STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Florida Power & Light Company

Turkey Point Plant Units 6 & 7

PA 03-45A3

May 19, 2014

Table of Contents

SECTION A: GENERAL CONDITIONS 1

I. SCOPE 1

II. APPLICABLE DEPARTMENT RULES 3

III. REVISIONS TO DEPARTMENT STATUTES AND RULES 4

IV. DEFINITIONS 5

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS 7

A. Air 7

B. Water 7

1. NPDES Industrial Wastewater Discharge 7

2. Underground Injection Control 7

3. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) 7

4. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity. 8

5. NPDES Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity 8

6. NPDES Generic Permit for Discharges from Concrete Batch Plants 8

VI. DESIGN AND PERFORMANCE CRITERIA 8

VII. NOTIFICATION 9

VIII. CONSTRUCTION PRACTICES 9

A. Local Building Codes 9

B. Open Burning 9

C. Vegetation 10

D. Existing Underground Utilities 10

E. Electric and Magnetic Fields (EMF) 10

F. Existing Wells 10

G. Abandonment of Existing Septic Tanks 10

IX. RIGHT OF ENTRY 10

X. DISPUTE RESOLUTION 11

XI. SEVERABILITY 11

XII. ENFORCEMENT 12

XIII. REVOCATION OR SUSPENSION 12
XIV. REGULATORY COMPLIANCE 12
XV. CIVIL AND CRIMINAL LIABILITY 13
XVI. USE OF STATE LANDS 13
XVII. PROCEDURAL RIGHTS 14
XVIII. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES 15
XIX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS 17
A. Purpose of Submittals 17
B. Filings 17
C. Completeness 17
D. Interagency Meetings 18
E. Determination of Compliance 18
F. Commencement of Construction 18
G. Revisions to Design Previously Reviewed for Compliance 18
H. Variation to Submittal Requirements 18
XX. POST CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY 19
XXI. POST CERTIFICATION AMENDMENTS 19
XXII. MODIFICATION OF CERTIFICATION 20
XXIII COASTAL ZONE CONSISTENCY 20
XXIV TRANSFER OF CERTIFICATION 20
XXV. LABORATORIES AND QUALITY ASSURANCE 21
XXVI. ENVIRONMENTAL RESOURCES 21
A. General 21
1. Submittals for Construction Activities 21
B. Surface Water Management Systems (SWMS) 22
C. Wetland and Other Surface Water Impacts 24
XXVII. THIRD PARTY IMPACTS 24
XXVIII. FACILITY OPERATION 24
XXIX. RECORDS MAINTAINED AT THE FACILITY 25
XXX. WATER DISCHARGES 25
A. Discharges 25

B. Wastewater Incident Reporting..... 26
XXXI. SOLID AND HAZARDOUS WASTE 27
A. Solid Waste 27
B. Hazardous Waste and Used Oil 27
C. Hazardous Substance Release Notification 27
D. Petroleum Contact Water 28
E. Contaminated Site Cleanup 28
XXXII. STORAGE TANK SYSTEMS..... 28
A. Incident Notification Requirements. 28
B. Discharge Reporting Requirements 28
C. Discharge Cleanup 28
D. Out of Service and Closure Requirements 29

SECTION B: SPECIFIC CONDITIONS – Unit 6 & 7 Nuclear Power Plant and associated facilities (EXCLUDING Transmission lines)..... 30
I. RADIAL COLLECTOR WELL SYSTEM MONITORING 30
A. Department of Environmental Protection 30
B. Florida Fish and Wildlife Conservation Commission (FWC) 31
C. South Florida Water Management District (SFWMD)..... 33
II. DEPARTMENT OF ENVIRONMENTAL PROTECTION 34
A. Environmental Resource Permitting..... 34
B. Radial Collector Well System 35
C. Radiological 36
D. Domestic Wastewater Treatment Facility 37
III. DEPARTMENT OF TRANSPORTATION..... 37
A. Access Management to the State Highway System:..... 37
B. Overweight or Overdimensional Loads:..... 37
C. Use of State of Florida Right of Way or Transportation Facilities:... 38
D. Standards:..... 38
E. Drainage: 38
F. Use of Air Space:..... 38
G. Traffic Control Plan: 39
H. Best Management Practices 39

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION 39

A. Listed Species Conditions 39

B. General Listed Species Survey 40

C. Specific Listed Species Surveys 41

D. Listed Species Locations 42

E. Bald Eagle 42

F. Shorebirds 43

G. Everglades Mink 45

H. Florida Manatee 45

I. Florida Panther 46

J. Rivulus 47

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES 48

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT 48

A. General 48

B. Excavation, Deposition and Dewatering 56

1. Storage of Spoils 56

2. Dewatering 56

C. Water Supply 57

1. Primary Source (Reclaimed Water) 57

2. Secondary Source (Radial Collector Wells) 58

3. General Conditions for Secondary Cooling Water Supply Sources 60

D. Linear Facilities on SFWMD Real Property Interests 64

E. Additional Conditions Applicable to Water Pipelines on SFWMD Real Property Interests 74

F Roadway Improvements 75

VII. MIAMI-DADE COUNTY 75

A. General Conditions 75

B. Plant Access Roads 77

C. Earthwork And Materials Disposal 78

E. Wastewaters/Sanitary Wastes 80

F. Exotic Vegetation 81

G. Aviation Requirements 81
H. Rare, Threatened and Endangered Species 82
I. Reclaimed Water Pipeline 83
J. Reclaimed Water Treatment Facility 84
K. Real Property Interests 84
L. Equipment Barge Unloading Area 85
M. Water 85
N. Open Burning 86
O. Wetland Impacts and Mitigation 87
P. Radial Collector Well System Monitoring 89
Q. Stormwater Management and Water Quality 97
R. Environmentally Endangered Lands Adjacent to Non-Transmission Facilities 98
VIII. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA 99
A. Submerged Land Easement for Radial Collector Well Laterals 99
IX. CITY OF HOMESTEAD 99
A. Right – of – Way (ROW) – Potable Water Pipeline and Temporary Construction Access Roads 99
B. ROW Use 99

SECTION C: SPECIFIC CONDITIONS – TRANSMISSION LINES 100
I. DEPARTMENT OF ENVIRONMENTAL PROTECTION 100
A. Process for Review of ROW Location 100
B. Miami River Crossing 101
C. Replacement for Restoration of System Integrity 101
II. DEPARTMENT OF TRANSPORTATION 101
A. Access Management to the State Highway System: 101
B. Overweight or Overdimensional Loads: 102
C. Use of State of Florida Right of Way or Transportation Facilities: . 102
D. Standards: 102
E. Drainage: 102
F. Use of Air Space: 102

G. Specific 103

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION... 105

A. Listed-Species Conditions 105

B. General Listed Species Survey..... 106

C. Specific Listed Species Surveys..... 107

D. Listed Species Locations..... 108

E. Gopher Tortoise 108

F. Wood Stork Wading Bird Colonies..... 109

G. Everglades Snail Kite..... 111

H. Bald Eagle..... 112

I. Southeastern American Kestrels 113

J. Florida Panther 113

K. Florida Black Bear..... 113

L. Everglades Mink 114

M. Florida Manatee..... 115

N Avian Protection Plan..... 115

IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES..... 116

V. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 116

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT 116

A. General..... 116

B. Central and Southern Florida Project 124

C. Operations & Maintenance / Right-of-Way 127

1. General Conditions..... 128

2. Standard Limiting Conditions..... 132

3. Special Conditions 133

D. Land Management / Ecosystem Restoration..... 136

E. Water Use 137

F. Corridor-Specific Conditions..... 138

VII. MIAMI DADE COUNTY (MDC) 147

A. General Conditions..... 147

B. Noise 147
C. Environmentally Endangered Lands (EEL) 147
D. Fill within the Transmission Rights of Way 148
E. Cultural and Archeological Resources 148
F. Kings Highway Natural Forest Community (Parcel Folio Number 30-7810-000-0140) 149
G. Flowage Easement 150
H. Placement of Transmission Facilities within Transit Right-of-Way 150
I. Mitigation for Mangrove, Wetland and Upland Tree Impacts 152
J. Exotic Vegetation 153
K. Prescribed Burns 153
L. Within the Proposed Transmission Line ROW in Simpson Park 154
M. Homestead Bayfront Park 155
N. Rare, Threatened, and Endangered Species 155
O. East Corridor 156
P. West Corridor and East Corridor 158
Q. Aviation 160
R. Trail Glades Park Specific Conditions 161
S. Wellfields: 161
T. Access Controls: 161
U. Public Uses of Transmission Line Rights-of-Way: 162
F. Water and Sewer 162
W. Earthwork and Material Handling and Disposal 162
X. Access to Transmission ROW 163
Y. Wetland Mitigation Protection Requirements: 163
VIII. CITY OF CORAL GABLES (CCG) 163
A. Transmission Line Project. 163
B. Transmission Line Design. 164
C. Tree Replacement and Vegetation Management 164
D. Restoration and Use of City ROW Following Construction 165
E. Drainage 165
F. Solid Waste 165
G. Historic Preservation: 165

H. Construction and Traffic Management 166
I. Noise of Transmission Line Construction: 166
J. Noise of Transmission Line Operation 166
K. Maintenance of Pedestrian and Bicycle Traffic 167
L. Emergency Management 167
M. Communications Systems 167
N. Detailed Construction Schedule 169
O. Monitoring 170
P. Indemnification 170
Q. Settlement Agreement 170
IX. CITY OF DORAL (COD) 170
A. Noise 170
B. Open Burning 170
X. CITY OF MIAMI (COM) 170
A. Archaeological Resource Preservation 170
B. Scenic Transportation Corridor 171
C. Maintenance of Pedestrian and Bicycle Traffic 171
D. Informational Submittal of Final Design Plan 171
E. Emergency Management 172
F. Communication Systems 172
G. Restoration of Conditions in City ROW 173
H. Tree Preservation: Within the City of Miami 173
I. Historic Resource Preservation 173
XI. CITY OF SOUTH MIAMI (CSM) 173
A. ROW Location Conditions: 173
B. Solid Waste 174
C. Emergency Management 174
D. Noise and Demolition 174
XII. VILLAGE OF PINECREST (VOP) 174
A. Nuisances 174
B. Emergency Management. 176
C. Solid Waste 176
D. Noise 176

E. Location of Transmission Line 176
F. Tree Relocation and Replacement 177
G. Obstructions of Visibility 177
H. ROW Management and Restoration of ROW 177
XIII. VILLAGE OF PALMETTO BAY (VPB) 177
A. Informational Submittal of Final Design Plan 178
B. Drainage: 178
C. Use of Village Rights of Way: 178
D. Stormwater: 178
E. Construction Activities within the Village: 178
F. Maintenance of Pedestrian and Bicycle Traffic: 178
G. Emergency Management: 178
H. Noise 178
I. Vegetation Tree Trimming: 179
J. Restoration of Conditions: 179
XIV. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA 179
A. Submerged Land Easement for Transmission Line Crossing of the Miami River 179
B. Upland Easement 179
XV. MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) 180
A. Occupancy License 180
B. Impacts to MDX Right-of-Way 180
C. Property Interest 180
XVI. SITING BOARD 180
History 181

ATTACHMENTS & APPENDICES

Attachment A ..... Maps

Map 1 Site Delineation
Map 2 Delineation of the Certified Area
Map 3 Delineation of Off-Site Non-Linear Facilities
Map 4 Delineation of Off-Site Linear Facilities

Attachment B ..... Surface Water Management System Plans

Attachment C ..... Wetland Mitigation Plan (Rev.2, July 2011)

Attachment D .....Radial Collector Well System Monitoring Plan

Attachment E.....FWC BMPs for Operating Vehicles on the Beach

Attachment F.....FWC Standard Manatee & Marine Turtle Construction Conditions for In-Water Work (revised March 2012)

Attachment G .....FWC Panther Focus Area Map

Attachment H .....Sovereign Submerged Land (SSL) Easements

H-a Radial Collector Well Laterals

H-b Miami River Crossing

H-c Upland

Attachment I.....SFWMD Existing and Planned Projects (Plant and Associated Facilities)

I-a Table of SFWMD Existing and Planned Projects

I-b Map of SFWMD Existing and Planned Projects and FPL Proposed Linear Facilities Corridors

I-c Definition of Codes for Consistency with SFWMD Projects

I-d TP6&7 Project Features-Intersecting C&SF System and Works of the District

Attachment J ..... MDC Flowage Easement (May/2013)

Attachment K ..... MDC Controlled Species of Exotic Vegetation

Attachment L..... MDC Prohibited Species of Exotic Vegetation

Attachment M.....FPL Exotic Vegetation Management Plan (May 3, 13)

Attachment N ..FPL Area B Conceptual System Spoils Management Area

Attachment O . MDC Environmentally Endangered Lands (EEL) Parcels Map

Attachment P...Figure 2 from FPL Completeness Response No. MD(3)-04

Attachment Q ..... MDC Height Zoning District for HARB

Attachment R SFWMD Existing and Planned Projects (Transmission Lines)

R-a Table of SFWMD Existing and Planned Projects

R-b Map of SFWMD Existing and Planned Projects and FPL Proposed Linear Facilities Corridors

R-c Definition of Codes for Consistency with SFWMD Projects – Transmission Facilities

R-d TP6&7 Project Features-Intersecting C&SF System and Works of the District

Attachment S .... FPL Conceptual Earthwork and Materials Disposal Plan (June 3, 2011)

Attachment T..... Certificate of FPL Self-Insurance

Attachment U…….……Kendall Area Potential Exclusion Zone

Attachment V……Confidentiality Agreement

Attachment W……Alternate Corridor Conditions Exhibit

Attachment X ...Exhibit 1 of Settlement Agreement – FPL and CCG filed 5/13/14

Appendix I ..... NPDES Permit No. FL0001562

Appendix II.....UIC Permits

List of Tables

Table 1. State and Federally Listed Species for Florida 39
Table 2. State and Federally Listed Species in Florida..... 105
Table 3. Exotic Vegetation to be Removed by Licensee. 123

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), this certification is issued to Florida Power & Light Company (FPL) as owner/operator of Turkey Point Power Plant Units 6 & 7 and Licensee. Subject to the requirements contained in these Conditions of Certification (COC), FPL may construct, operate and maintain two 1,100 MW (net) nuclear electrical generating units (Units 6 & 7) with supporting buildings, facilities and equipment. FPL may construct, operate and maintain an expansion of the Levee substation, the Clear Sky substation, and Certified Transmission Lines within certified corridors as part of the electrical power plant.

Units 6 & 7 are planned to be located on approximately 218 acres of the existing approximately 9,400 acres. This facility is located at 9.5 miles east of Florida City on SW 344 Street, Florida City, Dade County; UTM Coordinates: Zone 17, 567.2 km East and 2813.2 km North; Latitude: 25°26' 09" North and Longitude: 80° 19' 52" West.

B. The certified facility includes the following major non-transmission line associated facilities;

1. a laydown area;
2. a nuclear administration building;
3. a training building;
4. a parking area;
5. a FPL reclaimed water treatment facility;
6. reclaimed water pipelines;
7. radial collector wells and associated pipelines;
8. an equipment barge unloading area;
9. access roads and bridges; and,
10. potable water pipelines

Associated transmission lines:

1. Clear Sky-Turkey Point transmission line: a 230 kilovolt (kV) line from the existing Turkey Point substation on the Turkey Point Plant property to the proposed Clear Sky substation;

2. Clear Sky-Davis and Davis-Miami transmission lines: a 230-kV line from the proposed Clear Sky substation to the existing Davis substation in southeast Miami-Dade County, and another 230-kV line from the Davis substation to the existing Miami substation in downtown Miami just north of the Miami River;

3. Clear Sky-Levee #1 and #2 transmission lines: two 500-kV lines from the proposed Clear Sky substation to the Levee substation in west Miami-Dade County; and

4. Clear Sky-Pennsuco transmission line: a 230-kV line from the proposed Clear Sky substation to the existing Pennsuco substation in northwest Miami-Dade County.

The Turkey Point 6 & 7 electrical generating units and all on-Site and off-Site linear and non-linear facilities are located in Miami-Dade County, Florida.

C. These COC, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified Facilities. If a conflict should occur between the design criteria of the Certified Facilities described in the Application and these COC, the COC shall prevail unless amended or modified. In any conflict between any of these COC, the more specific condition governs. The Department does not intend, solely by the incorporation of these General Conditions, to require the retrofitting of existing Certified Facilities.

D. Within 120 days after completion of the electrical power plant as defined by 403.503(14), F.S., excluding off-Site linear and non-linear associated facilities, Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Site as defined by Section 403.503(28), F.S., and an aerial photograph delineating the boundaries of the Site. The survey map and aerial photograph shall be identified as Site Delineation and attached hereto as part of Attachment A.

The Licensee shall notify the Department of any change to the Site boundary depicted in the Site Delineation in Attachment A. The notification shall be accompanied by an updated land survey map (or legal description) and aerial photograph delineating the new boundaries of the Site for review by the Department.

Absent the above description/delineation of the Site, the Department will consider the perimeter fence line of the property on which the electrical generating facilities are located to be the boundaries of the Site.

E. If both certified and uncertified facilities lie within the boundaries of the Site, the Licensee shall also comply with the requirements of this paragraph. Within 120 days after completion of construction of the electrical power plant and on-Site associated facilities, but excluding off-Site linear and non-linear associated facilities, Licensee shall provide to the Department in .pdf format: documentation delineating the boundaries of the Certified Areas within the Site; such as an aerial photograph or other acceptable documentation delineating the boundaries of the Certified Areas within the Site. The boundaries of the Certified Areas of the Site shall include both the certified "electrical power plant generating facilities" as defined in Section 403.503(28), F.S. and its on-Site "associated facilities" (including on-Site linear facilities) as defined by Section 403.503(7), F.S. This documentation shall be known as Delineation of the Certified Area of the Site and attached hereto as part of Attachment A.

F. Within 120 days after completion of construction of the off-Site associated non-linear facilities, Licensee shall provide to the Department in .pdf format: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the Certified Areas for each off-Site non-linear Certified Facility; and an aerial photograph delineating the boundaries of the Certified Areas for each off-Site non-linear Certified Facility. The surveys and aerial photographs shall be known as Delineation of the Certified Areas of the Off-Site Non-Linear Facilities and attached hereto as part of Attachment A.

G. Within 180 days after completion of construction of associated off-Site linear facilities, as defined by Section 403.503(7), F.S., the Licensee shall provide: an aerial photograph(s)/map(s) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating

the boundaries of the Certified Areas, following acquisition of all necessary property interests and the corridor narrowing as described in Section 403.503(11), F.S., which shall be known as Delineation of Off-Site Linear Facilities and attached as part of Attachment A.

Following any post-certification approvals that require a change to the boundaries of the Certified Area(s) depicted in Delineation of Off-Site Linear Facilities in Attachment A, the Licensee shall submit an updated aerial photograph/map, survey map or legal description.

[Section 403.511, F.S.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation, and maintenance of the Certified Facilities shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code (F.A.C.), including, but not limited to, the applicable non-procedural portions of the following rules, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to the COC, or as otherwise provided under the PPSA:

Florida Administrative Codes:
18-2 (Management of Uplands Vested in the Board of Trustees)
18-14 (Administrative Fines for Damaging State Lands)
18-18 (Aquatic Preserves)
18-21 (Sovereign Submerged Lands Management)
62-4 (Permits)
62-17 (Electrical Power Plant Siting)
62-25 (Regulations of Stormwater Discharge)
62-40 (Water Resource Implementation Rule)
62-150 (Hazardous Substance Release Notification)
62-160 (Quality Assurance)
62-204 (Air Pollution Control-General Provisions)
62-210 (Stationary Sources-General Requirements)
62-212 (Stationary Sources-Preconstruction Review)
62-213 (Operation Permits for Major Sources of Air Pollution)
62-214 (Requirements for Sources Subject to the Federal Acid Rain Program)
62-256 (Open Burning)
62-296 (Stationary Sources-Emission Standards)
62-297 (Stationary Sources-Emission Monitoring)
62-301 (Surface Waters of the State)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-312 (Dredge and Fill Activities)
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)
62-520 (Groundwater Classes, Standards and Exemptions)
62-522 (Groundwater Permitting and Monitoring Requirements)

62-528 (Underground Injection Control)
62-531 (Water Well Contractor Licensing Requirements)
62-532 (Water Well Permitting and Construction Requirements)
62-550 (Drinking Water Standards, Monitoring and Reporting)
62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems)
62-560 (Requirements for Public Water Systems That Are Out of Compliance)
62-600 (Domestic Wastewater Facilities)
62-601 (Domestic Wastewater Treatment Plant Monitoring)
62-604 (Collection Systems and Transmission Facilities)
62-610 (Reuse of Reclaimed Water and Land Application)
62-620 (Wastewater Facility and Activities Permitting)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-660 (Industrial Wastewater Facilities)
62-699 (Treatment Plant Classification and Staffing)
62-701 (Solid Waste Management Facilities)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-740 (Petroleum Contact Water)
62-761 (Underground Storage Tank Systems)
62-762 (Aboveground Storage Tank Systems)
62-769 (Florida Petroleum Liability and Restoration Insurance Program)
62-770 (Petroleum Contamination Site Clean-Up Criteria)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)
64E-6 (Standards for Onsite Sewage Treatment and Disposal Systems)

For Facilities in the South Florida Water Management District:
40E-2 (Consumptive Use)
40E-3 (Water Wells)
40E-6 (Works or Lands of the District)
40E-8 (Minimum Flows and Levels)
40E-9 (Real Property Acquisition and Disposal)
40E-21 (Water Shortage Plan)

III. REVISIONS TO DEPARTMENT STATUTES AND RULES

A. The Licensee shall comply with rules adopted by the Department subsequent to the issuance of the certification under the PPSA which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants, after a reasonable time for compliance. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted Department rules which prescribe new or stricter criteria shall operate as automatic modifications to the certification.

