation Elements. [City of Temple Terrace Code Sections 25.915(b)(2); 25.935; City of Temple Terrace Comprehensive Plan Recreational Development Objective 1.3 & Policies 1.3.1 & 1.3.3]. The City requests that the line siting application be conditioned upon TECO providing (through land dedication, easement or otherwise) a means of pedestrian, bike, and vehicular access from the Youth Sports Complex recreational facilities located south of U.S. Highway 301 through the proposed transmission line corridor to the proposed County/City public park that will be located north of Highway 301. The suggested access would connect the existing Youth Sports Complex to the planned public park, thereby ensuring ease of access to each for residents of Temple Terrace and Hillsborough County.

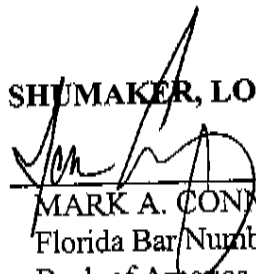
Environmentally Sensitive Lands Program (ELAPP): The City proposes that certification of the transmission line corridor be conditioned upon TECO adhering to the requirements of the City of Temple Terrace Code Section 25.720, *et seq*—Environmentally Sensitive Lands

Protection—when and if TECO's construction operations for placing the transmission line are to occur within the City's ELAPP District.

Transmission Line Design: The City proposes that certification of the transmission line corridor be conditioned upon TECO avoiding the use of guyed transmission line tangent structures in or near residential areas. [City of Temple Terrace Code Section 25.780.10]. Secondly, the City proposes that certification of the transmission line corridor be conditioned upon TECO making all road crossings of the transmission line as nearly perpendicular to the road as practicable, and upon placing all transmission line structures at road crossings in such a manner as to accommodate future road widening. [City of Temple Terrace Code Section 25.915(b)(3)].

Respectfully submitted this 10th day of January 2008.

SHUMAKER, LOOP & KENDRICK, LLP



MARK A. CONNOLLY, ESQ.

Florida Bar Number 0015751

Bank of America Building, Suite 2800

101 E. Kennedy Boulevard

Tampa, FL 33602

Telephone (813) 229-7600

Facsimile (813) 229-1660

Counsel for the City of Temple Terrace

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been forwarded via electronic mail this 10th day of January 2008 to:

James V. Antista, General Counsel
Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399.1600
james.antista@MyFWC.com

Renee Lee, Esquire
Hillsborough County Attorney
601 East Kennedy Boulevard
County Center, 27th Floor
Tampa, Florida 33602
leer@hillsboroughcounty.org

Kelly Martinson, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
kelly.martinson@dca.state.fl.us

Sheauching Yu, Esquire
Leon Biegalski, Esquire
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0450
sheauching.yu@dot.state.fl.us
leon.biegalski@dot.state.fl.us

Samantha Cibula, Esquire
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
scibula@psc.state.fl.us

Toni Sturtevant, Assistant General Counsel
State of Florida Department of Environmental
Protection
3900 Commonwealth Blvd, M.S. 35
Tallahassee, Florida 32399-300
toni.sturtevant@dep.state.fl.us

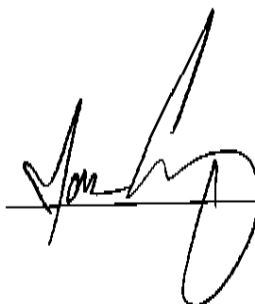
Marti Moore, Esquire
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34606-6899
martha.moore@swfwmd.state.fl.us

Joseph Jarret, County Attorney
Polk County Attorney's Office
330 West Church Street
Bartow, Florida 33830
josephjarret@polk-county.net

Lawrence N. Curtin, Esquire
Holland & Knight, LLP
315 South Calhoun Street, Suite 600
Tallahassee, Florida 32301-1872
larry.curtin@hklaw.com

Patricia M. Steed, Executive Director
Central Florida Regional Planning Council
555 East Church Street
Bartow, Florida 33830-3931
psteed@cfrpc.org

Manny Pumariega, Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard, Suite 100
Pinellas Park, Florida 33782
manny@tbrpc.org



Attorney

Appendix II-J: Department of State-Historical Resources



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. Mike Halpin, P.E.
Siting Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

December 3, 2007

Re: DHR Project No.: 2007-8386
Date Received: October 19, 2007
Willow Oak – Wheeler – Davis Transmission Line Siting Application
Hillsborough and Polk Counties

Dear Mr. Halpin:

Our office reviewed the referenced siting application in accordance with Chapter 403, *Florida Statutes*, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological significance. The State Historic Preservation Officer/Division of Historical Resources advises and assists state agencies to identify historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Our review of the application indicates that significant cultural resources are recorded within the study area. In addition, some areas have never been subjected to systematic professional archaeological or historical investigations, or have not been within the last 10-15 years. Survey standards have changed, and properties not previously identified may now be 50 or more years of age. Many archaeological sites are recorded within or in nearby areas with similar environmental conditions as those found in the project area. For these reasons, it is the opinion of this office that a Phase I cultural resources survey should be conducted for the transmission line corridor.