B. Upon written notification to the Department, the Licensee may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by

the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

[Section 403.511(5)(b), F.S.; subsection 62-4.160(10), F.A.C.]

IV. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 373 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these COC which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative, by the use of the commonly accepted meaning. As used herein, the following shall apply:

A. "Application" as defined in Section 403.503(6), F.S. For purposes of this certification, "Application" shall also include materials submitted for petitions for modification to the COC.

B. "Associated Facilities" as defined in Section 403.503(7), F.S.

C. "Certified Area" or "Certified Areas" means the area within the Site in which the Certified Facilities are located. For off-Site non-linear associated facilities, this shall mean the areas within which the certified off-Site associated facilities are located. For associated linear facilities this term shall mean the area encompassed by the boundaries of the certified corridors, until such time as all property interests required for ROWs have been acquired, after which time the term will include only the area within the final ROWs in accordance with Section 403.503(11), F.S.

D. "Certified Facility" or "Certified Facilities" means the certified electrical power generation facilities and all on- or off-Site associated structures and facilities identified/described in the Application or in the final order of certification.

E. "Certified Transmission Line" or "Certified Transmission Lines" shall mean one or more of the transmission lines, as defined in Section 403.522(22), F.S. that is certified by the Siting Board.

F. "Complete," as that term is used in relation to post-certification filings, shall mean the post-certification filing provides the data required by the relevant COC.

G. "DEO" means the Florida Department of Economic Opportunity.

H. "DEM" shall mean the Florida Division of Emergency Management.

I. "DEP" or "Department" means the Florida Department of Environmental Protection.

J. "DHR" means the Florida Department of State, Division of Historical Resources.

K. "District-owned lands" shall mean lands owned by the South Florida Water Management District at the time of certification.

L. "DOH" means the Florida Department of Health.

M. "DOT" means the Florida Department of Transportation.

N. "Emergency conditions" means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.

O. "Practicable" means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

P. "FWC" means the Florida Fish and Wildlife Conservation Commission.

R. "Licensee" means Florida Power & Light Company which has obtained a certification order for the Certified Facilities.

S. "Listed species" shall mean a species listed as endangered, threatened, or a species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

T. "NPDES permit" means a federal National Pollutant Discharge Permit System permit issued by DEP in accordance with the federal Clean Water Act (referred to as State of Florida Industrial Wastewater (IWW) Facility Permit FL0001562, as well as subsequent modifications, amendments and/or renewals).

U. "NRC" shall mean the United States Nuclear Regulatory Commission.

V. "FPL" shall mean Florida Power & Light Company, the Licensee.

W. "Post-certification submittal" shall mean a submittal made by the Licensee pursuant to a COC.

X. "PSD permit" means a federal Prevention of Significant Deterioration air emissions permit issued by DEP in accordance with the federal Clean Air Act.

Y. "ROW" means the right-of-way to be selected by the Licensee within a certified corridor in accordance with the COC and as defined in Section 403.503(27), F.S.

Z. "SFRPC" means the South Florida Regional Planning Council.

AA. "SCO" shall mean the DEP Siting Coordination Office.

BB. "SED" shall mean the DEP Southeast District Office.

CC. "Site" as defined in Section 403.503(28), F.S. For Turkey Point Units 6 & 7 this includes the property on which the following will be located: two 1,100 MW (net) nuclear electrical generating units with supporting buildings, facilities and equipment; a laydown area; a nuclear administration building; a training building; parking area; an FPL reclaimed water treatment facility; radial collector wells and associated pipelines; an equipment barge unloading area; and those portions of all linear associated facilities located on Turkey Point Plant property east of SW 117th Avenue and south of Palm Drive.

DD. "Surface Water Management System" or "System" means a stormwater management system as defined in Section 373.403. (10), F.S., dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or fill.

EE. "SFWMD" means the South Florida Water Management District.

FF. "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.

GG. "Title V permit" means a federal permit issued by DEP in accordance with Title V provisions of the federal Clean Air Act.

HH. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

V. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The Department may consider a violation of any of these permits as a violation of this certification.

A. Air

All Air Construction Permits and Title V Air Operation Permits in force for the certified facilities are incorporated by reference herein as part of these Conditions. The Air Construction Permits and Title V Air Operation Permits can be found at this web link using facility ID number 0250003: http://appprod.dep.state.fl.us/air/emission/apds/default.asp.

[Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C.]

B. Water

1. NPDES Industrial Wastewater Discharge

Licensee shall comply with all applicable provisions of IWW Permit No. FL0001562 (attached as Appendix I) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-621, F.A.C.]

2. Underground Injection Control

Any construction or operation of injection wells shall be in accordance with all applicable provisions of UIC Permit No. 293962-002-UC (attached as Appendix II) as well as any subsequent modifications, amendments and/or renewals.

[Chapter 62-528, F.A.C.]

3. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

Any storm water discharges associated with construction activities in a Certified Area shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. A Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP) must be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

4. NPDES Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

Any storm water discharges associated with industrial activity in a Certified Area shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

5. NPDES Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity

Prior to discharge of produced ground water from any non-contaminated Certified Area activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

6. NPDES Generic Permit for Discharges from Concrete Batch Plants

Prior to discharges from concrete batch plants which meet the criteria specified in DEP Document 62-621.300(3)(a), (excluding Part III when using any new batch plants and excluding Part II when using any existing batch plants) the Licensee must first obtain coverage under the Generic Permit for Discharges from Concrete Batch Plants. This generic permit also constitutes authorization to construct and operate closed-loop recycling vehicle/equipment washing facilities at concrete batch plants. New and existing concrete batch plants which do not qualify for coverage or do not choose to be covered under this generic permit shall apply for an individual wastewater permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C. DEP Document number 62-621.300(3)(a) contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

VI. DESIGN AND PERFORMANCE CRITERIA

Certification, including these COC, is predicated upon preliminary designs, concepts, and performance criteria described in the Application or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the Application or as explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.516,

F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility.

[Section 403.516, F.S.; Rule 62-17.211, F.A.C.]

VII. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this certification, the Licensee shall immediately provide the SED with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

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

[Subsection 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the SCO in writing of any previously submitted information concerning a Certified Facility that is later discovered to be inaccurate.

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

VIII. CONSTRUCTION PRACTICES

A. Local Building Codes

This license shall not affect in any way the right of any local government to charge appropriate fees or require that construction be in compliance with applicable building construction codes. Subject to the conditions set forth herein, this certification shall constitute the sole license of the state and any agency as to the approval of the location of the site and any associated facility and the construction and operation of the proposed electrical power plant.

[Section 403.511, F.S.]

B. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the applicable non-procedural requirements of Chapters 62-256 and 5I-2, F.A.C. 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., the Licensee shall seek approval from the SED, whose approval may be granted in conjunction with the approval of the Division of Forestry. Burning shall not occur if not approved by the SED or if the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

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

C. Vegetation

For Certified Facilities located in any Florida Department of Transportation (DOT) ROW, Section 4.6 of the Florida DOT *Utility Accommodation Manual* (2010) available on the DOT website (located at this web address http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/710020001.pdf) shall serve as guidelines for best management practices.

D. Existing Underground Utilities

Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. Ticket numbers shall be available for request until underground work is completed for the affected area.

[Chapter 556, F.S.]

E. Electric and Magnetic Fields (EMF)

Any certified electrical transmission lines that are associated facilities and electrical substations shall comply with the applicable requirements of Chapter 62-814, F.A.C. The EMF associated with any configuration developed during the final design of a Certified Facility not shown in the Application shall be provided to DEP on DEP Form 62-814.900, F.A.C., at least 90 days prior to the start of construction or such shorter time period to which the DEP Siting Office agrees, as required by Rule 62-814.520(3).

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

F. Existing Wells

Any existing wells to be impacted in the path of construction that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(4), F.A.C., or with the rules of the authorizing agency, or consistent with these COC.

[Rule 62-532.500(4), F.A.C.]

G. Abandonment of Existing Septic Tanks

Any existing septic tanks to be impacted by construction and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these COC provide otherwise.

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

IX. RIGHT OF ENTRY

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

1. At reasonable times, recognizing the security that must be maintained at the nuclear facility, depending upon the nature of the concern being investigated, to enter upon a Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 15-working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. *[Paragraph 62-4.160(7)(a) and subsection 62-4.160(15), F.A.C.]*

X. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either, the Department and the Licensee or the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department shall act as a facilitator for an informal meeting in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, 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. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute.

B. Post-Certification Submittals

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

C. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

[Section 120.57.403.504(8), F.S and Rule 62-17.211, F.A.C.]

XI. SEVERABILITY

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

XII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these COC are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these COC constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these COC.

B. All records, notes, monitoring data and other information relating to the construction or operation of a Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving a Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.061(8), 403.121, 403.131, 403.141, 403.151, 403.161, 403.511, 403.514, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIII. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.512, F.S. This certification is valid only for the specific processes and operations identified in the Application or approved in the final order of certification and indicated in the testimony and exhibits in support of certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facilities that are the cause of such action, and other portions of the Certified Facilities shall remain unaffected by such action.

[Sections 403.512, 403.532, and 403.9425, F.S.; subsection 62-4.160(2), F.A.C.]

XIV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification or these COC, the issuance of this certification does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This certification is not a waiver of or approval of any other Department license/permit that may be required for the Certified Facilities which are not addressed in this certification. This certification does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facilities, or from penalties therefore.

[Subsections 62-4.160(3) and 62-4.160(5), F.A.C.]

XV. CIVIL AND CRIMINAL LIABILITY

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

[Sections 403.141, 403.161, 403.511, F.S.]

XVI. USE OF STATE LANDS

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

B. Except for the three easements which the Siting Board has directed the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida to issue and execute for the construction and operation of facilities associated with the Turkey Point Units 6 & 7 Project, including but not limited to the Radial Collector Well System Laterals under Biscayne Bay and the transmission line crossing of the Miami River and the state-owned uplands located in Section 23, Township 53 South, Range 39 East, if f any portion of a Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-18, 18-20 and 18-21, F.A.C., and Chapters 253 and 258, F.S. Except as specifically provided under Chapter 403, the final order of certification, or these COC, if any portion of a Certified Facility is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction.

Except for the three easements which the Siting Board has directed the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida to issue and execute for the construction and operation of facilities associated with the Turkey Point Units 6 & 7 Project, including but not limited to the Radial Collector Well System Laterals under Biscayne Bay and the transmission line crossing of the Miami River and the state-owned uplands located in Section 23, Township 53 South, Range 39 East, if any portion of a Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. Except for the three easements which the Siting Board has directed the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida to issue and execute for the construction and operation of facilities associated with the Turkey Point Units 6 & 7 Project, including but not limited to the Radial Collector Well System Laterals under Biscayne Bay and the transmission line crossing of the Miami River and the state-owned uplands located in Section 23, Township 53 South, Range 39 East, if f a portion of a Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization.

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

D. The Licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, F.S., until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use." Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to $10,000 per offense.

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

F. The Licensee shall abide by the terms and conditions of any easements which the Siting Board directs the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida, to issue and execute for the construction and operation of facilities associated with the Turkey Point Unit 6 & 7 Project including but not limited to the Radial Collector Well System laterals under Biscayne Bay and the transmission line crossings of the Miami River and the state-owned uplands located in Section 23, Township 53S, Range 39E. Such easements, once issued, are incorporated by reference herein as part of this Certification and attached as Attachment H, and their provisions shall be Conditions of this Certification. The Licensee shall comply with the substantive provisions and limitations set forth in such Easements as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the BOT or Department. Such provisions shall be fully enforceable as Conditions of this Certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

[Chapters 253 and 258, and Section 403.511, F.S.; Chapter 3.1.1. of the B.O.R.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-343.900(1) and 62-4.160(4), F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form. See also Sections B(VIII) and C(XIV) below.]

XVII. PROCEDURAL RIGHTS

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

[Section 403.511(5)(c), F.S.]

XVIII. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

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

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

Florida Department of Environmental Protection
Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401

Florida Department of Economic Opportunity
Office of the Secretary
107 East Madison Street
Tallahassee, FL 32399-2100

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

South Region Shorebird Contact
Florida Fish & Wildlife Conservation Commission
8535 Northlake Boulevard
West Palm Beach, FL 33412
(561) 625-5122

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, FL 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650

South Florida Regional Planning Council
Office of the Executive Director
3440 Hollywood Boulevard, Suite 140

Hollywood, FL 33021

South Florida Water Management District
Office of General Counsel
3301 Gun Club Road
West Palm Beach, FL 33406

Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250

MDC
Office of General Counsel
111 N.W. First Street, Suite 2810
Miami, FL 33128

City of Coral Gables
Office of City Attorney
405 Biltmore Way
Coral Gables, FL 33134

City of Doral
Office of City Attorney
150 West Flagler Street, Suite 2200
Miami, FL 33130

City of Florida City
Office of City Attorney
12550 Biscayne Blvd., Suite 800
North Miami Beach, FL 33181

City of Homestead
Office of City Attorney
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, FL. 33134

Town of Medley
Office of Town Attorney
7777 N.W. 72 Avenue
Medley, FL 33166

City of Miami
Office of City Attorney
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130

Village of Palmetto Bay
Office of Village Attorney
18001 Old Cutler Road, Suite 533
Palmetto Bay, FL 33157

Village of Pinecrest
Office of Village Attorney
7700 N. Kendall Drive, Suite 703
Miami, FL 33156

City of South Miami
Office of City Attorney
1450 Madruga Avenue, Suite 202,
Coral Gables, FL 33146

[Section 403.511, F.S.]

XIX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

COC which provide for the post-certification submittal of site specific technical data by the Licensee to DEP or other agencies are for the purpose of determining the Licensee's compliance with the COC. COC which require the Licensee to conduct monitoring of the environmental effects arising from the construction, operation and maintenance of a Certified Facility are for assurances of continued compliance with these COC, without further agency action. Any submittal of information or determination of compliance pursuant to post-certification review does not provide a point of entry for a third party.

[Subparagraph 62-17.191(1) and (2), F.A.C.]

B. Filings

All post-certification submittals of information by Licensee are to be filed with the SCO, the DEP District Office(s), and any other agency that is entitled to receive a submittal pursuant to these COC. All filings with the SCO shall be submitted in electronic .pdf format only, unless otherwise requested by SCO. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (e.g., Section X, Condition XX.y.(z)) requiring the submittal, as identified in these COC. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

C. Completeness

DEP shall review each post-certification submittal for completeness on an expedited and priority basis. 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 a Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-

affected areas. The Licensee may request that the SCO hold a meeting within 15 days after a post-certification submittal to discuss any completeness issues.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the post-certification submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

[Subparagraph 62-17.191(1)(c) 2, F.A.C.]

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these COC has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these COC nor to delay the timeframes for review established by these COC. At DEP's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

E. Determination of Compliance

DEP shall give written notification within 90 days to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination whether there is demonstration of compliance with these COC. If it is determined that compliance with these COC has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

F. Commencement of Construction

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

G. Revisions to Design Previously Reviewed for Compliance

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

H. 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 Licensee may jointly agree to vary any of the requirements for a post-certification submittal provided the information submitted is sufficient to provide reasonable assurances of compliance with these COC.

[Section 403.511, F.S.; Rule 62-17.191, F.A.C.]

XX. POST CERTIFICATION SUBMITTAL REQUIREMENTS SUMMARY

Within 90 days after certification and within 90 days after any subsequent modification or certification the Licensee shall provide the Department a complete summary of those post-certification submittals that are identified in these COC where due-dates for the information required of the Licensee is identified. A summary shall be provided as a separate document for each Certified Transmission Line Corridor or segment thereof. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

[Section 403.5113, F.S., subsection 62-17.191(3), F.A.C.]

XXI. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the Application and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the Application to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the application requires a modification to the COC.

A. If the Department concludes that the change would not require a modification to the COC, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the certification.

B. If the Department concludes that the change would require a modification to the COC, the Department shall provide written notification to the Licensee that the proposed change to the Application requires a request for modification pursuant to Section 403.516, F.S.

[Section 403.5113, F.S]

XXII. MODIFICATION OF CERTIFICATION

A. Pursuant to Sections 403.516(1)(a), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition.

B. In addition, the Department is delegated the authority to modify conditions as follows:

1. The Department may modify any COC herein in accordance with Section 403.516, F.S.

2. The certification shall be modified to conform to subsequent DEP-issued permits, permit amendments, permit modifications, or permit renewals of any separately issued permits under a federally delegated or federally approved permit program. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program. In the event of a conflict, the more stringent of the conditions of such permits or of these COC shall be controlling.

3. The Department may modify specific conditions of a certification which are inconsistent with the terms of any federally delegated or approved permit for the certified electrical power plant. Such modification may be made without further notice if the matter has been previously noticed under the requirements for any federally delegated or approved permit program.

C. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate request for an amendment, modification, or certification.

D. Any anticipated facility change that results in a change to the Site Delineation or the Delineation of the Certified Area, attached hereto as part of Attachment A, must be accompanied by a map or aerial photo showing the proposed new boundaries of the Site and/or Certified Area. Within 120 days after completion of construction of the approved facility change, the Licensee shall provide the information required by Section A. General Conditions, Condition I. Scope, paragraphs D, E, F, or G, as appropriate.

E. The Licensee may file a petition for modification with the Department, or the Department may initiate the modification upon its own initiative.

[Section403.516, F.S.; Rule 62-17.211, F.A.C.]

XXIII COASTAL ZONE CONSISTENCY

Pursuant to Sections 373.428 and 403.511, F.S., certification of the Certified Facilities constitutes the State's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

[Sections 373.428, 380.23 and 403.511(7), F.S.]

XXIV TRANSFER OF CERTIFICATION

A. This certification is transferable in whole or in part, upon Department approval, to an entity determined to be able to comply with these COC. A transfer of certification of all or

part of the Certified Facilities may be initiated by the Licensee's filing of a Notice of Intent to Transfer Certification with the Department. 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. Upon the filing with the Department of a written agreement from the intended Licensee/Transferee to abide by all the applicable COC and applicable laws and regulations, the transfer shall be approved unless the Department objects to the transfer on the grounds of the inability of the new Licensee to comply with the COC, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. Upon approval, the Department will initiate a modification to the COC to reflect the change in Licensee in accordance with Rule 62-17.211, F.A.C.

B. In the event of the dissolution of the Licensee, the Department may transfer certification to successor entities which are determined to be competent to construct, operate, and maintain the Certified Facilities in accordance with the COC and which are proper applicants as defined by the PPSA. Upon determination that such a successor entity complies with the above, the Department will initiate a modification to the COC to reflect the change in Licensee in accordance with Rule 62-17.211, F.A.C.

[Rule 62-17.211, F.A.C]

XXV. LABORATORIES AND QUALITY ASSURANCE

Chemical, physical, biological, microbiological and toxicological data collected as a requirement of these COC must be reliable, and collected and analyzed by scientifically sound procedures. Unless otherwise specified in these COC, the Licensee shall adhere to the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department as set forth in Chapter 62-160, F.A.C. Standard Operating Procedures can be downloaded from the following website: http://www.dep.state.fl.us/water/sas/sop/sops.htm.

[Rule 62-160, F.A.C.]

XXVI. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the SED Environmental Resource Permitting Section for review, all information necessary for a complete *Joint Application for Individual and Conceptual Environmental Resource Permit/Authorization to Use* (ERP), DEP Form 62-330.060(1). Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COC.

This form may: a) have been submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, a petition for modification, or an amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for

issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable, unless otherwise stated in these Conditions.

Those forms submitted as part of a site certification, an amendment, or a modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, or amendment or modification and prior to construction) shall be processed in accordance with Section A. General Conditions, Condition XIX., Procedures for Post-Certification Submittals.

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

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

2. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Subparagraph A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific condition of this Certification or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Section 373.416, 373.421, and 403.504, F.S.; Chapters 62-330, 62-340, F.A.C.]

B. Surface Water Management Systems (SWMS)

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of Chapter 373, F.S. following submittal of Form 62-330.060(1) to the appropriate office of the Department.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If there are additional applicable requirements identified for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment B (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior Department post-certification review.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction, and for the period of time after construction of the SWMS(s) for a Certified Facility or a portion of a Certified Facility, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, berms, set-

backs, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility of transferring suspended solids into a receiving waterbody to which state surface water quality standards apply exists due to the licensed work and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this certification. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form submitted as part of a SCA, postcertification submittal, amendment, or modification, including water quality treatment features, and discharge control facilities prior to use of the portion of a Certified Facility being served by the surface water management system.

5. At least 48 hours prior to the commencement of construction of any new surface water management system for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the SED a written notification of commencement using a "Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

6 Each phase or independent portion of the approved system must be completed in accordance with the approved plans and these COC prior to the operation of the portion of the Certified Facility being served by the surface water management system.

7. Within 30 days, or such other date as agreed to by DEP and the Licensee, after completion of construction of a SWMS, the Licensee shall submit to the SCO and the SED a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.,). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or COC, may constitute grounds for revocation or enforcement action by the Department.

9. Prior to converting a construction phase surface water management system to an operation phase surface water management system, the Licensee shall submit to the Department an "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C. or a "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" (DEP Form 62-330.310(2), F.A.C), whichever is applicable. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the COC herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters of the State, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event.

[Section 373.414, F.S., Chapters 62-302, 62-330 and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification and cannot be practicably eliminated or reduced, the Licensee may propose and the Board or the Department shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1, above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria, and monitoring plans and shall be incorporated into these COC and attached as Attachment C (Mitigation Plans).

[Sections 373.413, 373.414, 373.4145, and 403.511, F.S.; Chapters 62-330, and 62-345, F.A.C.]

XXVII. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these COC even when third party activities authorized by the Licensee or on the Licensee's behalf occur in or on the Certified Area.

[Section 403.506(1), F.S.]

XXVIII. FACILITY OPERATION

The Licensee shall properly operate and maintain the Certified Facilities and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee

to achieve compliance with these COC. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance.

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

XXIX. RECORDS MAINTAINED AT THE FACILITY

A. These COC or a copy thereof shall be kept at the Site.

B. The Licensee shall hold at the Site or FPL's corporate headquarters records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these COC, copies of all reports required by these COC, and the Application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or Application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the date's analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

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

XXX. WATER DISCHARGES

A. Discharges

1. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted, Licensee shall not discharge to ground or surface waters of the State wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings (unless specific criteria are established for such components in Rule 62-520.420, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. Except as otherwise authorized by a permit issued by the Department under a federally delegated or approved program or to the extent a variance, exception, exemption or other relief is granted, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. All dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., and Rule 62-621.300, F.A.C.]

B. Wastewater Incident Reporting

1. The Licensee shall report to the SED any noncompliance with industrial wastewater requirements which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Licensee becomes aware of the circumstances.

The Licensee shall provide the following information, to the extent known, to the SED in the 24-hr oral report:

a. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,

b. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,

c. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and

d. Any unauthorized discharge to surface or ground waters.

A written submission shall also be provided to the SED within five days of the time the Licensee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

2. For unauthorized releases or spills of treated or untreated wastewater reported that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the Licensee becomes aware of the discharge. The Licensee, to the extent known, shall provide the following information to the State Warning Point:

a. Name, address, and telephone number of person reporting;

b. Name, address, and telephone number of the Licensee or responsible person for the discharge;

c. Date and time of the discharge and status of discharge (ongoing or ceased);

d. Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

e. Estimated amount of the discharge;

f. Location or address of the discharge;

g. Source and cause of the discharge;

h. Whether the discharge was contained on-site, and cleanup actions taken to date;

i. Description of area affected by the discharge, including name of water body affected, if any; and

j. Other persons or agencies contacted.

3. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[Chapter 376, F.S.; subsection 62-620.610(20), F.A.C.]

XXXI. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within a Certified Facility during construction, operation, and maintenance.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste and Used Oil

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within a Certified Facility. This facility operates under EPA hazardous waste identification number FLD000733683.

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

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

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

C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a Certified Facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (800) 320-0519, within one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver,

thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

D. Petroleum Contact Water

The Licensee shall comply with all applicable provisions of Chapter 62-740, F.A.C., for any petroleum contact water generated within the Certified Facility during construction and operation.

[Chapter 62-740, F.A.C.]

E. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-780, F.A.C., and relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

XXXII. STORAGE TANK SYSTEMS

Registration, construction, installation, operation, maintenance, repair, closure, and disposal of storage tank systems that store regulated substances shall be in accordance with Chapters 62-761 and 62-762, F.A.C., in order to minimize the occurrence and environmental risks of releases and discharges. Mineral acid storage tank systems are subject only to Rule 62-762.891, F.A.C. Copies of all information submitted to FDEP pursuant to this condition shall also be provided to Miami-Dade County.

A. Incident Notification Requirements.

Notification of the discovery of the loss of a regulated substance from a storage tank system exceeding 100 gallons on impervious surfaces, other than secondary containment, such as driveways, airport runways, or other similar asphalt or concrete surfaces, provided that the loss does not come in contact with pervious surfaces; or of the discovery of any other incident listed in subsections 62-761.450(2) or 62-762.451(2), F.A.C., shall be made to MDC (County) on Incident Notification Form 62-761.900(6) within 24 hours or before the close of the County's next business day.

B. Discharge Reporting Requirements

Upon discovery of an unreported discharge, the Licensee shall report to the County on Discharge Report Form 62-761.900(1) within 24 hours or before the close of the County's next business day those items listed in paragraph 62-761.450(3)(a), F.A.C., including a spill or overfill event of a regulated substance to soil or another pervious surface, equal to or exceeding 25 gallons, unless the regulated substance has a more stringent reporting requirement specified in C.F.R. Title 40, Part 302.

C. Discharge Cleanup

If a discharge of a regulated substance occurs at a Certified Facility, actions shall be taken immediately to contain, remove, and abate the discharge under all applicable

Department rules (for example, Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria). The Licensee is advised that other federal, state, or local requirements may apply to these activities. If the contamination present is subject to the provisions of Chapter 62-770, F.A.C., corrective action, including free product recovery, shall be performed in accordance with that Chapter.

D. Out of Service and Closure Requirements

Storage tank systems shall be taken out-of-service and/or closed as necessary in accordance with Rules 62-761.800 and 62-762.801, F.A.C., as applicable.

[Chapters 62-761 and 62-762, F.A.C.]

SECTION B: SPECIFIC CONDITIONS – Unit 6 & 7 Nuclear Power Plant and associated facilities (EXCLUDING Transmission lines)

I. RADIAL COLLECTOR WELL SYSTEM MONITORING

The requirements of the Conditions in this Section B, Condition I. are for the purpose of monitoring potential adverse impacts to ecological and water quality resources of Biscayne Bay and adjacent nearshore areas resulting from the construction and operation of the Turkey Point Units 6 & 7 radial collector well system (RCWS). If adverse impacts are identified as a result of such monitoring, additional measures shall be required to evaluate, abate or mitigate such impacts.

A. Department of Environmental Protection

1. Radial Collector Well System Monitoring Plan (RCWSMP)

a. Licensee shall implement a RCWSMP to confirm that no adverse impacts occur to ecological and water resources or to the biological values of Biscayne Bay Aquatic Preserve and nearshore areas resulting from the construction and operation of the RCW system. The data collected from the RCWSMP will help monitor the effects, if any, of RCW system operations on seagrass, shoreline vegetation within the area of influence, benthic and macroalgae communities and on near-shore salinity and water quality above the RCW laterals. The RCWSMP shall be incorporated as Attachment D to these Conditions.

b. At least 2 years prior to the expected commencement of construction of the first caisson for the RCWS, the Licensee shall submit a RCWSMP to the DEP SCO (with copies provided to FWC and the SFWMD) for review in accordance with Section A, General Conditions, XIX. Procedures for Post-Certification Submittals. Once finalized, any proposed revision to the RCWSMP shall be submitted to the DEP for review prior to implementation.

c. The RCWSMP shall include, at a minimum, all DEP, FWC and SFWMD requirements for the plan included in the Conditions of this Section B, Condition I. The Plan shall be developed to avoid unnecessary duplication of monitoring requirements of the several agencies to ensure that the Plan is efficient and effective in achieving its purpose of monitoring and identifying any adverse impacts to Biscayne Bay and its resources, including shoreline vegetation within the area of influence as a result of construction and operation of the RCWS. Upon review of the operational monitoring data collected as part of the RCWSMP, the Department may require that FPL revise the RCSWMP to adjust the monitoring durations as appropriate.

d. Should the FWC or SFWMD Conditions of Certification in this Section B, I. be modified such that DEP applicable non-procedural requirements are no longer addressed, DEP may modify this Section to include Conditions to satisfy those applicable nonprocedural requirements of the Department no longer being addressed within the FWC or SFWMD Conditions.

2. Radial Collector Well System Monitoring & Reporting

a. All reports and data submitted to satisfy requirements of the final RCWSMP shall be sent to the DEP SCO with copies provided to FWC and the SFWMD.

b. Submittals shall be reviewed by DEP, FWC and the SFWMD for impacts to resources under their respective authority to protect, and for impacts as identified in those agencies' respective Conditions listed in this Section.

c. If the DEP, upon consultation with FWC, and SFWMD, determines that the comparison of pre-construction (baseline) monitoring and construction monitoring or post-construction monitoring data indicates statistically significant adverse impacts to the resources of Biscayne Bay (including nearshore vegetation within the area of influence) resulting from RCWS construction and/or operation activities, then additional measures shall be required to evaluate, abate or mitigate such impacts. These measures may include enhanced monitoring, modeling, or mitigative measures.

[Chapters 18-18, 62-302, 62-330, 62-341, 62-342, 62-343, 62-345, F.A.C., Section 258.397, F.S., and FPL Stipulation – 6/28/13]

B. Florida Fish and Wildlife Conservation Commission (FWC)

1. Radial Collector Well System Biological Monitoring

a. The "Radial Collector Well System Monitoring Plan" (RCWSMP) being required by the Department of Environmental Protection's Siting Certification Office under these conditions shall be submitted to the FWC and shall be consistent with the provisions below for the purposes of determining whether there are impacts to the fish and wildlife resources of Biscayne Bay resulting from construction and operation of the radial collector well system (RCW).

b. In order to accurately assess potential impacts to listed species dependent on resources within Biscayne Bay, monitoring of seagrass cover and benthic fauna for potential impacts to state listed species in the vicinity of the proposed construction and operation of the RCW shall be conducted by the Licensee prior to RCW construction, during RCW construction and post-RCW construction as follows:

i. Pre-construction (baseline) monitoring shall be conducted for a period of two years prior to the onset of RCW system construction.

ii. Construction monitoring shall be conducted from the onset of RCW construction through completion of RCW construction.

iii. Post-construction monitoring shall be conducted for two years after Turkey Point Units 6 & 7 commercial operation date (COD) and including the first two RCW operational events. If two RCW operational events do not occur within the two year post-construction monitoring period, one year of quarterly monitoring shall be conducted following the first two RCW operational events.

c. In order to accurately assess potential impacts to listed species dependent on resources within Biscayne Bay, pre-construction (baseline) monitoring, construction monitoring, and post-construction monitoring, as defined above, of seagrass cover and benthic fauna shall be conducted within the area surrounding the Turkey Point peninsula encompassed by the extent of the RCW laterals. Two monitoring control sites shall be located in seagrass beds within five miles of the Turkey Point peninsula.

i. Seagrass and benthic monitoring shall be conducted quarterly during the pre-construction, construction, and post-construction monitoring periods.

The following methodologies shall be used during pre-construction, construction, and post-construction monitoring.

ii. Seagrass Monitoring Methodology: A series of 30 linear transects surrounding the Turkey Point peninsula shall be established, evenly spaced within the area encompassed by the extent of the RCW laterals. Each transect shall be 300 meters in length, with sampling stations at the shoreward and seaward ends of each transect and at 25-meter intervals in between for a total of twelve sampling locations per transect. Within each control site, ten 300-meter transects shall be established with sampling stations at 50-meter intervals for a total of seven sampling locations per transect. At each sampling station, a 0.25-m^2 PVC quadrat shall be randomly placed on the bottom three times. All seagrass species present within the quadrats shall be identified, and their percent cover visually estimated using Braun Blanquet or another approved methodology. All in-water observations shall be conducted by biologists with considerable practicable experience working in the seagrass communities of south Florida.

iii. Benthic Fauna Monitoring Methodology: Ten benthic fauna sampling stations shall be established within the area encompassed by the RCW laterals, and 10 sampling stations shall be located within the control sites. Three replicate benthic samples shall be collected at each station, using a diver-operated core sampler with a surface area of 225 cm. Each sample shall be rinsed in the field using a 0.5 mm mesh bucket sieve and preserved in separate sample containers with a 10 percent buffered formalin solution. Laboratory taxonomic analysis shall include organism enumeration and identification to the lowest practicable taxon.

d. The Licensee shall be required to submit regular monitoring reports. All reports shall include all data and statistical analyses resulting from the monitoring requirements.

i. Timing. During the pre-construction monitoring period, the construction monitoring period, and the post-construction monitoring period, as defined above, the Licensee shall prepare a report after each year (365 days) of monitoring activity ("annual reports"). Reports shall be submitted to the DEP SCO and FWC for review within 90 days following the completion of the annual monitoring periods.

ii. Additional requirement for post construction monitoring. During the post-construction monitoring period, the reports shall summarize all data and statistical analyses collected to date and provide an analysis comparing those monitoring data to the control data and to the pre-construction monitoring (baseline) data.

e. If the DEP SCO and FWC determines that the comparison of pre-construction (baseline) monitoring and construction monitoring or post-construction monitoring data indicate statistically significant adverse impact to the fish and wildlife resources of Biscayne Bay resulting from RCW construction and/or operation activities, then additional measures shall be required to evaluate or to abate such impacts. These measures may include enhanced monitoring, modeling, or mitigative measures.

[Article IV, Sec. 9, Fla. Const.; Section 403.507, F.S., Rule 62-17.660, F.A.C.; Sections 379.2291 and 379.2431, F.S.; Chapter 68A-27, F.A.C., and FPL Stipulation – 6/7/13]

C. South Florida Water Management District (SFWMD)

Licensee shall implement a Radial Collector Well System Monitoring Plan (RCWSMP) to confirm that no adverse impacts occur to ecological and water resources of Biscayne Bay and adjacent nearshore areas resulting from the construction and operation of the RCW system. The data collected from the RCWSMP will help monitor the effects, if any, of RCW system operations on seagrass and macroalgae communities and on near-shore salinity and water quality above the RCW laterals.

1. Plan Scope. The RCWSMP shall address, at a minimum: the initial and periodic monitoring associated with secondary water supply operation of the RCW system; appropriate biological and water quality parameters (specific conductance, chlorides and temperature); necessary monitoring equipment; locations, maps, figures, capability of site access for monitoring locations; frequencies of sampling; and reference monitoring locations and reporting intervals. The RCWSMP shall include a work schedule, if necessary, to ensure the plan is ready to be implemented.

2. Plan Content. The RCWSMP shall include, monitoring of surface water quality for salinity, temperature and conductivity and of seagrass and macroalgae distribution and abundance by species in the vicinity of the proposed RCW system. Locations for pre-construction monitoring shall be congruent with known placement of RCW system laterals.

3. Quality Assurance. The RCWSMP shall include a quality assurance/quality control plan. The quality assurance plan shall include a protocol for maintaining in-situ monitoring devices to ensure accuracy of results. Field observers using the Braun-Blanquet method shall be cross-trained with an established monitoring program for the BBCW Project. Observations shall be calibrated so that results are consistent with BBCW Project.

4. Plan Development. Licensee shall coordinate with SFWMD and other affected agencies to complete development of the RCWSMP. The RCWSMP shall be coordinated with any other similar monitoring plan for the certified project and shall not duplicate any monitoring required by other agencies or conditions of certification. Coordination with SFWMD on the RCWSMP will ensure that data collected in accordance with the RCWSMP will complement contemporaneous data collection associated with the BBCW Phase I project. In designing details of the RCWSMP Licensee may consult the Project Monitoring Plan for the BBCW Phase I project found in Annex E, Part III of the BBCW Phase I PIR. Licensee may, upon review of submitted data from this BBCW monitoring plan and other sources, recommend to SFWMD in writing that the RCWSMP be modified to more appropriately collect necessary data.

5. Plan Review. Licensee shall submit a final RCWSMP to DEP SCO for review in accordance with Section A, General Condition XIX. Procedures for Post-Certification Submittals, prior to implementing the plan. The Plan shall include the location of the monitoring control sites, the seagrass linear transect locations, the benthic and macroalgae and water quality sampling station locations and the quality assurance/quality control plan. SFWMD will have the opportunity to review the final RCWSMP and propose changes if necessary.

6. Plan Duration. Licensee shall implement the RCWSMP before, during and after RCW system construction. Licensee shall conduct quarterly pre-construction (baseline)

monitoring for a period of two years prior to commencing RCW system construction. Licensee shall conduct quarterly monitoring during entire RCW construction period. Licensee shall conduct quarterly monitoring immediately following the Turkey Point Units 6 & 7 commercial operation date for a period of two years including the first two RCW operational events. If two RCW operational events do not occur within the two year post-construction monitoring period, one year of quarterly monitoring shall be conducted following each of the first two RCW operational events. If none of the RCW operational events during the two years following the commercial operation date or later involve operation of the RCW system at full capacity for more than fifteen (15) consecutive days, the Licensee shall conduct quarterly monitoring for one year after the first such event.

7. Significant Adverse Impacts. If statistically significant adverse impacts to the ecological resources of Biscayne Bay are determined to have been caused by the operation of the RCW system, then Licensee shall be required to evaluate or abate such impacts. These measures may include additional monitoring, modeling or mitigation.

8. Plan Modifications. Any proposed modifications to the RCWSMP shall be submitted to DEP SCO for review and concurrence at least thirty (30) days prior to implementation.

[Chapter 373, Part II, F.S.; Rule 40E-2.091, F.A.C.; "Basis of Review for Water Use Permit Applications within the South Florida Water Management District, March 18, 2010", and FPL Stipulation – 5/14/13]

II. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Environmental Resource Permitting

1. Wetlands Mitigation Plan

The Turkey Point Units 6 & 7 Wetland Mitigation Plan Rev 2 submitted by the Licensee on July 21, 2011 for the Unit 6 & 7 project includes a plan to fully offset the functional loss, as required by 62-345, F.A.C., to all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. The Turkey Point Units 6 & 7 Wetland Mitigation Plan is incorporated and attached herein pursuant to Section A, General Conditions, XXVI Environmental Resources, C. Wetland and Other Surface Water Impacts paragraph (2) as Attachment C. Mitigation will be in accordance with applicable rules and the Mitigation Plan approved by the Department. Any updates to the plan shall be submitted to the Department and reviewed in accordance with Section A, General Conditions, XIX. Procedures for Post-Certification Submittals.

[Chapter 62-345, F.A.C.]

2. Specific Surface Water Management Conditions Applicable to non-linear facilities

a. The Licensee shall submit final paving, grading and drainage plans for all of the proposed elements of the project including the Units 6&7 Project facilities, including but not limited to the reclaimed water facility. This will also include stormwater calculations for all of the different project areas including a complete acreage breakdown of total area, building area, preserve/pervious area, parking/roadway area and other impervious coverage as well as sufficient site grading details which support the grading assumptions in Tables 24 &

25 of Appendix 10.8 Rev 1 of the SCA, as updated on February 2011. Plans shall include final stormwater management details and shall confirm that runoff from the potentially oil contaminated areas will be routed to an oil/water separator prior to release into the industrial waste water treatment facility or discharge to surface waters of the State.

[Section 5.0 of the Basis of Review (B.O.R.) and Chapter 62-302, F.A.C.]

b. Licensee shall comply with the applicable non-procedural requirements of and Chapter 62-302, F.A.C for treatment of runoff from the Units 6 & 7 plant area. Licensee shall provide relevant calculations if such treatment under those provisions is required.

c. All construction, operation, and maintenance of the surface water management system(s) (SWMS) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the Application and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system. Pursuant to Section A, General Conditions, XXVI Environmental Resources, B Surface Water Management Systems (SWMS) paragraph (2), any required SWMS Plan shall be included in Attachment B to these Conditions. Any updates to the plan shall be submitted to the Department and reviewed in accordance with Section A, General Conditions, XIX Procedures for Post-Certification Submittals.

B. Radial Collector Well System

1. Testing and Operation Schedules and Limitations

The Department acknowledges that RCWS testing and operation limitations and schedules shall be consistent with the requirements listed in Section B, Condition VI. South Florida Water Management District, C. Water Supply 2. Secondary Source.

2. Construction

a. During construction of the RCWS, delivery pipelines, and associated temporary laydown areas, Licensee shall comply with the applicable requirements listed in Section A, Condition XXVI. Environmental Resources, including but not limited to, implementation and maintenance of erosion and sediment control best management practices, and notification requirements.

Sections 373.413, 373.414, 373.4145, and 403.511, F.S.; Chapters 62-33062-342, and 62-345, F.A.C, and FPL Stipulation – 6/19/13]

b. Licensee shall construct and operate the RCWS such that adverse impacts to the aquatic resources of Biscayne Bay Aquatic Preserve will be minimized.

c. Construction and operation of the RCWS will be as described in the SCA and subsequent completeness submittals. The occurrence of fracturing of the formation around the RCWS and its laterals that may result in adverse impacts to the Bay Aquatic Preserve or its aquatic resources will be minimized. Should fracturing occur, and upon the Department's determination that an adverse impact has resulted from such fracturing of the formation, FPL shall mitigate for adverse impacts to Biscayne Bay Aquatic Preserve and its aquatic resources that have been caused by the fracturing event.

[Chapters 18-18, 62-302, 62-330, 62-341 62-342, 62-343, and 62-345, F.A.C., and FPL Agreement]

3. Radial Collector Well System Monitoring Plan (RCWSMP)

Licensee shall implement a RCWSMP in accordance with the conditions in Section B.I., to confirm that no adverse impacts occur to ecological and water quality resources of Biscayne Bay resulting from the construction and operation of the Turkey Point Units 6 & 7 radial collector well system (RCWS). If adverse impacts are identified as a result of such monitoring, additional measures shall be required to evaluate, abate or mitigate such impacts.