The purpose of this survey will be to locate and assess all cultural resources that may be present. The resultant survey shall conform to the specification set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency in order to complete the review process for this proposed transmission line project and its impacts. The results of the Phase I analysis should identify the potential for significant cultural resources that may be directly or indirectly impacted by this project. In addition, if significant resources are located, the data described in the report

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

J-1

☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

**Appendix II-J
Staff Analysis Report**
☐ Southeast Regional Office
(904) 416-2115 • FAX: 416-2149

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

Willow Oak TA07-15

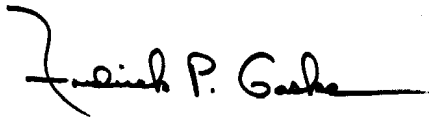
Mr. Mike Halpin
December 3, 2007
Page 2

and the consultant's conclusions will assist this office in determining what measures that should be taken to avoid, minimize adverse impacts to archaeological sites and historical properties listed, or eligible for listing in the NRHP, or otherwise of significance.

Because this letter and its contents are a matter of public record, archaeological consultants who have knowledge of our recommendations may contact the siting applicant. This should in no way be interpreted as an endorsement by this agency. The Division of Historical Resources does not maintain a list of professional archaeologists who are qualified to work in the State of Florida and/or who meet the Secretary of the Interior's Standards for federally involved archeological projects as specified in 36 CFR 61, Appendix A. However, the Register of Professional Archaeologists (RPA) maintains a membership directory that may be useful in locating professional archaeological consultants (<http://www.rpanet.org> - go to Directory) in the project area. Many qualified archaeologists are not members of RPA, and omission from the list does not imply that an archaeologist does not meet the Secretary's Standards or that the resultant work would not be acceptable. Conversely, inclusion on the list is no guarantee that an archaeologist's work will automatically be acceptable. As with any contractor you should request and check references and recent work history.

If you have any questions concerning our comments, please contact Laura Kammerer, Deputy State Historic Preservation Officer for Review and Compliance, by telephone at 850-245-6333, or by electronic mail at lkammerer at dos.state.fl.us. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick P. Gaske", with a stylized flourish at the end.

Frederick P. Gaske, Director, and
State Historic Preservation Officer

Xc: Paul L. Carpinone, Tampa Electric Company

Appendix II-K: Public Comment Response

1. Burnette Email

From: Seiler, Ann
Sent: Tuesday, October 30, 2007 9:39 AM
To: 'Bill Burnette Jr'
Cc: 'leer@hillsboroughcounty.org'
Subject: RE: Willow Oak- Davis 230kv line

Thank you Mr. Burnette, for your e-mail.

Our office is responsible for coordinating the multi-agency review of the project and we are therefore unable to advise you on how the Willow Oak-Davis project may affect your retail business and/or future property values. However, your input may be considered within the project review by Hillsborough County who is a party to the matter. Therefore, you may consider contacting Renee Lee, Hillsborough County Attorney at leer@hillsboroughcounty.org who is providing our office with Hillsborough County's review. Such matters may also be considered by an Administrative Law Judge at a certification hearing should the proposed route be challenged or alternative corridors filed. This process is overseen by the Division of Administrative Hearings and I am including a link for the schedule which shows the statutory deadlines for becoming a party and the filing of alternate corridors:
http://www.doah.state.fl.us/docdoc/2007/004745/07004745_10172007_03073317.pdf

The schedule also indicates that there are other opportunities for public input during the certification process. One important meeting that you may want to attend is the informational public meeting which may be held by Hillsborough County, at their discretion. I suggest you contact Hillsborough County to request that such a meeting be held. Furthermore, there is typically a public comment opportunity scheduled by the administrative law judge during a certification hearing, should a challenge result in such a hearing. This meeting and hearing will be noticed in your local newspapers for Hillsborough and Polk Counties.