[Chapters 18-18, 62-302, 62-330, 62-341, 62-342, 62-343, and 62-345, F.A.C., Section 258.397, F.S., and FPL Agreement]

C. Radiological

1. NRC Exclusive Authority

The State of Florida recognizes that the US. Nuclear Regulatory Commission (NRC) has exclusive authority in certain areas related to the regulation of the construction and operation of the Turkey Point Units 6 & 7 Nuclear Plant. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license nor do these conditions create a basis for the state's regulation in areas reserved to the NRC.

Compliance with the conditions herein does not constitute a waiver of the Licensee's responsibility to comply with all applicable NRC requirements. The State's intent with these conditions of certification is to ensure that the relevant agencies of state government timely receive copies of documents that the Licensee submits to the NRC or other agencies pursuant to the requirements of federal law, that the Licensee work with state agencies in a cooperative manner on matters regulated by the NRC, and to facilitate authorized activities of the Florida Department of Health under Chapter 404, F.S. including agency cooperation, information dissemination and emergency response. Submittal of copies of documents to state agencies will allow the State of Florida to participate in those federal proceedings. The Licensee's acceptance of these conditions of certification does not, in and of itself, constitute a waiver of the Licensee's right to any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

2. Decommissioning

Upon application to the U.S. Nuclear Regulatory Commission (NRC) for authority to decommission the plant, the Licensee shall provide the Department a copy of the plan submitted to NRC.

3. Emergency Plan

The applicant shall work with the State Division of Emergency Management and the State Department of Health, Bureau of Radiation Control, and applicable local governments to update the emergency procedures and evacuation planning as necessary.

4. Interagency Agreement

The Licensee shall submit a copy of the Florida Department of Health Emergency Response Capability Agreement to the Siting Office.

5. Annual Radiological Environmental Operating Report

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for the Turkey Point Plant shall be provided to the Department's Siting Coordination Office.

6. Notification of NRC License

The Licensee shall notify the Department's Siting Coordination Office of any amendments, modification, or renewals of NRC-issued Operating Licenses for the Certified Facility.

[Section 404, F.S. and FPL Agreement]

D. Domestic Wastewater Treatment Facility

At least 90 days prior to construction of the domestic wastewater treatment plant, the Licensee shall submit completed FDEP Form 62-620.910(1), FDEP Form 62-620.910 (2) and a Preliminary Design Report for the domestic wastewater treatment plant. All documentation shall be provided by the Licensee to meet the requirements of Chapter 403, F.S. and Title 62-600 Series of the F.A.C., related to design and operation of domestic wastewater treatment facilities. Such documentation will be processed in accordance with Condition XIX. Procedures for Post-Certification Submittals. Five years from commencement of operation, FPL shall develop and submit a domestic wastewater treatment facility operation and maintenance performance report to the FDEP SED for review pursuant to Section A. Condition XIX. Procedures Post Certification Review Submittals, and every five years thereafter.

[Chapter 62-600 series, F.A.C.]

III. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System:

All access modifications to State roadway facilities will be subject to the access management standards pursuant to Rule Chapter 14-97, Access Management Classification and Standards, Florida Administrative Code, in accordance with Sections 334.044(2) and 335.182 to 335.188, Florida Statutes.

[Sections 334.044(10)(a), 335.182 - 335.188, F.S.; FPL Stipulation -6/25/13]

B. Overweight or Overdimensional Loads:

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

[Chapter 316, F.S.; Chapter 14-26, F.A.C.; FPL Stipulation -6/25/13]

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

All usage of State of Florida right of way will be subject to the applicable non-procedural requirements of Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001);

[Sections 337.403 and 337.404, F.S.; Rules 14-15 and 14-46, F.A.C.; FPL Stipulation -6/25/13]

D. Standards:

The US Federal Highway Administration's 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; Florida Department of Transportation's Plans Preparation Manual; and pertinent sections of the Department of Transportation's Project Development and Environment Manual will be adhered to in all circumstances involving the State Highway System and other State owned transportation facilities.

[Rule 14-15, F.A.C.; FPL Stipulation -6/25/13]

E. Drainage:

Any drainage onto State of Florida right of way and transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-86, Drainage Connections, F.A.C.

[Chapter 14-86, F.A.C.; FPL Stipulation -6/25/13]

F. Use of Air Space:

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

[Chapter 333, F.S.; Rule 14-60.009, F.A.C.; FPL Stipulation -6/25/13]

G. Traffic Control Plan:

A temporary traffic control plan for handling construction related traffic is needed subject to the requirements and standards prior to construction affecting state-owned transportation facilities. The plan will be submitted as a post-certification submittal under Condition of Certification XIX and will need to be approved by Florida Department of Transportation prior to construction affecting State-owned transportation facilities.

H. Best Management Practices

Traffic control during facility construction and maintenance State-owned transportation facilities will be subject to the standards contained in the US Federal Highway Administration's 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; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent. It is recommended that the Licensee encourage transportation demand management techniques by doing the following:

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

[Chapter 334, F.S.; Rule 14-96, F.A.C.; FPL Stipulation -6/25/13]

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Conditions

The following table (Table 1) contains state and federally listed species that occur in the State of Florida and may occur within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way. The table contains species that are potentially impacted by the activities proposed on the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way. Therefore, these conditions of certification apply to the species listed in this table that are found within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way. Listed Species Occurring or Potentially Occurring in the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way as of October 2011[1]:

Table 1. State and Federally Listed Species for Florida

Common Name	Scientific Name	Status
American alligator	*Alligator mississippiensis*	FT*
American crocodile	*Crocodylus acutus*	FT
American oystercatcher	*Haematopus palliatus*	SSC
Bald eagle	*Haliaeetus leucocephalus*	**

Black skimmer	*Rhynchops niger*	SSC
Brown pelican	*Pelecanus occidentalis carolinensis*	SSC
Eastern indigo snake	*Drymarchon couperi*	FT
Everglades mink	*Mustela vison evergladensis*	ST
Florida manatee	*Trichechus manatus latirostris*	FE
Florida Panther	*Puma concolor coryi*	FE
Least tern	*Sterna antillarum*	ST
Little blue heron	*Egretta caerulea*	SSC
Limpkin	*Aramus guarauna*	SSC
Piping plover	*Charadrius melodus*	FT
Reddish egret	*Egretta rufescens*	SSC
Rivulus	*Rivulus marmoratus*	SSC
Roseate spoonbill	*Platalea ajaja*	SSC
Snowy egret	*Egretta thula*	SSC
Tricolored heron	*Egretta tricolor*	SSC
White-crowned pigeon	*Patagioenas leucocephala*	ST
White ibis	*Eudocimus albus*	SSC

[1]Species legal statuses are subject to change. Recent changes to 68A-27, Florida Administrative Code (F.A.C.) make it likely that statuses of species listed may change before the Licensee commences work. The licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

FE = Federally-designated Endangered; FT = Federally-designated Threatened; ST = State-designated Threatened; SSC = State Species of Special Concern

* Due to similarity to another federally threatened species

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

Note: Florida's Endangered and Threatened species rule changed in November 2010. The list is now comprised of federally designated endangered and threatened species or state designated threatened species. Additionally, the Species of Special Concern (SSC) designation has been retained in the rule until those species designated as SSC are evaluated for listing as state designated threatened species.

[Chapters 68A-27 and 68A-16, Florida Administrative Code (F.A.C.); FPL Stipulation – 6/7/13]

B. General Listed Species Survey

1. Prior to conducting detailed surveys, the Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current listed species (in accordance with Article IV, Section 9 of the Florida Constitution and Rule

68A-27, FAC) and follow the current survey protocols for these listed species that may occur within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way, as well as implement appropriate buffers within FPL property or rights of way as defined by the listed species' survey protocols.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies.

[Article IV, Sec. 9, Fla. Const; Section 379.2291, and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

C. Specific Listed Species Surveys

Before land clearing and construction activities within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as threatened, or species of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted during the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation with FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area.

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

2. This survey shall identify any wading bird colonies within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way that may be affected.

3. This survey shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows shall 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 any applicable protection radii surrounding groups of nest sites and burrows be included on a site specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. 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 Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way prior to land clearing and construction activities using GIS. Examples of such wildlife-based habitat classification schemes include Florida's State Wildlife

Action Plan (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990).

[Article IV, Sec. 9, Fla. Const; Section 379.2291, F.S; and Chapters 68A-27, 68A-4, 68A-16, F.A.C.; FPL Stipulation – 6/7/13]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in E-J below, within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way, the Licensee shall report those locations to, and confer with, the FWC or FWS as appropriate to determine whether additional pre-clearing surveys are warranted, and to identify potential mitigation, or avoidance recommendations. If pre-clearing surveys are required by FWC and FWS as appropriate and as specified in these conditions of certification, they shall occur in the reproductive season prior to the anticipated date for the start of construction within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species:

If listed wildlife species are found, their presence shall be reported to the DEP SCO, the FWC, and the USFWS.

2. Species Management Plan:

If total avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Species Management Plan and submitted to the FWC for review and approval.

[Article IV, Sec. 9, Fla. Const; Sections 379.2291, 403.507 and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

E. Bald Eagle

1. The Licensee shall avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If construction activities cannot be avoided within a 660-foot nest buffer zone, construction activities shall be conducted consistent with the FWC Eagle Management Guidelines as outlined in the FWC-approved Bald Eagle Management Plan dated April 9, 2008 (or any subsequent FWC-approved versions). In areas where bald eagle nests are present, all reasonable and practicable efforts shall be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, as defined in the Bald Eagle Monitoring Guidelines, construction activities shall be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660

feet of the nest during the nesting season shall be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or subsequent USFWS-approved versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be obtained from the FWC, as authorized by Rule 68A-16.002, F.A.C., and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.

[Article IV, Sec. 9, Fla. Const.; Section 403.507, F.S.; Rule 62-17.191, F.A.C.; Chapter 68A-27, F.A.C., and Rule 68A-16.002, F.A.C.; FPL Stipulation – 6/7/13]

F. Shorebirds

1. Surveys shall be conducted in potential shorebird nesting habitat within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way to identify and document the presence of nesting seabirds and shorebirds (shorebird) included in the attached list. Nesting shorebird surveys shall be conducted by trained individuals (Shorebird Observer) with proven shorebird identification skills and avian survey experience. Credentials of the Shorebird Observer will be submitted to the FWC South Region Species Conservation Biologist (See Section A, Condition XVIII. Agency Addresses) for review and approval at least 2 weeks before commencing clearing or construction activities. Shorebird Observers will use the following survey protocols:

a. Shorebird Observers must review and become familiar with the general information and data collection protocol outlined on the FWC's Florida Shorebird Database website (www.FLShorebirdDatabase.org). An outline of data to be collected, including downloadable field data sheets, is available on the website.

b. The nesting season is April 1 – September 1 for seabirds, but flightless young may be present through September. The American oystercatcher may initiate nesting as early as March 15. Nesting season surveys must begin on the first day of nesting season (March 15 in areas where American oystercatchers have historically nested, or April 1 elsewhere) or 10 days prior to commencing clearing or construction activities (including surveying activities and other pre-construction presence), whichever is later. Surveys must be conducted through August or until all nesting activity has concluded, whichever is later. If the survey results determine that no listed species are found and no nesting is occurring, and clearing or construction commences prior to the next nesting season, then no additional surveys are required in the survey area, with the exception of ground nesting species, which must be surveyed for daily pursuant to the remainder of these conditions.

Nesting season surveys shall be conducted in all potential shorebird nesting habitat within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way boundaries that may be impacted by construction or pre-construction activities during the nesting season.

c. During the pre-construction and construction, surveys for detecting new nesting activity in shorebird nesting habitat will be completed on a daily basis prior to movement of equipment, operation of construction vehicles, or other activities that could potentially disrupt nesting behavior or cause harm to the birds or their eggs or young.

d. Surveys shall be conducted by walking the length of all nesting habitat within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated

linear non-transmission facilities rights of way and visually inspecting, using binoculars or spotting scope, for the presence of shorebirds exhibiting nesting behavior.

i. If an ATV or other vehicle is needed to cover large project areas, operators will adhere to the FWC's Best Management Practices for Operating Vehicles on the Beach (Attachment E). The vehicle must be operated at a speed <6 mph and be run at or below the high-tide line. The Shorebird Observer will stop at no greater than 200 meter intervals to visually inspect for nesting activity.

e. Once any nest is confirmed by the presence of a scrape, eggs, or young, the Shorebird Observer will notify the Regional Biologist (See Section A, Condition XVIII. Agency Addresses) within 24 hours. All breeding and nesting activity will be reported to the Florida Shorebird Database website within one week of data collection.

2. If nesting behavior is observed within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way, the Licensee shall establish a 300 ft-wide buffer zone around any location within FPL property or rights of way where shorebirds have been engaged in nesting behavior, including territory defense. All construction-related disturbances shall be prohibited in this buffer zone.

a. The width of the buffer zone shall be increased if birds appear agitated or disturbed by construction.

b. Any modifications to the 300 ft-wide buffer must be approved by the Regional Biologist (See Section A, Condition XVIII. Agency Addresses) before being implemented.

c. No construction activities, movement of construction vehicles, or stockpiling of equipment shall be allowed within a buffer zone.

d. Heavy equipment and other construction vehicles shall not be operated near nest locations when flightless chicks are present outside a buffer zone. If movement of construction vehicles or equipment is necessary, it must be accompanied by the shorebird observer who will insure no flightless birds are in the path of a moving construction vehicle and no tracks capable of trapping flightless young remain.

3. Where practicable, the Licensee will mitigate for loss of shorebird habitat in consultation with FWC.

a. For least terns, areas of gravel substrate throughout the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way, including significantly disturbed areas, may provide suitable nesting habitat. Least terns are known to use artificial nesting sites such as dredged material deposits. The existing cooling canals as part of the industrial wastewater system may contain such habitat. As mitigation for loss of least tern habitat, the Licensee will consider identifying and enhancing/creating least tern habitat in appropriate areas within the Turkey Point Site, such as, but not limited to, areas in the industrial wastewater facility. The Licensee may contact the appropriate FWC Regional Biologist when considering location and appropriate methods of enhancement or restoration as needed.

b. For shorebirds utilizing mudflat habitat, the Licensee will consider mitigation through preservation, restoration, enhancement, or a combination thereof, of similar

habitat within the Everglades Mitigation Bank or other location deemed as appropriate in consultation with the USFWS.

[Article IV, Sec. 9, Fla. Const.; Section 403.507, F.S.; Rule 62-17.191; Chapter 68A-27, and Rule 68A-16.001, F.A.C.; FPL Stipulation – 6/7/13]

G. Everglades Mink

1. A survey by an experienced biologist (individual or firm with documented experience with Everglades mink or other mustelids) shall be conducted in the reproductive season prior to the initiation of clearing activity in areas where suitable potential habitat exists within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, or associated linear non-transmission facilities rights of way, to determine whether any mink are present, and if any den areas are present. To the extent practicable, the survey shall be conducted during the mink mating season, which extends from September through November. Although chalkdusted trackboards and anal scent attractant has proven effective in detecting the Everglades mink (Humphrey and Zinn 1982), camera traps are another option.

References: Humphrey, S.R. and T.R. Zinno 1982. Seasonal habitat use by river otters and Everglades mink in Florida. Journal of Wildlife Management 46:375- 381.

2. In the event that surveys determine presence of Everglades Mink within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, or associated linear non-transmission facilities, the following measures shall be used to minimize and mitigate for potential impacts.

a. Licensee and FWC will meet to discuss the specific issues and mitigation alternatives.

b. Licensee will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COCs or federal permit conditions.

c. Licensee will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.

d. Corrective action alternatives will be determined in consultation with FWC and implemented if necessary.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291, and 403.571, F.S.; Rule 62-17.660 and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

H. Florida Manatee

With respect to construction, maintenance and operation within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, or associated linear non-transmission facilities rights of way:

1. The Standard Manatee Conditions for In-Water Work (revision 2012) shall be followed for all in-water activity located where waters are accessible to manatees. These are listed in Attachment F. Blasting as a dredge method shall be prohibited in or adjacent to waters accessible to manatees, unless no other alternative exists, in which case the Licensee may request approval by FWC. An adequate Blast and Protected Species Watch Plan must be

submitted to the Imperiled Species Management Section of the FWC for post-certification review prior to these methodologies being used.

2. At least 60 days prior to the beginning of in-water construction located where waters are accessible to manatees, the Licensee shall contact the FWC to determine whether observers shall be required, how many observers will be needed and who those observers will be. If observers are recommended, manatee observers must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Any in-water work associated with construction or demolition activities shall not be performed after sunset. Movement of a work barge other associated vessels is permitted after sunset. Following project completion, a report summarizing manatee sightings, collisions or injuries shall be prepared by FPL. This report shall be submitted within 30 days following construction completion to the FWC's Imperiled Species Management Section atmailto:imperiledspecies@myfwc.com imperiledspecies@myfwc.com

3. If a cofferdam or sheet piling is used during in-water construction to minimize release of sediment, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped. Manatee observers are required during installation and removal of the barrier but are not required during landward construction.

4. To reduce the risk of a vessel or barge crushing a manatee, any areas within the barge turning basin at Turkey Point where mooring of vessels and barges larger than 100 ft. occurs along any solid face wharf or seawall, including the new equipment barge unloading area, the permittee shall install wharf fenders with appropriate materials to provide sufficient standoff space of at least four feet under maximum designed compression. Fenders or buoys providing a minimum standoff space of at least four feet under maximum designed compression shall also be utilized between two vessels or barges that are moored together.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291, 379.2431, and 403.507, F.S.; Rule 62-17.660 and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

I. Florida Panther

1. The Licensee shall take proper precautions during clearing and construction to protect panthers from accidental injury due to conditions within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, and associated linear non-transmission facilities rights of way during construction.

a. Construction policies and practices identified by the FWC to protect panthers shall be used by the Licensee whenever feasible. These include:

i. Limiting speeds on access roads to 45 mph or less and adjust trucking activities and material delivery schedule within the panther consultation area to reduce speeds at dawn and dusk.

ii. Conducting frequent and unannounced site inspections to monitor for compliance with the above.

b. Any panther observations (dead or alive) made by Licensee's employees or contractors shall be verified by a qualified expert agreed to by FWC and reported to FWC within 24 hours.

2. The Licensee shall take proper precautions during construction and plant operations to protect panthers from accidental injury due to vehicle collisions along access roadways in the panther consultation area as defined by the USFWS (Attachment G), including SW 359th Street, SW 137th Avenue, and SW 117th Avenue.

a. Speeds on access roads shall be limited to 45 mph or less. Passive measures shall be implemented to enforce slower speeds and shall include lighted speed signage, speed bumps, and slow speed zones at dawn and dusk, and panther crossing signage.

b. In lieu of the passive measures identified in this condition, the Licensee may choose to use exclusionary fencing along the length of SW 359th Street between SW 117th Avenue and SW 137th Avenue to prevent accidental injury and/or panther mortality due to vehicle collisions.

c. Any panther observations (dead or alive) made by Licensee's employees or contractors shall be verified by a qualified expert agreed to by FWC and reported to FWC within 24 hours.

3. The Licensee shall construct at least one (1) wildlife underpass and associated fencing to facilitate north-south movement across SW 359th Street.

a. The underpass shall be located between 117th Avenue and 137th Avenue in an appropriate location for use by panthers. The Licensee shall consult with FWC during placement of the underpass.

b. The underpass shall be of appropriate size and design to facilitate panther movement. The Licensee shall consult with FWC during design of the underpass.

[Article IV, Sec. 9, Fla. Const.; Section 379.2291 and 403.507, F.S.; Rule 62-17.660 and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

J. Rivulus

1. Prior to clearing, the Licensee shall conduct surveys for rivulus using modified bottomless lift nets (McIvor and Silverman 2010) or other approved methodology in potentially impacted mangrove habitats within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, or associated linear non-transmission facilities.

[Reference: McIvor, C. C. and N. L. Silverman 2010. Modifications to the bottomless lift net for sampling nekton in tidal mangrove forests. Wetlands Ecology and Management (published on-line)

2. If surveys determine the presence of Rivulus within the Turkey Point Units 6 & 7 Site, associated non-linear facilities, or associated linear non-transmission facilities, the following measures shall be used to minimize and mitigate for potential impacts.

a. Licensee and FWC will meet to discuss the specific issues and mitigation alternatives.

b. Licensee will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COCs or federal permit conditions.

c. Licensee will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.

d. Corrective action alternatives will be determined in consultation with FWC and implemented if necessary.

[Article IV, Sec. 9, Fla. Const.; Section 379.2291 and 403.507, F.S.; Rule 62-17.660 and Chapter 68A-27, F.A.C.; FPL Stipulation – 6/7/13]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Except to the extent already completed, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with DHR. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Area. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Area, the Licensee shall notify the SED and DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and the MDC Office of Historic Preservation at (305) 375-4958). The Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.; FPL/MDC Stipulation – 6/19/13]

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. General

1. For the purposes of these conditions of certification:

a. "SFWMD real property interests" is defined as SFWMD rights-of-way, Works of the District, and any property interest evidenced by being recorded in the public records.

b. "Licensee" as used herein includes Licensee's employees, contractors, subcontractors, invitees, authorized representatives, affiliates, parent, subsidiaries, and/or anyone acting on Licensee's behalf.

2. If this Certification is transferred from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.

[FPL Stipulation – 5/14/13; Sections 373.044, 373.085, 373.223, 373.342, and 373.413, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.38l, 40E-3.101(1), and 40E-6.351, F.A.C.]

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

[FPL Stipulation –5/14/13; Sections 373.219, 373.223, 373.229, 373.308 and 373.315, F.S. and Rules 40E-2.-09(1), 40E-2.301, 40E-2.381 and 40E-3.500-531, F.A.C.]

4. This project must be constructed, operated, and maintained in compliance with and meet all applicable non-procedural requirements and criteria set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), 40E-6 (Works or Lands of the District), 40E-20 (General Water Use Permits), 40E-21 (Water Shortage Plan), F.A.C.]

5. It is the responsibility of the Licensee to avoid or minimize and mitigate any impacts to the water resources during the construction, operation, and maintenance of the project in accordance with these conditions of certification.

[Chapter 373, F.S.; Rules 40E-2.09l, 40E-2.38l, and 40E-6, F.A.C.; FPL Stipulation – 5/14/13]

6. Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project in compliance with these conditions of certification with the exception of: 1) facilities for which a transfer of certification is approved pursuant to Rule 62-17.211(3) F.A.C.; and 2) facilities that are deleted from this certification through a modification of certification pursuant to Section 403.516, F.S. and, if such facilities are located within SFWMD rights-of-way, SFWMD has received a Right-of-Way Occupancy permit application from the party to which the facilities are conveyed.

[FPL Stipulation –5/14/13; Sections 373.309, 373.413, and 373.416, F.S.; Rule 40E-6.381, F.A.C.]

7. Information submitted to SFWMD subsequent to Certification, and prior to the commencement of the subject construction, operation or maintenance activity in compliance with these Conditions of Certification, shall be for the purpose of SFWMD monitoring for Licensee's compliance with the non-procedural criteria contained in Chapter 373, F.S., Section 403.5113, F.S., Chapters 40E-2, 40E-3, 40E-6 including 40E-6.381, 40E-20, 40E-21 and 62-17.191, F.A.C.

8. SFWMD may confer with DEP to request that DEP take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of SFWMD.

[FPL Stipulation –5/14/13; Sections 373.223, 373.319, and 373.603, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-6.501, F.A.C.; Section 403.514, F.S.]

9. It is understood that the Licensee and SFWMD shall strive to resolve disputes by mutual agreement. However, SFWMD retains its right to seek any and all available relief under Florida law for the protection of the health, safety, and welfare of persons and property within its jurisdictional boundaries.

[FPL Stipulation –5/14/13; Sections 373.044, 373.085, 373.113, 373.129, 373.413 and 373.429, F.S.; Rules 40E-1.601, 40E-4.331, 40E-6.331, and 40E-6.341, F.A.C.]

10. With concurrence from DEP, SFWMD and Licensee may jointly agree to vary the informational requirements, including deadlines for submittals, without a need for modification of these conditions.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.229, F.S.; Rules 40E-2.101(1) and 40E-6.101(1), F.A.C.]

11. Licensee shall maintain the status, in a confidential manner (exempt from public disclosure) of any documents received from SFWMD, including communications systems and building plans, blueprints, schematic drawings, and diagrams, in preliminary draft and final formats, which depict the internal layout and structural elements of a building or water structure, or other SFWMD facility, owned and operated by SFWMD, which are exempt from the Public Records law, unless required to disclose such documents pursuant to Section 119.071(3)(b)3., F.S., as also agreed to in an executed Confidentiality Agreement, the form of which shall be the same as Appendix D of the SFWMD Impact Assessment Report on Florida Power & Light Company Turkey Point Units 6 & 7 Electric Transmission Line Corridors (PA 03-45A3), dated December 15, 2011. All such documents exempt from public disclosure shall be listed as an exhibit to the Confidentiality Agreement and clearly marked as "EXEMPT" by SFWMD before delivery to Licensee.

12. Indemnification/Insurance

a. To the fullest extent permitted by law, Licensee agrees to defend, indemnify, and hold harmless SFWMD, its Board members, Directors, employees, and agents (collectively, the "Indemnified Parties") from and against any and all claims, suits, loss, including, but not limited to, bodily injury, death, and property damage and all other damage, including reasonable attorneys' fees and costs, sustained by the SFWMD Entities to the extent caused by or arising from Licensee's and its agents' (which includes Licensee's officers, employees, contractors, subcontractors, agents, representatives, and invitees) planning, engineering, design, construction, alteration, operation, maintenance, removal, abandonment of facilities on, activities upon and access over SFWMD real property interests or activities undertaken under this Certification (including post certification reviews, amendments or modifications, collectively the "Certification") unless Licensee can establish that the damages were attributable solely to the negligent or willful actions of one or more Indemnified Parties or third parties other than Licensee and its agents. SFWMD shall have the right to approve, in SFWMD's reasonable discretion, Licensee's legal counsel in connection with this indemnity.

b. Licensee shall obtain and maintain in full force through self-insurance and independent insurance as further set forth herein during the period that the Licensee or its agents access SFWMD real property interests, undertake activities under this Certification, and six months thereafter. Such coverage shall include but not be less than:

i. Licensee shall certify to SFWMD initially, and in subsequent years, in the form of an affidavit or letter that Licensee is self-insured up to $3,000,000 for commercial general liability insurance coverage as set forth in subsection (ii) below, and shall provide an additional $7,000,000 in commercial general liability insurance coverage as set forth in subsection (ii) below by independent insurance for a total of $10,000,000 coverage per occurrence and in the aggregate, and worker's compensation insurance coverage as set forth in subsection (iii) below. Licensee shall submit to SFWMD an audited financial statement to support its affidavit or letter of self-insurance and certificate as evidence of

Licensee's financial ability to comply with the conditions stated herein. In the event that audited financial statement discloses Licensee's financial inability to comply with such conditions, SFWMD may require independent insurance coverage in lieu of the coverage described herein.

ii. Commercial General Liability Insurance against claims for bodily injury, death, or property damage arising out of or in any way related to or resulting from Licensee or its agents (including, but not limited to, its contractors, subcontractors, agents, representatives, and invitees) access over or adjacent to SFWMD right-of-way, Works of the District or real property interests recorded in the public records, interference with SFWMD communication systems, or activities undertaken under this Certification, including planning, engineering, design, construction, operation, and maintenance of facilities, endorsed to include premises-operations, completed operations-products, independent contractors, pollution, explosion, collapse and underground property damage hazards, liability imposed under the terms and conditions of this Certification (including covering Licensee's indemnity obligations), broad form property damage, and fire liability coverage with a combined single limit of $10,000,000 per occurrence and $10,000,000 in the aggregate. Licensee may self-insure the first $3,000,000 of coverage, provided that Licensee assumes the defense obligations of the insurer providing insurance pursuant to this paragraph for all lawsuits or claims against SFWMD. This obligation to defend SFWMD and its agents shall begin immediately upon the filing of any lawsuit or claim that would be defended by the insurance required hereunder and continue until such time as the self-insured retention has been met or the insurance required hereunder provides a defense to SFWMD and its agents.

iii. Workers compensation insurance covering all persons employed by Licensee or its contractors in accordance with statutory benefits. Licensee may self-insure the coverage as it is a qualified self-insurer in the state of Florida in accordance with applicable law.

c. Independent insurance shall be written by companies reasonably acceptable to SFWMD. The Commercial General Liability Policy shall name SFWMD and its agents as additional insureds and shall include a waiver of subrogation in favor of SFWMD and its agents. All insurance, including self-insurance, shall be primary to any liability or property insurance or self-insurance carried by the SFWMD or its agents and shall also provide that any loss otherwise payable shall be payable not withstanding any act or omission of SFWMD or its agents which might, absent such provision, result in a forfeiture of all or a part of such insurance payment. Licensee shall furnish to SFWMD Certificates of Insurance (or certified copies of all insurance coverage, if requested) prior to Licensee entry upon SFWMD real property interests.

d. All insurance coverage required by or provided to Licensee by its agents engaged by Licensee under this Certification shall be extended to the SFWMD and its agents with the same protection and insurance coverages required by and afforded to Licensee. Licensee shall require that its agents include SFWMD and its agents as additional insureds on all such insurance. Licensee shall furnish to SFWMD Certificates of Insurance (or certified copies of all insurance coverage, if requested) of its agents prior to Licensee's agents entry upon SFWMD real property interests.

e. Any insurance provided by Licensee and its agents naming SFWMD and its agents as an additional insured, including self-insurance, shall respond first and defend and indemnify SFWMD and its agents with respect to any and all claims or suits arising out of Licensee's or its agents access over or adjacent to SFWMD rights-of-way, Works of the District or real property interests recorded in the public records, or activities undertaken under

this Certification, including design, construction, operation, and maintenance of facilities. If and only if such insurance does not apply or is otherwise not available with respect to a particular matter, the indemnity provisions in the first paragraph of this section will apply.

f. It is expressly agreed that this Section shall survive the termination or expiration of this Certification.

[FPL Stipulation –5/14/13; Sections 373.016, 373.085 (1) (b), and 373.1391, F.S; Rules 40E-6.051 (3), 40E-6.381 (6), and 40E-6.221 (2)(i), and 62-17.133(3), F.A.C.]

13. Consistency with SFWMD Existing and Planned Projects

a. During the planning and design of the certified plant and non-transmission linear facilities and prior to the final design of the non-transmission linear facilities right-of-way to be located on SFWMD real property interests, Licensee shall coordinate with SFWMD to obtain SFWMD's plans including detailed design plans and specifications for any existing SFWMD project and the latest detailed information available for planned projects, including but not limited to ecosystem restoration projects, and shall coordinate all Licensee's project activities with SFWMD in such a manner as to avoid inconsistencies with SFWMD existing or planned projects. "Planned project" shall mean any project or facility of SFWMD for which SFWMD is authorized to be a non-federal sponsor that is 1) in the construction phase, 2) in the final construction design phase with approved funding for design, or 3) is a CERP project component as defined in Sec. 373.1501(1)(g), F.S., and as listed in Attachment I-a which can be amended by SFWMD, to the extent that any new planned projects meet the definition in this section, upon consultation with Licensee.

No later than thirty (30) days after receipt of Licensee's post-certification submittal of the non-transmission linear facilities right-of-way location as required by DEP Condition XIX, SFWMD will submit to Licensee any SFWMD plans for existing or planned projects.

b. To the extent practicable, Licensee will undertake its preliminary design of the certified plant and non-transmission linear facilities to be located on SFWMD real property interests to accommodate and avoid inconsistencies with SFWMD existing and planned projects.

c. At the time of design of the certified plant and non-transmission linear facilities, Licensee shall submit to SFWMD a preliminary design demonstrating compliance with Section B.VI.A.13.b. above, so that SFWMD can review this information. SFWMD must review Licensee's preliminary design within ninety (90) days following SFWMD receipt of Licensee's preliminary design. If SFWMD does not respond within ninety (90) days, Licensee can proceed with final design consistent with the submitted preliminary design. If SFWMD's review indicates an inconsistency exists, the parties will strive to achieve an agreeable solution in accordance with Section B.VI.A.9. of these conditions of certification. Agreeable solutions may include Licensee's modification of Licensee facilities or if no practicable design alternatives can be identified, SFWMD may agree that its facilities can be modified. If SFWMD modifies its facilities as the agreeable solution, Licensee shall reimburse SFWMD for any and all costs, including direct and indirect (including overhead costs), incurred by SFWMD.

d. At least ninety (90) days prior to construction, Licensee shall submit to SFWMD a final design demonstrating compliance with its preliminary design and any agreeable solutions for design modifications identified pursuant to Section B.VI.A.13.c., so that SFWMD can review this information for consistency with SFWMD identified existing and planned projects. SFWMD must review Licensee's final design within ninety (90) days following SFWMD receipt of Licensee's final design. If SFWMD does not respond within ninety (90) days, Licensee can proceed with construction consistent with the submitted final design. If SFWMD's review indicates an inconsistency exists, the parties will strive to achieve an agreeable solution in accordance with Section B.VI.A.9. of these conditions of certification. Agreeable solutions may include Licensee's modification of Licensee facilities or if no practicable design alternatives can be identified, SFWMD may agree that its facilities can be modified. If SFWMD modifies its facilities as the agreeable solution, Licensee shall reimburse SFWMD for any and all costs, including direct and indirect (including overhead costs), incurred by SFWMD.

e. If two (2) years elapse after Licensee submittal of its final design demonstrating compliance with Section B. VI.A.13.c., without commencement of construction of the approved project facility, Licensee shall request a list of new or updated planned project information. If SFWMD provides a list of new or updated planned project information within thirty (30) days of Licensee's request, Licensee shall incorporate this new or updated information to achieve compliance with Section B. VI.A.13.c. In the event that new or updated information is provided by SFWMD to Licensee, the coordination process as described in Section B.VI.A.13.d. shall be followed.

f. For the purpose of this condition, "inconsistency" shall mean any significant incompatibility, encroachment, or obstruction that hinders, compromises, or detrimentally affects SFWMD projects, scheduling, costs, goals, benefits, functions, operation, maintenance, repair, replacement, rehabilitation, performance, or life expectancy as defined in Attachment I- a (the list of SFWMD existing and planned projects), Attachment I-b (a map showing the SFWMD existing and planned projects in Attachment I-a and the FPL Proposed Linear Facility Corridors) and Attachment I-c (a table explaining the projects listed in Attachment I-a).

[FPL Stipulation –5/14/13; Federal Water Resources Development Acts of 1992, 1996 and 2000; 33 C.F.R. 208 and 385; Sections 373.1501 and 373.085 (1) (b), F.S.; Rules 40E-6.011 (2) and 62-17.133 (3), F.A.C.]

14. Reimbursements and Costs

In addition to any requirements specified elsewhere in these conditions, the Licensee shall also be responsible for the following:

a. Modifications to Licensee Project Facilities

Where the certified plant and non-transmission linear facilities will cross or use lands where SFWMD holds a real property interest, Licensee shall design any future modifications to its plant and non-transmission linear facilities including its structures and access roads, to avoid inconsistency with any SFWMD existing or planned project utilizing the process described in condition VI.A.13. Licensee shall undertake at its own expense any necessary

alterations to Licensee's project as a result of such inconsistencies as defined in Condition VI.A.13.f.

b. Reimbursement for Modifications to SFWMD Facilities

Licensee shall make reimbursements within sixty (60) days following receipt of invoices submitted by SFWMD. Each invoice must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures. In the event a dispute arises as to the appropriateness of the request for reimbursement of one or more cost items, the dispute may be resolved pursuant to the dispute resolution process specified in DEP General Condition X. However, this provision is not intended to be an exclusive remedy and does not preclude the exercise of any other rights and remedies available under law or equity. Reimbursement of a disputed cost shall be held in abeyance until the dispute is resolved.

[FPL Stipulation –5/14/13; Rules 40E-6.381 (3) and (4), and 62-17.133 (3), F.A.C.]

15. Licensee Access to SFWMD Areas of Real Property Interest

a. For informational purposes and to the extent practicable, and subject to any easements or other agreements between Licensee and SFWMD, Licensee shall meet with SFWMD representatives no less than six (6) months prior to construction to identify all of Licensee's major construction activities on SFWMD real property interests. For the purpose of this condition, "major construction activities" shall mean mobilization, earthwork, construction, erection, installation or maintenance involving construction related to Licensee's project. Licensee shall also meet with SFWMD representatives no less than one (1) month prior to commencement of construction to coordinate Licensee's construction schedule and non-major activities on SFWMD real property interests with SFWMD. Licensee is encouraged to discuss coordination of any minor activities that arise unexpectedly with SFWMD.

[FPL Stipulation –5/14/13; Rule 62-17.133 (3), F.A.C.]

b. Licensee shall be responsible for any mitigation or permitting arising from impacts to any state or federally listed threatened or endangered species in areas where SFWMD holds a real property interest occurring from the construction, operation, or maintenance of the plant and non-transmission linear facilities, in accordance with the terms and conditions of any local, state, or federal approvals, and all applicable regulatory laws, including, but not limited to the conditions in this Certification.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Rules 40E-6.221 (2), 40E-6.091 (1) and 62-17.133 (3), F.A.C; SFWMD Volume V Permit Information Manual, Criteria Manual for Use of Works of the District (Basis of Review) Section S.]

c. Licensee, its agents, employees, contractors and subcontractors shall be prohibited from removing any items of historical, architectural, archaeological, or cultural significance on lands where SFWMD holds a real property interest.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Rules 40E-6.311 (3) and 62-17.133 (3), F.A.C.]

d. For purposes of this Certification, "Pollutant" shall mean any hazardous or toxic substance, material, or waste of any kind or any contaminant, pollutant as defined by Rule 62-150 F.A.C., and 42 USC 9601 paragraph 4, in addition to petroleum,

petroleum product, or petroleum by-product. "Release" shall mean the storage, use, handling, (except with written approval from SFWMD in accordance with Section B.VI.D.22) release, discharge or disposal of such Pollutants. Any release of Pollutants that poses a threat to SFWMD real property interests, whether caused by the Licensee or any other third party, shall be reported to the SFWMD within twenty-four (24) hours upon the knowledge thereof by the Licensee. The Licensee shall be solely responsible for the entire cost of cleanup of any release of Pollutants resulting from the activities of the Licensee discovered in or on canals or lands where SFWMD holds a real property interest.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

e. SFWMD does not waive sovereign immunity in any respect.

[Rules 40E-6.091 (1) and 40E-6.381 (7), F.A.C.]

f. No vehicular maintenance or repair activities or substances or parts associated with the repair or maintenance of vehicles or equipment will take place, be used, stored or discarded within lands where SFWMD holds a real property interest nor shall these lands be used for storage or parking of equipment, associated machinery, or construction trailers unless specifically authorized by these Conditions of Certification.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Rules 40E-6.091 (1), 40E-6.381 (8) and 62-17.133 (3), F.A.C.]

g. Licensee shall not stockpile excavated material in the canal or within lands where SFWMD has a real property interest, except as specifically authorized by SFWMD. Licensee shall be responsible for the removal of all construction materials and debris from SFWMD canal and right-of-way.

[FPL Stipulation –5/14/13; 40E-6.091 (1), and 40E-6.381 (8), F.A.C.]

h. During construction, Licensee shall comply with the following concerning the removal of exotic vegetation from lands where Licensee maintains a right-of-way or places above-ground facilities within SFWMD real property interests, specifically, Brazilian Pepper, Melaleuca, Australian Pine, Old World Climbing Fern, Ardesia, and Guava.

i. Licensee shall remove all exotic vegetation throughout the limits of the non-transmission linear facilities from lands where SFWMD holds a real property interest and keep these lands free of said exotic vegetation throughout the life of the project.

ii. Licensee is put on notice that successful removal of the exotic vegetation may require the application of a suitable herbicide on cut stumps, etc. by following manufacturer's label instructions.

iii. Licensee shall take all precautions to not damage or destroy existing native (indigenous) vegetation located within the SFWMD rights-of-way throughout the project limits.

iv. Licensee shall not remove, or treat with herbicide applications any mangrove or other native shoreline vegetation.

v. Licensee shall maintain the project area on a regular cycle basis and keep Licensee's rights-of-way free of excessive weeds and exotic vegetation.

[FPL Stipulation – 5/14/13; Rules 40E-6.091 (1) and 62-17.133 (3), F.A.C.; SFWMD Volume V Permit Information Manual, Criteria Manual for Use of Works of the District (Basis of Review) Section S.]

i. SFWMD Approval Limitations

No right of review, inspection, or approval by SFWMD under this Certification: 1) shall be deemed a waiver of any of SFWMD rights under the Certification or at law or in equity; 2) shall be deemed to be an assumption of such responsibility by SFWMD for any defect, error, omission; or 3) shall relieve Licensee of its responsibility for the performance of its obligations under the Certification and the accuracy, competency, adequacy, fitness, suitability, or coordination of its post-certification responsibilities and deliverables under this Certification. Approval by any governmental or other regulatory agency or other governing body, including DEP SCO, shall not relieve Licensee of responsibility for the strict compliance with conditions under this Certification; Licensee expressly accepts the risk that defects in its performance, if any, may not be discovered until after completion of construction of the plant and non-transmission linear facilities for Turkey Point Units 6 & 7. Licensee's post-certification submittals may be submitted in segments for the non-transmission linear facilities and/or facility-by-facility basis for the plant. SFWMD's failure to timely object to a particular post-certification submittal for any particular segment or facility does not waive SFWMD's right to object to the same information for another post-certification submittal.

[FPL Stipulation – 5/14/13; Rule 40E-6.381, F.A.C.]

16. These conditions of certification shall not operate to revoke any rights, terms or conditions of any permit, license, easement, or other property interest, over SFWMD-owned lands, for the uses identified in those instruments.