I suggest is that you stay informed through our web site
http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line

Sincerely, Ann Seiler

From: Bill Burnette Jr [mailto:hsupplybj@tampabay.rr.com]
Sent: Tuesday, October 30, 2007 8:28 AM
To: Seiler, Ann
Cc: Bill Burnette
Subject: Willow Oak- Davis 230kv line

Ann,

My business is located on the corner of S.R. 574 aka Dr. Martin Luther King Jr. Blvd. and McIntosh road. I am actually on the north west corner.

Could you please advise me on how the Willow Oak-Davis project will affect my retail business and also my future property values?
When I look at the proposed route it seems to surround my property completely.

Thank you for your attention on this matter.

Bill Burnette CEO

Feed Depot of Brandon Inc.
12990 Dr MLK Jr. Blvd
Dover, FL 33527
(813)689-1570
Fax(813)661-7633

2. Flott Email

From: Seiler, Ann
Sent: Tuesday, November 13, 2007 11:26 AM
To: 'tflott@earthlink.net'
Cc: Halpin, Mike
Subject: RE: Case #07-4745TL

Dear Mr. Flott;

Your input may be considered within the project review by Hillsborough County who is a party to the matter. Therefore, you may consider contacting Renee Lee, Hillsborough County Attorney at leer@hillsboroughcounty.org who is providing our office with Hillsborough County's review. Such matters may also be considered by an Administrative Law Judge at a certification hearing should the proposed route be challenged or alternative corridors filed. This process is overseen by the Division of Administrative Hearings and I am including a link for the schedule which shows the statutory deadlines for becoming a party and the filing of alternate corridors:
http://www.doah.state.fl.us/docdoc/2007/004745/07004745_10172007_03073317.pdf

The schedule also indicates that there are other opportunities for public input during the certification process. One important meeting that you may want to attend is the informational public meeting which may be held by Hillsborough County, at their discretion. I suggest you contact Hillsborough County to request that such a meeting be held. Furthermore, there is typically a public comment opportunity scheduled by the administrative law judge during a certification hearing, should a challenge result in such a hearing. This meeting and hearing will be noticed in your local newspapers for Hillsborough and Polk Counties.

I suggest is that you stay informed through our web site

http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line

Sincerely, Ann Seiler

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

From: Terry Flott [mailto:tflott@earthlink.net]
Sent: Sunday, November 11, 2007 6:57 PM
To: Seiler, Ann
Cc: S.Watson
Subject: Case #07-4745TL

Ms. Sieler:

Seffner residents will be significantly impacted by the above referenced case number. According to DOAH Case Information, Case#07-474TL is scheduled to be heard by the Siting Board on March 04, 2008. I have not been able to locate information that would define how citizens may address the Board and/or what the general process is (i.e. Do we, the people, have the opportunity to address the Siting Board? If so, must we travel to Tallahassee in order to be heard? Must we make a request to be heard?, etc.)

As you might have guessed, many are not happy with the thought of these lines piercing our residential neighborhoods OR environmentally sensitive lands when there are other options that would NOT be as intrusive. Other options are available and we wish to be heard regarding this matter.

Thank you for your prompt assistance with this matter.

Terry

Terry J. Flott, President
Seffner Community Alliance. Inc.
P.O. Box 6434
Seffner, Fl. 33583-6434
689-8490
tflott@earthlink.net
"Together: Growing and Preserving"

3. Ramos-Faure Email

From: Seiler, Ann
Sent: Monday, December 17, 2007 10:39 AM
To: 'Ferdinand Ramos Faure'; leer@HillsboroughCounty.ORG
Cc: tflott@eatherlink.net; johnsonjj@hillsboroughcounty.org; Halpin, Mike
Subject: RE: TECO Power Lines Case #07-4745TL

Dear Mr. Faure,

The local government has the option to conduct an informational public meeting (see below 403.5252, F.S.) no later than 55 days after the application is filed. That deadline has passed. The timeframe for Hillsborough County to hold such a meeting for the Willow-Oak was around December 6, 2007. However, there is still opportunity for you to voice your concerns at the certification hearing which is tentatively scheduled for March 3, 2008 (see 403.527, F.S.). The Administrative Law Judge will hold a Public Hearing during the Certification Hearing to hear public concerns. For future information please go to our web site,

http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line, as I will update frequently.

Thank you, Ann Seiler

403.5272 Informational public meetings.--

(1) A local government whose jurisdiction is to be crossed by a proposed corridor may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. The informational public meeting may be conducted by the local government or the regional planning council and shall be held no later than 55 days after the application is filed. The purpose of an informational public meeting is for the local government or regional planning council to further inform the public about the transmission line proposed, obtain comments from the public, and formulate its recommendation with respect to the proposed transmission line.