B. Excavation, Deposition and Dewatering

1. Storage of Spoils

a. To the extent practicable, Licensee shall avoid using the westernmost 3,500 feet of Licensee-identified storage area on the southern canal berm of the CCS, where the berm is adjacent and parallel to SFWMD Canal C-107, for storage of spoils. This is the least desirable portion of the spoils storage area. Storage areas for spoils in areas that are not near sensitive water resources including Biscayne Bay or wetlands are the more protective option.

b. If Licensee must use the portion of the Licensee-identified storage area described in Section B.VI.B.1.a. above, then Licensee shall implement a protective measure acceptable to SFWMD to limit to the extent practicable, runoff from the spoils entering the C-107 Canal.

[FPL Stipulation – 5/14/13; Sections 373.223 373.309, and 373.413, F.S.; Rules 40E-2.09l, 40E-2.38l, 40E-3.301(3), 40E-3.301(4), and 40E-6.381, F.A.C.]

2. Dewatering

a. For dewatering of the Units 6 & 7 power block, Licensee shall use the grouting method proposed in the SCA and in subsequent completeness responses (Groundwater Model Development and Analysis: Units 6 & 7: Dewatering and Radial Collector

Well Simulations, Revision 1, Bechtel Power Corporation, February 2011, page 43) to reduce dewatering volumes, unless agreed to in writing by SFWMD.

b. Prior to commencement of construction of those portions of the project that involve dewatering activities, unless the proposed dewatering activity meets the "no notice" criteria of Rule 40E-20.302 (3), F.A.C. and Section 2.5.1 of the Basis of Review for Water Use Permits, Licensee shall submit a detailed plan for the proposed dewatering activities to SFWMD for an assessment of consistency with the non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of certification and impact monitoring if necessary (Rule 62-17.133, F.A.C.). The following information, referenced to North American Vertical Datum of 1988 (NAVD 88) where appropriate, shall be submitted:

i. A detailed site plan that shows the location(s) for each proposed dewatering area

ii. The method(s) used for each dewatering operation

iii. The maximum depth for each dewatering operation

iv. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation

v. The duration of each dewatering operation

vi. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s)

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

viii. The location of any infiltration trenches and/or recharge barriers

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

c. Prior to dewatering, FPL shall submit a monitoring plan which addresses monitoring of groundwater levels and water quality within and adjacent to the dewatering area. The plan shall also include a method for recording daily pumpage from the dewatering area into the CCS. The plan shall include collection of data before commencement of the dewatering operations.

[FPL Stipulation –5/14/13; Sections 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301 and 40E3.500-531, F.A.C.]

C. Water Supply

1. Primary Source (Reclaimed Water)

a. Primary Source Identification. The primary source of cooling water for Units 6 & 7 is reclaimed water provided by Miami-Dade County Water and Sewer Department (MDWASD), pursuant to a reclaimed water service agreement between Licensee and Miami-Dade County to be used at an expected rate of approximately 59 million gallons per

day (MGD) or approximately 21,500 million gallons (MG) annually. It is expected that the reclaimed water will be a reliable primary source of water for this project.

b. Primary Source Reporting. Licensee shall measure the volume and quality of reclaimed water received from Miami-Dade County. The water quality measurements shall be based on Licensee's requirements for use of reclaimed water for cooling purposes. Licensee shall prepare an annual report describing the reliability of the reclaimed water supply source in terms of both quantity and quality. This report shall contain a description of any temporary interruptions in the use of reclaimed water (including estimated volumes and durations) that may have occurred during the course of the preceding year, the reason(s) if known to Licensee for the interruption, and any solutions implemented by Licensee to prevent recurrence of any such interruptions. The annual report shall be submitted to SFWMD beginning one year after the reclaimed water begins to be used for cooling purposes and yearly thereafter by March 31 of the following calendar year.

2. Secondary Source (Radial Collector Wells)

a. Radial Collector Well System Construction

i. Licensee shall ensure that dewatering effluent generated during construction of the caissons and advancement of the laterals of the RCW system will be routed to the CCS or underground injection. Areas requiring dewatering shall be isolated using sheet pile technology or the equivalent. Drill cuttings shall be used for fill or will be stored in the spoils area within the CCS.

ii. Licensee shall surround the RCW caissons with silt fencing prior to construction to avoid erosion or turbidity impacts to nearby surface waters. Licensee shall use BMPs during construction to isolate construction areas with turbidity curtains, silt screens, sheet-pile barriers, sediment barriers, temporary traps with a controlled storm water release structure, or other erosion or turbidity controls, as appropriate.

iii. The method to be employed by Licensee for drilling the RCW laterals shall be a drilling technique using formation water as the drilling fluid. Drilling shall occur from a position inside the concrete caisson that shall be maintained in a dewatered condition, to the maximum extent possible. The drilling equipment shall be placed below sea level to allow the use of the natural head in the formation (and Bay) to push the drilling water (and cuttings) back toward the caisson. This is a reverse-flow scenario that will maintain control of the drilling water within the drill bore and within the caisson minimizing the potential for frac-outs as the water in formation will be drawn in rather than pushed out by head pressure.

iv. Licensee shall not use trenching for installation of the RCW laterals.

v. Licensee shall submit to SFWMD at least six months prior to commencement of construction of the RCW, plans for RCW construction, contingencies for large storm events, emergency response in the event of an uncontrolled release of excavated material.

vi. Prior to construction of the radial collector wells, the Licensee shall submit drilling plans and other pertinent information to the SFWMD for review as a post-certification submittal subject Section A, General Condition XIX. Procedures for Post-

Certification Submittals. If the final well design or locations are different from those originally proposed in the SCA, Licensee shall also submit to the SFWMD for review an evaluation of the impacts of the proposed pumpage from the alternate well location(s).

b. Radial Collector Well Withdrawals

There may be temporary interruptions in the delivery of reclaimed water to the plant site. Consequently, authorizing a reliable secondary water supply source for the project is in the public interest and is consistent with the criteria set forth in Section 2.2 of the Basis of Review for Water Use Applications within the SFWMD.

i. Secondary Source Identification.

(1) Only in the event that reclaimed water is not available in the quantity or the quality required by Licensee for cooling water purposes shall Licensee be authorized to withdraw cooling water from the RCW system, except as authorized in paragraphs (2) and (4) below.

(2) Prior to Units 6 & 7 commercial operation, Licensee shall be authorized to withdraw water from the RCWs to perform operational tests of RCW caissons and laterals for the purposes of determining flow within laterals and caissons, verifying system components are meeting design requirements and testing to ensure that the systems necessary to run Units 6 & 7 on the back-up water source work properly, including the gradual switch from reclaimed water to saltwater from the RCW system.

(3) Licensee shall be authorized to operate the RCW system up to sixty (60) days and withdraw a maximum volume of 7,465 MG in any consecutive twelve (12) month period [equivalent to sixty (60) days at full capacity of 124.416 MGD].

(4) Licensee shall be authorized to operate the RCW system for periodic testing and system integrated testing purposes.

ii. Secondary Source Reporting

Licensee shall include in the annual report specified in Section B.VI.C.1.b., the volumes and duration of water withdrawn from this secondary source.

iii. RCW Testing

Upon completion of construction of the first radial collector well (RCW), Licensee shall conduct a full-scale radial collector well test (RCWT). The purpose of the RCWT is to confirm aquifer characteristics obtained previously and to confirm values predicted by the modeling conducted in support of the SCA.

(1) Requirements. The RCWT shall include attributes listed below. The RCWT shall be conducted by pumping the caisson and associated laterals at the caisson's design pumping rate. The RCWT shall include measuring pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative method approved by SFWMD) to determine the hydraulic conditions between the Bay and subsurface conditions in the area and confirm the predicted amounts of water originating from the Bay withdrawn by the RCWs, and observing water levels and water quality (e.g., specific conductance and temperature) in the caisson and in onsite monitor wells MW-1 through MW-5 [or replacement well(s) at nearby location(s)] and existing tri-zone monitor wells

(TPGW-1, TPGW-10, and TPGW-12). The effects of tidal fluctuations, barometric pressure, precipitation, and pumping associated with operation of Units 1 through 4 shall be recorded. Non-RCW pumping influences such as these shall be removed from the pumping and recovery test data prior to the test analysis described below.

(2) The RCWT shall be conducted for a minimum of 72 hours. The RCWT shall include a background period of at least three (3) days prior to pumping, and at least eight (8) hours of recovery following pumping, or until the water levels return to their pre-test levels. Following the test and data collection, Licensee shall analyze the data using appropriate groundwater hydraulic techniques. Licensee shall use this data and initially configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the RCWT using the recorded pumping rates and lateral distributions. The modeled steady-state drawdowns will be compared to observed steady-state drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate observed drawdowns during the RCWT. The recalibrated model will then be run to confirm conclusions of the original model.

iv. Notification of Operation of RCW System as a Secondary Cooling Water Supply Source

(1) Notice. Licensee shall provide SFWMD forty-eight (48) hour advance notice, when practicable, of Licensee's intent to operate the RCWs as a backup cooling water supply. At a minimum, Licensee shall provide SFWMD twenty-four (24) hour advance notice. Licensee shall also notify SFWMD if withdrawals from the secondary water source will be for more than thirty (30) consecutive days in any twelve (12) month period.

(2) Licensee shall notify SFWMD when withdrawals from the secondary water source have stopped.

v. Monitoring and Reporting

(1) Licensee shall collect and report the monitoring data as described in the Radial Collector Well System Monitoring Plan described in Section B, Condition I. Radial Collector Well System Monitoring, C. Licensee shall submit annual reports that include data collected in accordance with the RCWSMP and statistical analyses of the data.

(2) Licensee shall record withdrawal volumes on a daily, per caisson basis and Licensee shall submit the information to SFWMD on an annual basis. Licensee shall specify the water accounting method used and a description of means of calibration in each report.

[Chapter 373, Part II, F.S.; Rule 40E-2.091, F.A.C.; "Basis of Review for Water Use Permit Applications within the South Florida Water Management District, March 18, 2010", and FPL Stipulation 5/14/13]

3. General Conditions for Secondary Cooling Water Supply Sources

a. Water Shortage Compliance

In the event of a declared water shortage, the Licensee must comply with any secondary source water withdrawal reductions ordered by SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

[FPL Stipulation –5/14/13; Section 373.246, F.S.; Rule 40E-2.381, F.A.C.]

b. Emergency Withdrawals

Any withdrawals in excess of the withdrawals authorized under this Certification shall require prior SFWMD approval. The SFWMD may grant such approval for any emergency withdrawals less than 90 days in duration without modifying these Conditions of Certification. SFWMD approval shall be based on the non-procedural requirements of Chapter 40E-2, F.A.C.

c. Interference with Existing Legal Uses

Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by Licensee's withdrawals, consistent with an approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the (1) Inability to draw water consistent with the provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; (2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or (3) Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

[FPL Stipulation –5/14/13; Rule 40E-2.301 (1) (f), F.A.C.]

d. Impacts to Existing Off-Site Land Uses

Licensee shall mitigate harm to existing off-site land uses caused by Licensee's withdrawals, as determined through reference to these Conditions of Certification and Chapter 373, F.S. When harm occurs, or is imminent, SFWMD will require Licensee to modify withdrawal rates or mitigate the impacts. Harm, as determined through reference to these Conditions of Certification include: (1) significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.); (2) damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; (3) land collapse or subsidence caused by reduction in water levels associated with consumptive use.

[FPL Stipulation –5/14/13; Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

e. Impacts to Natural Resources

Licensee shall mitigate harm to natural resources caused by Licensee's withdrawals, as determined through reference to these Conditions of Certification and

Chapter 373, Florida Statutes. When harm occurs, or is imminent, SFWMD will require Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:(1) reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface; (2) reduction in water levels that harm the hydroperiod of wetlands; (3) significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond; (4) harmful movement of contaminants in violation of state water quality standards; or (5) harm to the natural system including damage to habitat for rare or endangered species.

[FPL Stipulation –5/14/13; Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

f. Water Supply Systems Operation

At any time, if there is an indication that the well casing, pipes, valves, or controls associated with the RCW system leak or have become inoperative, Licensee shall be responsible for making the necessary repairs or replacement to restore the water supply system(s) to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

[FPL Stipulation –5/14/13; Sections 373.308 and 373.316, F.S.; Rules 40E-3.041, 40E-3.101, 40E-3.411, and 40E-3.500-531, F.A.C.]

g. Consistency Review of Authorized Withdrawals from the RCW System

Within ten years from the date of issuance of the Certification Order and every ten years thereafter, unless extended by mutual agreement between Licensee and SFWMD, Licensee shall submit to DEP SCO and SFWMD a report on the consistency of the Project's withdrawals from the RCW system as a secondary cooling water source with SFWMD's Specific Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and Licensee as to whether the RCW system withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40E-2, F.A.C., in effect at the time the certification was issued by the Siting Board. In determining whether Licensee has established that its use of water complies with Chapter 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within SFWMD, SFWMD shall evaluate whether Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, SFWMD shall recommend to Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP SCO determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that Licensee has failed to establish that the Licensee's use of water from the RCW system meets the consumptive water use requirements described herein, DEP SCO may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this

Condition shall not be subject to competing applications provided there is no increase in the allocation and no change in source.

[FPL Stipulation –5/14/13; Chapter 40E-2, F.A.C.]

h. Request for Modification of Withdrawals

A modification of the RCW system withdrawals for consumptive use authorized by this Certification may be requested in accordance with the provisions of Section 403.516, F.S. and Rule 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Rule 62-17.211, F.A.C.

i. Calibration and Reporting Requirements

Prior to the use of any proposed withdrawal facility authorized under this Certification, Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this Certification every five years from each previous calibration, continuing at five year increments.

[FPL Stipulation –5/14/13; Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

j. Existing Well Repair, Replacement, Abandonment

If any of the radial collector wells or any required monitoring wells require repair, replacement, or abandonment, Licensee shall submit the information described in Chapter 40E-3, F.A.C., for review by DEP and SFWMD prior to initiating such activities.

[FPL Stipulation –5/14/13; Chapter 40E-3, F.A.C.]

k. Water Conservation Plan

If any changes are proposed to the Project's water use as part of an amendment or modification to this Certification, a revised water conservation plan may be required. If required the revised plan shall, at a minimum, incorporate the following components:

i. An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(1) Implementation of a leak detection and repair program;

(2) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities;

(3) Use of processes to decrease water consumption;

(4) Licensee shall develop and implement an employee awareness program concerning water conservation.

[FPL Stipulation –5/14/13; Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]

l. If any non-procedural provision of Chapter 373, F.S., or condition of this Certification is violated, the license shall be subject to review, enforcement action, and possible modification.

[FPL Stipulation –5/14/13; Section 373.129, F.S.]

D. Linear Facilities on SFWMD Real Property Interests

"Linear Facilities" in this section refers to the proposed water pipelines (both reclaimed and potable water) and roadway improvements for this project.

1. Licensee shall be solely responsible for ensuring that all structures on SFWMD works or lands constructed by Licensee and other uses remain in good and safe condition. Licensee is advised that other federal, state, and local safety standards may govern the occupancy and use of SFWMD lands or works. SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

[FPL Stipulation –5/14/13; Rule 40E-6.381(1), F.A.C.]

2. If Licensee conveys the water pipelines to Miami-Dade County, Licensee shall notify Miami-Dade County that Miami-Dade County must apply for and receive a SFWMD Right-of-Way Occupancy permit in order to perform its intended operation and maintenance responsibilities for the water pipelines.

[FPL Stipulation –5/14/13; Rules 62-17.133(3) and 40E-6.091, F.A.C.]

3. Licensee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features that meet applicable engineering practice and accepted industry standards into the design, construction, operation, and continued maintenance of the authorized facilities/use. This duty shall include, but not be limited to, Licensee's consideration of SFWMD regulation and potential fluctuation, without notice, of water levels in canals and works, if operated in compliance with the USACE Master Water Control Manual for the Central & Southern Florida (C&SF) Project and the Operations and Maintenance (O&M) Manual for the C&SF Project as well as Licensee's consideration of upgrades and modifications to the authorized facilities/use that may be necessary to meet any future changes to applicable engineering practice and accepted industry standards (See Attachment I-d, TP6&7 Project Features–Intersecting C&SF System and Works of the District Project Features). Licensee acknowledges that SFWMD review of this project including, but not limited to, any post-certification reviews and field inspections performed by SFWMD, does not in any way consider or ensure that the authorized use/facilities are planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. Licensee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any SFWMD staff or representative during the post-certification review process, including, but not limited to, any field inspections, shall not in any way be relied upon by Licensee as SFWMD assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by Licensee in order to meet Licensee's duty to incorporate safety features, as set forth above.

[FPL Stipulation –5/14/13; Rule 40E-6.381(2), F.A.C.]

4. Licensee shall not engage in any activity regarding the authorized use that interferes with the construction, alteration, maintenance, or operation of the works of the SFWMD, including:

a. discharge of debris or aquatic weeds into the works of the SFWMD;

b. causing erosion or shoaling within the works of the SFWMD;

c. planting trees or shrubs or erecting structures that limit or prohibit access by SFWMD equipment and vehicles, except as may be authorized by this Certification.

d. leaving construction or other debris on SFWMD right-of-way or waterway;

e. damaging SFWMD berms and levees; removal of or damage to SFWMD locks, gates, and fencing; opening of SFWMD rights-of-way to unauthorized vehicular access; or running or allowing livestock on SFWMD rights-of-way.

Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference, as set forth in Section B.VI.A.12. a. through B.VI.A.12. e. above.

[FPL Stipulation –5/14/13; Sections 373.085 (1) (b) and 373.086 (1), F.S.; Rules 62-17.133 (3) and 40E-6.381 (1), (2) and (8), 40E6.091 (1) and 40E-6.221 (1), (2) and (10), F.A.C.]

5. Licensee shall dispose of excess spoil material resulting from excavation and backfilling of the pipeline trench within SFWMD rights-of-way in accordance with SFWMD Homestead Field Station Superintendent's determination. Such disposal may require Licensee to haul excess spoil material from SFWMD right-of-way or place it in locations within SFWMD right-of-way specified by SFWMD and in compliance with applicable federal, state and local disposal regulations. Licensee shall not stockpile excavated material in the canal, except as specifically authorized by SFWMD.

[FPL Stipulation –5/14/13; 40E-6.381(8), F.A.C.]

6. Should the authorized activities or placement of the authorized facilities within SFWMD right-of-way or maintenance of same contribute to sloughing, erosion, or wash-outs of SFWMD right-of-way, berm, or side slope of the canal, it is Licensee's sole responsibility and expense to, upon notification from SFWMD, immediately take appropriate steps to restore the right-of-way to pre-existing conditions or better using current SFWMD engineering standards provided by SFWMD as guidance. Site-specific engineering considerations and decisions shall be undertaken by the Professional Engineer in charge (i.e., for backfill material, density/compaction, stabilization, and maintainability). Furthermore, such restoration, when required, shall include grading/re-shaping, seeding, re-sodding with bahia, Argentine, or other species recognized by SFWMD as a drought tolerant species. Licensee is also responsible for removal of all excess project-related material from SFWMD rights-of-way, unless otherwise authorized in these conditions of certification.

[FPL Stipulation –5/14/13; Rules 62-17.133(3) and 40E-6.381(2) and (8), F.A.C.]

7. SFWMD is not responsible for any personal injury or property damage that may directly or indirectly result from the use of water from SFWMD's canal or any activities that may include use or contact with water from the SFWMD canal, since SFWMD periodically sprays its canals for aquatic weed control purposes and uses substances that may be harmful to human health or plant life.

[FPL Stipulation –5/14/13; Rule 40E-6.381(9). F.A.C.]

8. SFWMD has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the SFWMD in accordance with criteria established by SFWMD or USACE for the works of the SFWMD (See Attachment I-d, TP6&7 Project Features–Intersecting C&SF System and Works of the District Project Features).

[FPL Stipulation -5/14/13; 40E-6.381 (13) and 62-17.133 (3), F.A.C.]

9. Licensee shall be responsible for the repair or replacement of any existing facilities located within SFWMD right-of-way that are damaged as a result of Licensee's installation or maintenance of the authorized facilities.

[FPL Stipulation –5/14/13; Rule 40E-6.381(19). F.A.C.]

10. It is the responsibility of Licensee to make prospective bidders on construction contracts for the certified facilities aware of the pertinent terms and conditions of this Certification.

[FPL Stipulation –5/14/13; Rule 40E-6.381 (21). F.A.C.]

11. At least ninety (90) days prior to the commencement of construction of any portion of the linear facilities over, across, or using any SFWMD canal or levee right-of-way to facilitate the construction or maintenance of the water pipelines, Licensee shall submit complete scaled or fully-dimensioned 11" x 17" drawings to SFWMD showing the proposed facilities for SFWMD review for compliance with the non-procedural requirements of Chapter 40E-6, F.A.C. The drawings shall depict the proposed water pipeline crossings, in both plan and profile views, and shall show, at a minimum, information consistent with Appendix E-3 and E-4 of the Criteria Manual for Use and Occupancy of Works of the District. The time frame specified in this condition shall be considered a maximum allowable time frame, unless adjusted by mutual agreement between SFWMD and Licensee.

[FPL Stipulation –5/14/13; Sections 373.085, 373.086, and 373.413 (2), F.S.]

12. Prior to use of SFWMD right-of-way for construction access, Licensee shall provide a time schedule for use of the right-of-way, including a plan identifying the proposed route ,type, and number of vehicles and the frequency of such use.

[FPL Stipulation 5/14/13; Sections 373.085 and 373.086, F.S.; Rules 40E-6.091(1) and 40E-6.201(1)(j), F.A.C.]