(2) Informational public meetings shall be held solely at the option of each local government or regional planning council. It is the legislative intent that local governments or regional planning councils attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, a party other than the applicant and the department is not required to attend the informational public meetings.

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting, with notice sent to all parties listed in s. 403.527(2)(a), not less than 5 days before the meeting.

(4) The failure to hold an informational public meeting or the procedure used for the informational public meeting is not grounds for the alteration of any time limitation in this act under s. 403.528 or grounds to deny or condition certification.

Ann Seiler
Florida Energy and Siting Office

2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

From: Ferdinand Ramos Faure [mailto:framos24@tampabay.rr.com]
Sent: Friday, December 14, 2007 8:54 AM
To: leer@HillsboroughCounty.ORG
Cc: tflott@eatherlink.net; johnsonjj@hillsboroughcounty.org; Seiler, Ann
Subject: TECO Power Lines Case #07-4745TL

I understand Hillsborough County is presently in the "project review" phase of TECO's plan to install powers lines from Polk County through eastern Hillsborough County, terminating somewhere in the Temple Terrace area. I have been advised that an important part of this review would be for Hillsborough County (BOCC) to conduct a "public informational meeting" in order to receive direct public input. I have not been able to get information related to the possibility of having the referenced public information meeting or if one will be scheduled.

I am interested in participating in the above process as the outcome of the project may affect my residential area.

Thanks for your assistance and cooperation on this matter.

Ferdinand Ramos-Faure
Lot 361 Diamond Hill
1006 Emerald Hill Way
Valrico, FL 33594

4. Bellis Email

From: Seiler, Ann
Sent: Wednesday, January 02, 2008 2:00 PM
To: 'Jodie'
Subject: RE: Teco Power Lines

Dear Ms. Bellis;

Your input may be considered within the project review by Hillsborough County who is a party to the matter. Therefore, you may consider contacting Renee Lee, Hillsborough County Attorney at leer@hillsboroughcounty.org who is providing our office with Hillsborough County's review. Such matters may also be considered by an Administrative Law Judge at a certification hearing should the proposed route be challenged or alternative corridors filed. This process is overseen by the Division of Administrative Hearings and I am including a link for the schedule which shows the statutory deadlines for becoming a party and the filing of alternate corridors:
http://www.doah.state.fl.us/docdoc/2007/004745/07004745_10172007_03073317.pdf

Furthermore, there is typically a public comment opportunity scheduled by the administrative law judge during a certification hearing, should a challenge result in such a hearing. This meeting and hearing will be noticed in your local newspapers for Hillsborough and Polk Counties.

I suggest is that you stay informed through our web site
http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line

Sincerely, Ann Seiler

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

From: Jodie [<mailto:jodiebellis@verizon.net>]
Sent: Tuesday, January 01, 2008 11:42 PM
To: Seiler, Ann
Subject: Teco Power Lines

I am a resident of the Somerset Community in Valrico. My concern is the rerouting of this Transmission power corridor to an alternative route as it is currently planned to be placed next to our community. <http://www.dep.state.fl.us/siting/Highlights/applications.htm>
This website at the application page (maps 4 and 5) shows this corridor after it crosses SR60 heading north for approx 100 yards, then west to the side of our Somerset community. At this point the corridor turns north again paralleling the entire length our subdivision. The route then turns west parallels the back of our homes. We are deeply concerned about our property values and the health of our children being exposed to the electric energy field generated by high tension power lines. The application by TECO shows several alternative routes, which take the corridor away from the north Valrico area and route it along Trapnell Road to the Wheeler substation.
Please sir, do not allow this power line to be placed in our backyards.
Thank You

5. Whitman Email

From: Seiler, Ann
Sent: Monday, January 14, 2008 3:56 PM
To: 'Derek Witman'
Subject: RE: Teco Power Line Proposal

Dear Mr. Witman;

Your concerns may be brought before the Administrative Law Judge at the certification hearing that is currently scheduled for March 4 – 8, 2008 at the Embassy Suites Hotel, 10220 Palm River Road, Tampa. You may want to contact your county attorney to make sure they request a public hearing be held during the certification hearing. I would contact Renee Lee, Hillsborough County Attorney at leer@hillsboroughcounty.org.

I suggest is that you stay informed through our web site

http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line

Sincerely, Ann Seiler

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

From: Derek Witman [<mailto:derek.witman@employmentguide.com>]
Sent: Friday, January 11, 2008 4:35 PM
To: Seiler, Ann
Subject: Teco Power Line Proposal

Message: Dear Ms. Seiler,

I am a resident of the Somerset Community off of Mulrennan and Rte 60, in Valrico, FL. I am writing you to request that you do everything in your power to have this electric corridor relocated. This area has tons of open land that can be used where the impact to houses and communities would be minimal at best. If you have not been out in this area to physically see the route they are proposing, I encourage you to do that. It is very common to see home values plummet, neighborhoods deteriorate, and communities to crumble in the wake of power lines.

For everyone in this community, I beg that you help to have this route moved.

If you should have any questions please feel free to call or email the contact info below.

Derek J. Witman
General Manager
The Employment Guide | Tampa Bay & SW
P: 813.775.6255 F: 813.884.1609 C: 727.251.2945
derek.witman@employmentguide.com
<http://tampajobspot.blogspot.com>
<http://tampa.employmentguide.com>

6. Sartori Email

From: jennifer.k.sartori@jpmchase.com
Sent: Tuesday, January 29, 2008 5:07 PM
To: Seiler, Ann
Subject: RE: Teco Power Line Proposal - Somerset Community Impact

YES! Your e-mail below helps tremendously, so that you so very much for taking the time to educate me on the process. I truly appreciate it and now I understand :)

I went to the site you sent me to find a map of the location for the proposed line but was unable to find it or download anything from that site actually. Do you happen to have a picture or .pdf of the map of where it's exact location would be? After this, I won't ask for anything else.

Take care and thanks again.

Jennifer K. Sartori, PMP
Project Manager, EFS Program Management Office
JPMorgan Chase

Phone: (813) 432-4527
Fax: (813) 432-4522
E-mail: jennifer.k.sartori@jpmchase.com

"Seiler, Ann" <Ann.Seiler@dep.state.fl.us>

01/29/2008 05:02 PM

To <jennifer.k.sartori@jpmchase.com>

cc

Subject RE: Teco Power Line Proposal - Somerset Community Impact

Oops sorry, rushing when I shouldn't have. The Transmission Line Siting Act is a process for which a utility company can submit an application for a transmission line. Part of the process is to apply to the Public Service Commission who determines if there is a real need for a transmission line in the area the utility company is proposing. For Willow Oak –Wheeler-Davis, the Public Service Commission has determined the need is there. The utility company, in this case TECO, then submits an application to DEP to follow the process as it is laid out by Florida Statute. What the utility company submits is an application for a CORRIDOR, which can be 1 mile wide, to show where the actual transmission line route will be. During the process though, third parties such as property owners can submit ALTERNATE CORRIDORS. However for this particular case, the deadline has passed for that. But the judge usually always sets a public hearing so he can hear what the concerns are of the public. Since the Public Service Commission has deemed the need for the power, it is unlikely that the transmission line would get denied. However, once the certification process is completed, the CORRIDOR then shrinks to a RIGHT-OF-WAY depending on what easements/permissions TECO has gotten from property owners. The right of way is usually 75feet wide. All I am trying to say is that although your property looks to be in the corridor, it may not be as the right of way may

turn out to be ½ a mile away. Does that help? Thanks, Ann

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

If you can't see the light at the end of the tunnel...go down and turn it on!

From: jennifer.k.sartori@jpmchase.com [mailto:jennifer.k.sartori@jpmchase.com]
Sent: Tuesday, January 29, 2008 4:50 PM
To: Seiler, Ann
Subject: RE: Teco Power Line Proposal - Somerset Community Impact

Ann,

Can you kindly translate this sentence from your e-mail, I don't understand what this means.

Thanks.

"The Certification Hearing is a process the certification of a CORRIDOR which, upon the utility company getting easements from property owners, shrinks to a RIGHT-OF-WAY."

Jennifer K. Sartori, PMP
Project Manager, EFS Program Management Office
JPMorgan Chase
Phone: (813) 432-4527
Fax: (813) 432-4522
E-mail: jennifer.k.sartori@jpmchase.com

"Seiler, Ann" <Ann.Seiler@dep.state.fl.us>
01/29/2008 04:37 PM

To <jennifer.k.sartori@jpmchase.com>, <leer@hillsboroughcounty.org>
cc
Subject RE: Teco Power Line Proposal - Somerset Community Impact

Dear Ms. Sartori;

Your concerns may be brought before the Administrative Law Judge at the public hearing scheduled for March 5, 2008 at 7:00pm at the Embassy Suites Tampa Brandon Hotel, Ball Room, 10220 Palm River Road, Brandon Florida.