13. Licensee shall only use the access points and gates authorized by SFWMD. Upon payment of applicable key deposit fees and submission of complete key permit applications, SFWMD agrees to issue, as a ministerial act, Licensee the necessary key permits allowing access to SFWMD roads to support the construction, operation, and maintenance needs of Licensee. Licensee shall take all necessary measures practicable to preclude the general

public from accessing those portions of the right-of-way under construction such as posting of designated construction zones.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Rules 40E-6 and 62-17.133 (3), 40E-6.091, F.A.C; SFWMD Volume V Permit Information Manual, Criteria Manual for Use of Works of the District (Basis of Review) Section S]

14. After construction, Licensee shall maintain the area of SFWMD right-of-way utilized for access or occupied by Licensee's above-ground facilities at all times in a condition as good as or better than the condition existing prior to Licensee's use.

*[*FPL Stipulation –5/14/13; *Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]*

15. If deemed necessary to accommodate unimpeded continuous access by SFWMD vehicles and equipment, Licensee shall construct vehicle turn-around/passing areas to meet SFWMD requirements or coordinate with SFWMD when construction activities that may impede access are scheduled to occur, unless otherwise approved by SFWMD.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

16. Subsequent to Certification, any requests for use of SFWMD right-of-way that would otherwise require a waiver to SFWMD Right Of Way Occupancy Permit Criteria, as set forth in Rule 40E-6, F.A.C., if deemed acceptable by SFWMD in writing shall not require an amendment or modification to this Certification.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

17. Licensee is responsible for identifying potential conflicts with existing facilities owned by third parties permitted by SFWMD and for coordinating relocation of previously permitted facilities, as required, including obtaining the necessary right-of-way occupancy permit modifications for those previously permitted facilities. Similarly, if during the course of future permit application reviews, SFWMD notices a proposed facility that potentially interferes with the linear facilities, SFWMD will require the applicant to coordinate with Licensee to resolve potential conflicts.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

18. In granting Licensee use and occupancy of SFWMD rights-of-way, SFWMD does not relinquish any of its rights; particularly its right to use its rights-of-way for access to perform maintenance, inspections, post-storm recovery operations, tree and vegetation management activities, channel and bank stabilization and canal and levee maintenance and improvement activities. Licensee shall only have the right to use SFWMD rights-of-way for those activities, uses, and purposes specifically authorized in this Certification for the purpose of construction, operation, and maintenance of the linear facilities unless otherwise agreed to by SFWMD and Licensee in writing. All other activities, uses, and purposes on SFWMD right-of-way by Licensee not specifically authorized in this Certification are prohibited. Furthermore, Licensee shall not have the right to authorize any other person or entity to utilize SFWMD right-of-way for any activity, use, or purpose without the prior written consent of SFWMD.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

19. SFWMD reserves the right of priority access in order to perform its regional water management missions and Licensee shall not interfere with that access, particularly during emergencies. Uninterrupted SFWMD access shall be maintained at all times.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, and Rule 40E-6.381, F.A.C.]

20. Licensee does not have any authority to incur liens for labor or materials on SFWMD rights-of-way. All persons contracting with Licensee, all materialsmen, contractors, mechanics, and laborers are hereby charged with notice they must look to Licensee, and to Licensee only, to secure the payment of any bill for work done or any materials furnished during the term of this Certification. Pursuant to Sections 713.01(26), F. S., SFWMD right-of-way shall not be subject to liens for improvements and such liability is expressly prohibited. This paragraph shall be included in all contracts with Licensee for materials or services involving SFWMD right-of-way. In the event that Licensee does not, within thirty (30) days following Licensee's notice of the imposition of any such lien, cause the same to be released of record by payment or posting of a bond or other means acceptable to SFWMD, SFWMD shall have, in addition to all other remedies provided herein and by law, the right, but not the obligation, to cause the same to be released by such means as it shall deem proper, including payment of the claim giving rise to such lien. All such sums paid by SFWMD, including, but not limited to reasonable attorney's fees and expenses incurred by it in connection therewith, together with interest at the maximum rate allowed by law, shall be payable to SFWMD by Licensee on demand.

[FPL Stipulation – 5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

21. SFWMD, its Governing Board members, employees, contractors, and subcontractors, are not responsible or liable for any claims by Licensee, or any partner, parent, affiliate, or subsidiary, for damages (including special and consequential), loss, expense, or costs with respect to Licensee's project or other property or improvements arising directly, indirectly, or proximately from water level fluctuations, water flows, or operations of water control structures, if operated in compliance with the USACE Master Water Control Manual for the C&SF Project and the Operations and Maintenance (O&M) Manual for the C&SF Project (See Attachment I-d, TP6&7 Project Features–Intersecting C&SF System and Works of the District Project Features).

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

22. Licensee shall be responsible for incremental costs of SFWMD facility improvement projects within the certified Licensee corridors for linear non-transmission facilities.

a. "Facility improvement project" is a SFWMD project that involves modifications to infrastructure (conveyance canals, water control structures, levees, borrow canals or other SFWMD facilities within the SFWMD right-of-way) as may be necessary in the future to preserve public health, safety and welfare associated with the Central and Southern

Florida Flood Control Project. SFWMD routine maintenance is not considered SFWMD facility improvement projects for purposes of this Certification.

b. "Incremental costs" are costs attributed to a facility improvement project due to the presence of Licensee facilities within the SFWMD right-of-way.

c. Licensee shall not be required to comply with changes made to applicable non-procedural requirements of the SFWMD Criteria Manual after Licensee facilities are designed or incur incremental costs as a result of modifications to Licensee facilities in order to meet the new criteria.

d. SFWMD will notify Licensee when SFWMD initiates a facility improvement project [by conducting a Reconnaissance Study, a Project Implementation Report (PIR) or Feasibility Study, for example] whose construction may incur incremental costs as defined above. SFWMD and Licensee will then initiate the following process if the estimated construction costs include "incremental costs".

e. Design Phase

i. Upon receipt of the Design Documentation Report for Basis of Design, and Opinion of Probable Construction Cost (OPCC) SFWMD will provide copies to Licensee. Licensee shall have the opportunity to review SFWMD's package on the same timetable identified in the schedule.

ii. Licensee shall have the option to develop design alternatives to avoid or minimize incremental costs for SFWMD consideration during the SFWMD Preliminary Design phase.

iii. In addition, at the option of Licensee, Licensee, in consultation with SFWMD, shall identify and retain an independent Consulting Engineer(s) with demonstrated knowledge of and experience with SFWMD and Licensee facilities. Licensee shall be responsible for the payment of fees charged by the Consulting Engineer(s).

iv. The Consulting Engineer shall evaluate SFWMD facility improvement project plans and anticipated incremental costs and will report findings to Licensee and SFWMD for the purpose of confirming or refining incremental costs. At the option of Licensee, the Consulting Engineer will identify design options and construction methods to achieve the planned SFWMD facility improvements, including alterations to SFWMD or Licensee existing facilities.

v. The Consulting Engineer's evaluation shall include a comparison of costs of the various design options and construction methods and shall recommend the design option that represents the option that achieves the objectives of the SFWMD facility improvement project and involves the lowest cost and least impacts to Licensee and SFWMD and their facilities.

vi. Licensee shall submit its Consulting Engineer's evaluation to SFWMD before the preparation of Intermediate Plans and Specifications is complete. SFWMD will consider this evaluation; however, SFWMD is under no obligation to accept or incorporate the recommendations contained in the evaluation.

vii. Licensee and SFWMD will reach written agreement on the maximum incremental costs to be paid by Licensee. In the event agreement on cost cannot be reached, the parties shall pursue dispute resolution pursuant to Condition of Certification X (Section A, General Conditions).

viii. SFWMD will provide Licensee copies of the Final Plans and Specifications for Advertising for Construction, Final Design Documentation Report, Final Construction Schedule and Final Opinion of Probable Construction Cost at least sixty (60) days prior to soliciting bids from contractors.

f. Construction Phase

ix. In accordance with applicable SFWMD procurement policies in effect at the time, SFWMD will select a Contractor as the lowest responsive and responsible bidder to construct the facility improvement project. SFWMD shall provide Licensee copies of the awarded bid, construction schedule and a timetable of estimated incremental costs. [Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.

x. Licensee shall pay SFWMD for incremental costs within sixty (60) days of receipt of written invoice from SFWMD of actual incremental costs of the facility improvement project in accordance with the agreement on maximum incremental costs identified in paragraph vii) above.

[FPL Stipulation – 5/14/13; Sections 373.085(1)(b) and 373.086(1), F.S.; Chapter 40E-6.011(2), 40E-6.381 and 40E-6.221 (1), (2) and (10), F.A.C.]

23. Licensee shall not use SFWMD rights-of-way for the storage of any contaminant, hazardous substance, fuel, or other petroleum products unless agreed to by SFWMD in writing.

[FPL Stipulation – 5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

24. To the extent practicable, Licensee shall expedite the preparation and implementation of any repair, remediation, mitigation, or related plans required to address damages or any other adverse impacts to SFWMD facilities or systems caused by Licensee during the design, construction, operation, and/or maintenance of the certified facilities.

[FPL Stipulation –5/14/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

25. At no time shall Licensee place permanent or semi-permanent above-ground encroachments or facilities within the 40-foot-wide strip of land within SFWMD rights-of-way lying parallel to any SFWMD canal as measured from the top of the existing canal bank landward, unless otherwise authorized in this Certification or agreed to by SFWMD in writing.

[FPL Stipulation –5/14/13; Rule 40E-6.011(4), (5), (6) and (7), F.A.C.]

26. At no time shall Licensee place permanent or semi-permanent above-ground structures within SFWMD one-hundred (100) foot-long equipment staging areas defined as being immediately upstream and downstream of all bridges and pile-supported utility crossings of SFWMD canals, unless otherwise authorized in this Certification, or agreed to by SFWMD in writing. Temporary placement of equipment or materials is allowable as long as the equipment or materials can be removed by Licensee within forty-eight (48) hours of notice given by SFWMD that a tropical storm watch has been declared for Miami-Dade County or at times when post-storm debris removal activities must be undertaken by SFWMD.

[FPL Stipulation –5/14/13; Rules 40E-6.011(9) and 40E-6.091, F.A.C.; "SFWMD Volume V Permit Information Manual, Criteria Manual for Use of Works of the District, September 15, 1999", p. 28.]

27. Within thirty (30) days of completion of the authorized work, Licensee shall contact the SFWMD field representative at the Homestead Field Station to schedule a final inspection for compliance with right-of-way conditions of certification.

[FPL Stipulation –5/14/13;40E-6.381(2), F.A.C.]

28. Licensee shall comply with the following requirements during use of SFWMD right-of-way for construction maintenance, and operation activities:

a. Prior to commencement of construction or use of SFWMD right-of-way, Licensee shall contact the SFWMD field representative at the Homestead Field Station to schedule pre-construction meetings. If these meetings are conducted in accordance with the time and scope requirements of Section B.VI.A.15.a, then the same meeting may meet the requirements of both conditions. Licensee may schedule separate meetings for each feature (potable water pipeline, reclaimed water pipeline, roadway improvements). Licensee shall prepare and present the following at the pre-construction meetings:

i. A list of 24-hour contact personnel. The list shall include the contractor and alternate contact, their titles, and telephone numbers for 24-hour contact.

ii. A written inventory of the type of vehicles, construction equipment, other machinery, and materials that will be located within SFWMD right-of-way.

iii. Written procedures for the clearing of all construction materials, machinery, equipment, and vehicles from the canal and the area immediately adjacent to the canal within 24 hours notice from SFWMD.

iv. A list of the names and contact numbers of the designee and alternate contact responsible for the various operations involved in the clearing procedures.

b. This authorization is for the use of Licensee and Licensee's contractor(s)/sub-contractor(s) only. Upon conveyance of Licensee facilities on SFWMD rights-of-way from Licensee to Miami-Dade County, Licensee shall notify Miami-Dade County of the requirement to obtain Right-of-Way permit from SFWMD.

c. Licensee shall be responsible for locking SFWMD access gates upon entering and leaving SFWMD right-of-way. Licensee shall take all necessary measures to preclude the general public from accessing the right-of-way with motorized vehicles.

d. Licensee is responsible for posting a watchman at any SFWMD vehicular access gates unlocked by Licensee during any working hours that the gate remains unlocked. At no time shall a SFWMD gate unlocked by Licensee be left unlocked and unattended by Licensee.

e. Licensee is responsible for providing and utilizing acceptable dust control measures during the duration of the proposed construction work.

[FPL Stipulation – 5/14/13; Rules 40E-6.011(2) and 62-17.133(3), F.A.C.]

29. Licensee shall comply with the following concerning storm event notifications and requirements during construction activities:

a. If storm, hurricane, or emergency circumstances are developing, SFWMD will attempt to provide a 48-hour notice. Licensee will be contacted by telephone or a visit to the construction site wherein Licensee will be informed of the emergency situation.

Licensee is put on notice that the 48-hour notice is a warning that SFWMD may or may not be able to provide Licensee.

b. If storm, hurricane, or emergency circumstances have developed, SFWMD will contact Licensee by telephone or visit the construction site to place Licensee on 24-hour alert. At this time, Licensee and Licensee's contractor(s) and sub-contractor(s) must begin securing the project site in accordance with Section B.VI.28(a)(iii).

c. Licensee is advised that SFWMD's hurricane, storm event, and/or emergency alert may differ from the National Hurricane Center or the local news and weather. SFWMD takes into consideration the numerous factors concerning construction within the canal rights-of-way. As such, upon SFWMD notification to Licensee of a pending emergency, storm event, or hurricane, Licensee has 24 hours or less to comply with SFWMD orders.

d. Licensee shall remove silt barriers installed by Licensee located within the canal within 48 hours' notice from SFWMD. If in the SFWMD's opinion, storm conditions or emergency circumstances are developing, the removal of the silt barriers by Licensee shall be completed within twelve (12) hours' notice from SFWMD.

[FPL Stipulation –5/14/13; Rules 40E-6.011(2) and 62-17.133(3), F.A.C.]

30. In the event of floods or other natural or civil disaster or emergencies affecting SFWMD or SFWMD right-of-way, Licensee shall cooperate with SFWMD to facilitate mitigation of the impact of such emergencies. Licensee shall immediately notify SFWMD of any emergency situation observed on SFWMD right-of way.

[FPL Stipulation –5/14/13; Rule 40E-6.011(2), and 62-17.133(3),F.A.C.]

31. Licensee shall be responsible for obtaining any and all other necessary federal, state, local, special district, private, and underlying owner authorizations in connection with its activities conducted under these conditions. In the event Licensee does not obtain such authorizations from the underlying owner, Licensee shall acquire or otherwise satisfy any interest or claims made by such underlying owners with respect to these conditions.

[FPL Stipulation –5/14/13; Rules 40E-6.051(2) and 40E-6.381(5) F.A.C.]

32. If required by the Florida Department of Transportation (FDOT) to prepare a Maintenance of Traffic (MOT) Plan that involves SFWMD property, Licensee shall provide SFWMD with a copy of the MOT Plan upon submittal to FDOT. Licensee shall provide SFWMD with a copy of the Final MOT Plan reviewed by the FDOT.

33. Licensee acknowledges its obligation to obtain all necessary approvals from the USACE and that Licensee's proposed activities contemplated under this certification are subject to USACE 33 U.S.C. Section 408/33 C.F.R Section 208 approval requirements and therefore Licensee shall provide promptly to SFWMD all information required by the USACE for 33 U.S.C. Section 408/33 C.F.R. Section 208 review. Licensee further acknowledges and agrees that its proposed activities contemplated under this certification shall be subject to all USACE requirements and conditions, including but not limited to USACE setback requirements and construction standards for federal levees to ensure the integrity of the levee is not compromised. Licensee shall not commence construction of the proposed facilities on SFWMD rights of way contemplated by this certification until the USACE provides all required approvals,

including but not limited to 33 U.S.C. Section 408/33 C.F.R. Section 208 approval. Licensee further acknowledges and agrees, that in the event of future USACE projects or modification of existing USACE projects, it shall be the responsibility of the Licensee to implement any and all necessary modifications to Licensee's facilities including, but not limited to, relocations thereof required by USACE at Licensee's sole cost and expense.

[FPL Stipulation –5/14/13; Federal Water Resources Development Acts of 1992, 1996 and 2000; 33 U.S.C. 408; 33 C.F.R. 385 and 208; Sections 373.1501, 373.103 (2), F.S.; Rule 62-17.133(3), F.A.C.]

34. Licensee shall not block or otherwise restrict or impede canal flows at any time. Licensee is prohibited from placing fill or dams in the canal during any phase of construction or during maintenance unless otherwise authorized by SFWMD.

[FPL Stipulation –5/14/13;]

35. Within sixty (60) days of completion of the installation of each authorized facility within SFWMD lands, works or projects, Licensee shall provide SFWMD with as-built drawings of all Licensee facilities that encroach or cross SFWMD rights-of-way, signed and sealed by a Professional Engineer registered in the State of Florida verifying that the authorized facility was constructed in accordance with these conditions of certification. As-built drawings shall include the canal design section in relation to the burial depth of the subaqueous crossing. Soundings are to be taken at a maximum of ten-foot intervals, from top-of-bank to top-of-bank and tied into the canal right-of-way lines and plotted on standard 10" x 10" cross-section paper or a similar computer-aided design (CAD) drawing. The drawings shall include SFWMD rights-of-way lines and a north arrow and have the design canal section superimposed. NAVD 88 shall be used. English units or a combination of English and metric units of measure shall be used in the drawings. The time frame specified in this condition shall be considered maximum allowable time frame, unless adjusted by mutual agreement between SFWMD and Licensee.

[FPL Stipulation –5/14/13; Sections 373.085(1)(b) and 373.1391, F.S.]

36. Licensee shall not damage existing SFWMD culverts within the L-31E levee. Any alterations to such culverts shall restore the culverts to pre-existing conditions.

[FPL Stipulation –5/14/13; Rule 40E-6.381(19), F.A.C.]

37. Construction shall be performed in accordance with applicable requirements contained in SFWMD Engineering Design Standards for Water Resource Facilities, Section 02220, Excavation and Backfilling and any other applicable engineering standards referenced in this document.

[FPL Stipulation –5/14/13; Sections 373.044, 373.113, 373.085(1), 373.086, 373.103, 373.129, and 373.603, F.S.; Chapter 40E-6, F.A.C.]

38. New access points created by Licensee for non-transmission linear facilities shall be designed to include security patrols, locked gates or other appropriate methods or techniques to prevent illegal access to SFWMD-owned lands including but not limited to lands within Model Lands, Southern Glades, and Biscayne Bay Coastal Wetlands Project footprint. Licensee shall maintain these access points by repairing illegal breaches within thirty (30) days of being notified of or discovering such breaches.

[FPL Stipulation – 5/14/13; Section 373.1391, F.S.]

39. Upon request by Licensee prior to final design of the non-transmission linear facilities, SFWMD shall provide Licensee with a list of SFWMD lands that are subject to planned burns. SFWMD will provide advance notice to FPL of any planned burns in the vicinity of the certified reclaimed water pipeline rights-of-way.

[FPL Stipulation –5/14/13; Section 373.1391, F.S.; and Rule 40E-6.331, F.A.C.]

E. Additional Conditions Applicable to Water Pipelines on SFWMD Real Property Interests.

1. Licensee shall not install water pipelines in SFWMD rights-of-way except for crossings. Conditions a and b below, however, shall also apply in the event that the final certified reclaimed water pipeline corridor includes parallel runs within SFWMD rights-of-way:

a. All work associated with Licensee installation of buried water pipelines that is within and parallel to SFWMD rights-of-way shall be performed within a 25-foot wide work corridor centered on the installation alignment.

b. Licensee shall not utilize SFWMD L-31E right-of-way for placement of parallel runs of the reclaimed water pipeline except for short segments (not to exceed 2,000 feet in length). Short segments shall only be constructed as close to the west SFWMD right-of-way line as possible, but no closer than forty (40) feet landward from the western top-of-bank of the L-31E borrow canal. Such short segments must be specifically agreed to in writing by SFWMD and Licensee post-certification. The foregoing shall not be construed as authorization by SFWMD to impact wetlands, mangroves or other environmentally sensitive lands.

[FPL Stipulation – 5/14/13; Rule 40E-6.091]

2. Subaqueous crossings shall be laid to an elevation, referenced to NGVD 29, which is adequate to provide a minimum of two (2) feet of cover below the existing canal section. If an open-cut method of construction is used then Licensee shall also place a minimum of six (6) inch concrete slab above the pipe to prevent any damage that may be caused by maintenance activities.

[FPL Stipulation – 5/14/13; Rule 40E-6.091]

3. Licensee shall ensure that the portion of the buried facilities crossing the SFWMD right-of-way shall provide a minimum of a two (2)-foot depth of cover below the existing ground elevation. Vaults and manholes, if applicable, shall be installed so the top of the facility is set flush with the existing ground and is constructed in such a manner so as to withstand the FDOT HL 93 loading.

[FPL Stipulation – 05/14/13; Rule 40E-6.091]

4. Licensee shall adequately identify the location of the crossing with a permanent, above-ground marker placed within the SFWMD right-of-way at location(s) specified by the SFWMD field representative.

[FPL Stipulation – 5/14/13; Rule 40E-6.091]

F Roadway Improvements

1. The 359th Street Bridge within the SFWMD L-31E borrow canal right-of-way shall be a free span without pilings in the canal cross-section. Licensee shall install bridge revetment for bank stabilization.