The Certification Hearing is a process the certification of a CORRIDOR which, upon the utility company getting easements from property owners, shrinks to a RIGHT-OF-WAY.

I suggest is that you stay informed through our web site

[http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa Electric Willow Oak-Davis 230KV Line](http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line)

Sincerely, Ann Seiler

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399
(850) 245-8008
ann.seiler@dep.state.fl.us

If you can't see the light at the end of the tunnel...go down and turn it on!

From: jennifer.k.sartori@jpmchase.com [mailto:jennifer.k.sartori@jpmchase.com]
Sent: Tuesday, January 29, 2008 12:36 PM
To: leer@hillsboroughcounty.org
Cc: Seiler, Ann
Subject: Teco Power Line Proposal - Somerset Community Impact

Hello Renee and Ann,

My name is Jennifer Sartori and I am a resident of the Somerset Community in Valrico, FL where TECO is proposing their power line to be built. I am unable to find information regarding the exact location of where TECO intends to build their power lines, however I am told is it directly behind my home where we have a beautiful conservation area, surrounded by several strawberry fields. I am concerned about this proposal on many levels, from it's impact on the beauty of our area, to the negative impact it will have on our standards of living and values of our homes, but most important to the health risk that power lines present when placed so close to a community of over 600 homes and over 2000 residents.

At this time, I am seeking your help with understanding what our community can do, and what I can do as an individual homeowner to encourage and convince the decision makers of this proposal to move forward with one of the other two location options of these power lines. This is primarily because the alternate routes/locations will not impact a community, it's residents or their health, livelihood or homes which I believe would be a goal, whenever possible, of this county and it's decision makers.

Thank you in advance for your time and with responding to my inquiries above.

-Jennifer

Jennifer K. Sartori, PMP

Project Manager, EFS Program Management Office
JPMorgan Chase

Phone: (813) 432-4527
Fax: (813) 432-4522
E-mail: jennifer.k.sartori@jpmchase.com

----- Forwarded by Jennifer K Sartori/JPMCHASE on 01/29/2008 12:10 PM -----
"Derek Witman" <derek.witman@employmentguide.com>
01/15/2008 05:55 PM
To <jennifer.k.sartori@jpmchase.com>
cc
Subject FW: Teco Power Line Proposal

Check this out below. If you have not sent an email to our Hills. County Attorney, please do so.

Thanks

From: Seiler, Ann [mailto:Ann.Seiler@dep.state.fl.us]
Sent: Monday, January 14, 2008 3:56 PM
To: Derek Witman
Subject: RE: Teco Power Line Proposal

Dear Mr. Witman;

Your concerns may be brought before the Administrative Law Judge at the certification hearing that is currently scheduled for March 4 – 8, 2008 at the Embassy Suites Hotel, 10220 Palm River Road, Tampa. You may want to contact your county attorney to make sure they request a public hearing be held during the certification hearing. I would contact Renee Lee, Hillsborough County Attorney at leer@hillsboroughcounty.org.

I suggest is that you stay informed through our web site
http://www.dep.state.fl.us/siting/Highlights/applications.htm#Tampa_Electric_Willow_Oak-Davis_230KV_Line

Sincerely, Ann Seiler

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From: Derek Witman [mailto:derek.witman@employmentguide.com]

Sent: Friday, January 11, 2008 4:35 PM

To: Seiler, Ann

Subject: Tecu Power Line Proposal

Message: Dear Ms. Seiler,

I am a resident of the Somerset Community off of Mulrennan and Rte 60, in Valrico, FL. I am writing you to request that you do everything in your power to have this electric corridor relocated. This area has tons of open land that can be used where the impact to houses and communities would be minimal at best. If you have not been out in this area to physically see the route they are proposing, I encourage you to do that. It is very common to see home values plummet, neighborhoods deteriorate, and communities to crumble in the wake of power lines.

For everyone in this community, I beg that you help to have this route moved.

If you should have any questions please feel free to call or email the contact info below.

Derek J. Witman
General Manager
The Employment Guide | Tampa Bay & SW
P: 813.775.6255 F: 813.884.1609 C: 727.251.2945
derek.witman@employmentguide.com
<http://tampajobspot.blogspot.com>
<http://tampa.employmentguide.com>

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