2. The low member elevation of the SW 359th Bridge shall be set at elevation 8.4 feet NGVD 29 or higher.

[FPL Stipulation – 5/14/13; Rule 40E-6.091 F.A.C.]

VII. MIAMI-DADE COUNTY

A. General Conditions

1. The construction, operation and maintenance of the proposed project including all associated non-transmission linear and non-linear ancillary facilities, shall be in compliance with all applicable non-procedural requirements of the Miami-Dade County Code (MDC Code).

[FPL Stipulation – 8/1/13]

2. The construction, operation and maintenance of the proposed project including all associated non-transmission linear and non-linear ancillary facilities, shall be in compliance with all applicable non-procedural requirements of the MDC Public Works Manual.

[FPL Stipulation – 8/1/13]

3. This certification does not authorize unpermitted Adverse Environmental Impacts (AEI) as defined in Section 24-5 of the Code of Miami-Dade County. Any unpermitted AEI that occur as a result of the construction, maintenance, or operation of the Plant and Non Transmission components of the project shall be addressed in accordance with the General Conditions of Certification or such other applicable law.

[FPL Stipulation – 8/1/13]

4. FPL shall provide MDC notice and shall not unreasonably withhold the opportunity for MDC to salvage desirable native vegetation from wetland and tidal waters occurring within the non-transmission areas of the project to be filled or cleared.

[FPL Stipulation – 8/1/13]

5. Mechanical cutting or removal of vegetation associated with the construction or maintenance of the construction access roads for the non-transmission portion of the project shall include removal of such cut vegetation from wetland areas. Cut vegetation shall not be dumped in wetlands. Cut vegetation may be burned in accordance with Section B.VII.S. Open Burning, below. Cut vegetation may be transported to an approved disposal facility.

[FPL Stipulation – 8/1/13; MDC Code Chapter 24 Sections 24·25, 24-27 and 24-48, and Florida Statute 403.413]

6. Unconsolidated shorelines created as a result of the project shall be stabilized with native vegetation, such as but not limited to mangroves. Lime-rock boulder riprap shall be required along any new vertical bulkheads in accordance with applicable County and State requirements, except where the placement of such riprap would constrain or interfere with

the use of the bulkhead by vessels. In such cases the riprap shall be placed at an approved alternate offsite location, or a donation shall be made to the Miami Dade County Biscayne Bay Environmental Enhancement Trust Fund in an amount equivalent to the cost of such offsite placement.

[FPL Stipulation – 8/1/13]

7. Notwithstanding any other conditions of certification or stipulations between FPL and MDC, and pursuant to Section 24-27 of Miami Dade Code, FPL shall not cause, or allow to be caused, any nuisance as defined in 24-5 and/or 24-28 as a result of the construction, operation, or maintenance of the non-transmission features of the project.

[FPL Stipulation – 8/1/13; MDC Code Chapter Section 24-7(1)].

8. All access roadways proposed to be constructed south of SW 344 Street shall minimize impact to wetlands, pursuant to Section 24-48(4) and objectives and policies of the Comprehensive Development Master Plan (CDMP, including but not limited to Objective TC-6 and Policies TC-6C and CON-7 A of the CDMP. Pursuant to Condition 9 of MDC Resolution No. Z- 56-07, sheet flow shall be maintained across nontransmission roadway alignments by elevating portions of the roadway and through installation of culverts in other areas.

[FPL Stipulation – 8/1/13]

9. Non-transmission access roadways approved under MDC Resolution No. Z·56-07 shall be consistent with Conditions 9 and 21 of Z-56-07 and Policy CM-9H of the CDMP.

[FPL Stipulation – 8/1/13]

10. Development shall be substantially in accordance with the adopted zoning hearing plan as referenced in condition No. 1 of MDC Resolution 4-ZAB-559-71, and as modified by Resolutions Z-56-07 and Z-1-13 and with the applicable conditions of these zoning resolutions.

[FPL Stipulation – 8/1/13]

11. All landscape material that will not be planted at the subject property shall be planted at off-site locations approved by the County. At least ninety (90) days prior to any construction associated with the 230kV Davis-Miami portion of the Turkey Point 6 & 7 project, FPL shall submit a Planting Plan as a post-certification submittal to Miami-Dade County to satisfy Condition #13 of Resolution Z-56-07 and Condition #14 of Resolution Z-l-13, pursuant to Section A.XIX. for review based on compliance with these conditions of certification. All material to be planted off-site shall be native material appropriate to the planting area as verified by MDC and shall be Florida Number 1, Grade A. or better, in accordance with latest edition of Florida Grades and Standards. All materials shall be planted within the timeframes specified by the County, and FPL shall comply with all applicable County standards for planting of landscaping. (Condition No. 14 of Z-1-13 and Condition No. 13 of Z-56-07].

[FPL Stipulation – 8/1/13]

B. Plant Access Roads

1. Plant access roadway improvements west of the L-31E approved in the CDMP Amendment Ordinance 10-26 shall not go beyond those depicted on Figure 3.1 (Temporary Roadways and Roadway Improvements In connection with the Construction of Turkey Point Units 6 & 7) of the CDMP Transportation Element. All roadway improvements associated with the construction of Turkey Point Units 6 & 7 as shown in Figure 3.1 are to be temporary, per the CDMP, and shall satisfy the criteria outlined in the Future Traffic Circulation Map Series of the CDMP Transportation Element. (Future Traffic Circulation Map Series of the CDMP Transportation Element, Ordinance 10-26)

2. Within 2 years following the construction of Turkey Point Units 6 & 7, except as otherwise agreed to by FPL and MDC and in accordance with Ordinance No. 10-26:

a. All temporary roadway improvements on publicly owned rights-of-way shall be returned to the status of the roadway(s) prior to the commencement of construction of the temporary roadways and roadway improvements, and, (b) any privately owned roadway shall be returned to the minimum roadway width required to provide maintenance to FPL facilities and shall not be more than two lanes (18 foot drivable width). FPL shall restore the wetlands impacted by the roads in compliance with the Wetland Mitigation Plan Rev 2 (July 2011).

b. FPL shall install the proposed potable water line below wetland grade at an appropriate depth and alignment so that the installation of the pipeline complies with applicable construction standards, including minimum cover criteria in the Public Works Manual, and does not interfere with the wetland restoration where required in areas of pipeline construction.

3. The construction access roads shall not adversely impact the capacity of Miami Dade County's existing drainage network. FPL shall provide final construction plans to DEP and Miami-Dade County at least 90 days prior to commencement of access road construction. The plans shall demonstrate compliance with the requirements of Miami Dade County Code Section 24-48.3(1) (b), (d) & (e) and by reference with any applicable regulations cited within these sections. The plans shall address the drainage system associated with the roads to accommodate stormwater from the roads and maintain the capacity of any pre-existing County drainage features that are modified or removed by construction of the roads. The plans shall also describe how the County drainage system will be reconstructed when the roadway improvements are removed.

4. To the extent practicable, restoration of public and private roadways shall be in a manner complementary to planned and funded County wetlands restoration projects. MDC and FPL shall jointly determine if practicable opportunities exist at the time of roadway restoration to complement wetlands restoration projects.

5. Following completion of project construction for Units 6 &7, to the extent feasible, FPL shall reconstruct SW 117 Avenue between SW 344 Street and SW 328 Street as a 2-lane paved road with a continuous ditch or canal on the eastern side, unless MDC and FPL agree to a different configuration. On SW 117 Avenue south of SW 344 Street, FPL and MDC may agree that no road is necessary upon removal of the construction access roadways.

6. The construction access roadways associated with the non-transmission features of the Project area shall not be inconsistent with the Biscayne Bay Coastal Wetlands (BBCW) CERP project, pursuant to Policy CON-7J of the CDMP and shall be consistent with Condition 9 of Z-56-07.

7. FPL shall demonstrate through plans in a post certification submittal how the construction access roadway design will accommodate a planned conveyance feature to transfer water southward from the Florida City Canal, along the existing canal located on the west side of SW 137 Avenue, to rehydrate wetlands in the Model Lands Basin. Given the uncertainties associated with the Licensee's roadway improvements, including when the improvements would commence and when the deconstruction of the roadway would occur, the water conveyance feature must either be constructed as part of the roadway improvement project; or a portion of the ROW must be set aside in advance of FPL construction to ensure that neither project prevents, constrains, or delays the other. The water conveyance feature may include a lined canal, pressure culvert and/or control structures.

8. FPL shall demonstrate, prior to construction, that all access roads west of the L-31E canal comply with the requirements of the Fire Water &. Engineering Bureau and the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

9 All access roads associated with the operation of the nuclear power plant and ancillary structures and equipment shall conform to the minimum standard identified in the "Miami-Dade Fire Rescue Access Road Synopsis" along with all prevailing Miami Dade Fire Rescue access road standards at the time of certification.

10. FPL shall provide wayfinding signage, meeting the approval of the Parks, Recreation and Open Space Department (PROS), as part of the construction of roadway improvements to SW 328th Street (between SW 137th Ave and SW 117th Ave) and SW 117th Ave (south of SW 328th St) to direct travelers to Homestead Bayfront Park and Marina. Such signage shall comply with the PROS Sign Implementation Manual.

[FPL Stipulation – 8/1/13; CDMP Policy R05-3E]

C. Earthwork And Materials Disposal

1. For all approved work, fill material will be utilized as described in FPL's Conceptual Earthwork and Materials Disposal Plan (June 3, 2011).

2. To the greatest extent practicable FPL shall use proposed Spoil Areas A and C, located along the east and west berms of the Grand Canal. If spoils are placed on Area B, FPL shall implement Best Management Practices to limit to the extent practicable, runoff from the spoils entering the wetlands areas to the south of the Industrial Wastewater Facility

3. Within thirty (30) days of completion of excavated material disposal activities associated with the certified facilities, FPL shall provide to RER-DERM copies of all excavated material disposal receipts and/or disposal records for contaminated materials that were disposed of at an approved off-site facility. (MDC Code Section 24-44.)

4. Excavated material that meets the MDC Soil Reuse Guidance limits may be stockpiled for future use, reused or managed within the cooling canals system.

5. Spoil material (Material) resulting from the excavation activities associated with the construction of the Units 6 & 7 project and non-linear features and facilities on the Turkey Point Units 6 & 7 site shall be stored or disposed of at the Spoil Areas specifically identified in Figure 5.1-1 of the SCA. Permanent storage or disposal of spoil material resulting from these Project features on areas outside those specifically identified in Figure 5.1-1 is prohibited unless approved under Section B.VII.D.9. below. Any storage in excess of 180 days shall be considered permanent storage.

6. Material resulting from the excavation activities associated with the construction of the Units 6 & 7 Project may be placed on Spoils Areas A and C without testing. However, if undocumented contamination of regulated pollutants, contaminant, or hazardous substance as defined in F.S 376.301 or F.S 403.031, is discovered, or in the event of a discharge as defined in F.S 376.301 of regulated pollutants, contaminant, or hazardous substances as defined in F.S 376.301 or F.S 403.031, during project related activities, FPL is required to notify RER-DERM within 48 hours. The impacted material shall be segregated, characterized and managed in accordance with applicable state and local regulations or reused in accordance with the Soil Reuse Guidance for MDC dated March 22, 2004 (http://www.miamidade.gov/environment/pollution-remediation.asp). Nothing herein releases FPL of its obligations to comply with all applicable federal, state, and local laws, rules and regulations.

7. Except as provided in Condition 8 below, *Materials* that have not been tested may be permanently stored or disposed at Spoil Area B, provided the licensee implements protective measures to prevent runoff from Spoil Area B entering offsite wetlands, groundwater or surface waters to the south of the cooling canal system (CCS). Such protective measures shall incorporate the design of the "Area B Conceptual Spoils Management Area," included as Attachment N. Design details for the protective measures shall be submitted to RER-DERM for review prior to implementation and shall include the following:

a. The dimensions and storage capacity of Spoils Area B

b. Calculations indicating that the proposed protective measures are capable of retaining and controlling predicted storm water runoff from the *Material* stockpile such that overflow into the adjacent offsite wetlands and surface waters to the south of the CCS is minimized to the extent practicable.

c. Details of the design and discharge capacity of any drainage pipe for routing runoff back into the cooling canal system

d. Long term maintenance plan for any swale areas

e. Details of long term strategies to be implemented (in addition to sloping) to prevent stockpile erosion and the potential for runoff of sediments into the wetlands and other surface waters to the south of the CCS at concentrations that results in adverse impacts (applicable numeric and narrative water quality standards).

8. Permanent storage or disposal of *Material* excavated from off site locations, specifically the reclaimed water facility and pipeline area, temporary access road improvements areas and transmission structure pad location, and portions of the west preferred transmission corridor at Spoil Area B is not allowed without testing. The Material from offsite locations shall be tested and demonstrated (to the satisfaction of RER-DERM) to be free of contaminants of concerns, related to the current and historical land uses at the offsite locations at

which the material was generated, which could leach into the adjacent ground or surface waters at concentrations above applicable numeric and narrative water quality standards.

9. For any excavated material proposed to be transported off-site for reuse, FPL shall submit to RER-DERM a "Soil Reuse Proposal" for review and approval at least 90 days prior to transportation of the material offsite. The time required for this review and approval process will not be counted towards the 180 days limitation discussed in Section B.VII.D.5. above. The aforementioned proposal shall be prepared in accordance with the Soil Reuse Guidance for MDC dated March 22, 2004 (http://www.miamidade.gov/environment/pollution-remediation.asp).

10. All permanent, Project related onsite spoil areas shall be maintained to prevent the growth or accumulation of prohibited plant species as listed in Miami-Dade County Code.

11. Spoil storage related conditions associated with past zoning approvals for the CCS and Turkey Point site shall continue to remain in full force and effect.

[FPL Stipulation – 6/20/13]

E. Wastewaters/Sanitary Wastes

1. In the event of any breakdown or lack of proper functioning of any portion of FPL's facilities, which causes or may cause improperly treated or untreated potable water or sewage or hazardous materials or industrial wastes to be discharged from the plant or facility, or which causes or may cause a nuisance or sanitary nuisance or the emission of air contaminants in excess of the quantity permitted by the provisions of Chapter 24 the Code of Miami-Dade County, FPL shall notify RER-DERM within 24 hours at (305) 372-6600 and via email to EnvtlCompliants@miamidade.gov and shall take all actions necessary to prevent or minimize air, water or ground pollution. Within fourteen (14) days of becoming aware of any such occurrence or event, FPL shall submit to RER-DERM a written report describing the cause of the occurrence(s) and relevant response measures and procedures to prevent future occurrences.

2. Wastewater discharges associated with project activities shall be in compliance with applicable water quality standards. Wastewater discharges shall not cause any nuisance as defined in Section 24-5 and /or 24-28 of the Miami-Dade County Code.

3. Offsite disposal of liquid wastes shall be performed by liquid waste transporters permitted to operate in Miami-Dade County.

4. Prior to commencement of construction of the new sanitary wastewater treatment facility, the Licensee shall submit construction details and plans for that facility demonstrating the facility will comply with the applicable regulatory requirements.

5. With the exception of the septic tanks, currently serving the FPL Day Care facility on Palm Drive and the McGregor cottage on the Turkey Point peninsula, all existing septic tanks at the Turkey Point Plant facility shall be abandoned in accordance with all applicable state and local requirements, and the buildings and facilities that were being served by those septic tanks shall be connected to the new on-site sanitary wastewater treatment plant, upon commencement of operation of the proposed sanitary wastewater plant.

6. Except as provided in these conditions, the licensee's on-site sanitary wastewater treatment plant shall meet all applicable regulatory standards.

7. Notwithstanding any other condition, pursuant to Section 24-27 of the Miami-Dade County Code, licensee shall design, construct, operate and maintain the on-site sanitary wastewater plant so as not to cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by the construction, maintenance, or operation of the on-site sanitary wastewater treatment plant.

8. FPL's request for a variance from Section 24-43.1(6) of the MDC Code for the on-site sanitary wastewater treatment plant is granted as the Siting Board determined that the granting of the variance will not be detrimental to the public health, welfare and safety, will not create a nuisance and will not materially increase the level of pollution in Miami-Dade County. Pursuant to the stipulation between Miami-Dade County and FPL, dated June 20, 2013, the County professional staff, which makes recommendations regarding such variances, agrees that such a determination is justified under the circumstances presented.

[FPL Stipulation – 6/19/13; MDC Code Chapter 24 Section 24-20; *MDC Code Chapter 24 Sections 24-5 and 24-46]*

F. Exotic Vegetation

1. Within all areas of work (to be defined as all temporarily or permanently impacted areas including a 50 ft lateral buffer) for the Turkey Point 6&7 Project and all non-linear associated facilities:

a. FPL shall not plant the controlled species of exotic vegetation listed in Attachment K.

b. FPL shall not plant, import, or propagate prohibited species of exotic vegetation listed in Attachment L.

2. During construction, FPL shall use best efforts to remove prohibited and controlled species listed in Attachment L, and shall perform exotic species maintenance at regular intervals, but no less often than annually, to control those listed prohibited and controlled species

3. Within all areas of work within FPL's construction access road rights-of-way:

a. FPL shall implement the Exotic Vegetation Management Plan (dated May 3, 2013) (Attachment M) prior to construction of the access roads, and until the access roads are removed, including areas within FPL's access road ROW and adjacent "maintenance areas" as defined in the Management Plan.

[FPL Stipulation – 6/19/13, Section 24-49.9(1), Section 18A-12, MDC Code]

G. Aviation Requirements

1. FPL shall not construct any permanent facilities whose height exceeds 200 ft in any location in Miami Dade County for this Project with the exception of the variances granted under MDC Zoning Resolution Z-56-07 (two structures up to 350' maximum height). Prior to construction of the two structures permitted under Z-56-07 or use of cranes at the site whose heights exceed 200 ft, FPL shall provide to Miami Dade County Aviation Department as a post-certification submittal, for purposes of assuring compliance with this condition of certification:

a. all information necessary for a complete "Airspace Letter of Determination" for all relevant structures; and

b. a copy of any approvals or determinations from the Federal Aviation Administration (FAA).

2. Prior to construction, FPL shall coordinate with Homestead Air Reserve Base regarding any proposed facilities to be located inside the impacted Height Zoning District (Inner Horizontal Surface) of HARB (Attachment Q).

[FPL Stipulation 7/16/13; MDC Resolution Z-56-07, MDC Code Sections 33-330 - 33-350, 33-388 - 33-403, 33-292 - 3-301, 33-372 - 33-387]

H. Rare, Threatened and Endangered Species

1. FPL will conduct listed species surveys for the species identified in the Miami-Dade County Comprehensive Development Master Plan Element 4, Appendices A and B of the plant and non-transmission linear facility work areas, report locations of evidence of presence of listed species and suitable habitat found to Miami-Dade County, and implement practicable wildlife and vegetation protection measures to avoid, minimize, mitigate, or otherwise address listed species issues. Listed plant surveys will be conducted by botanists experienced in the field identification and biology of rare, threatened, and endangered plants that occur in Miami-Dade County. Faunal surveys will be conducted in accordance with FWC conditions of certification Section B.IV.B and FWC regulations. All work, including preconstruction earthwork and clearing, is prohibited until FPL has demonstrated compliance with this condition prior to that portion of the work being initiated.

2. FPL will provide MDC with a copy of the results of the listed species survey conducted pursuant to Section B.IV.H.1. above within the plant and non-transmission linear facility work areas and identify any proposed wildlife protection measures that the Licensee will implement beyond those identified in these conditions of certification.

3. Pursuant to MDC Resolution No. Z-56-07, FPL shall incorporate wildlife protection features into the roadway design for all segments of the temporary access roads south of SW 344th Street. Along SW 359th Street and along the portions of SW 117th Avenue and SW 137th Avenue that are to be constructed south of SW 344th Street, wildlife exclusion fencing shall be installed and shall include small mesh material, such as silt fencing, of appropriate mesh size and height to provide an exclusion barrier for reptiles and other small animals. The SW 359th Street temporary roadway shall accommodate a minimum of two (2) wildlife underpasses west of the L-31E levee, one of which must be constructed between SW 137th Avenue and SW 117th Avenue and the other between SW 117th Avenue and the L-31E borrow canal. The bridge over the L-31E borrow canal may serve as one of the wildlife underpasses provided that the plans demonstrate it has been appropriately designed for this purpose. These underpasses shall be of adequate design and shall be constructed to facilitate the safe passage of all wildlife known to occur or to potentially occur in this area during all times of the year, including but not limited to deer, Florida panthers, bobcats, snakes, American crocodiles, and amphibians. A minimum of three (3) crocodile underpasses shall also be provided along the temporary access road immediately north of the cooling canal system. The required underpasses shall be positioned to provide safe access to the habitat.

4. FPL has documented the presence of an individual tree (*Bucida molinetii*, syn. *Bucida spinosa*, common name "spiny black olive") on an upland area within the Turkey

Point property. This exceedingly rare plant species potentially occurs in other areas where FPL has proposed impacts associated with the Units 6 & 7 project, and FPL shall make reasonable efforts to locate all individuals of this species in proposed project areas, preserve such individuals wherever possible, and relocate individuals and/or establish ex situ populations for reestablishment where preservation is not possible.

5. Where protection of rare, endangered, threatened, or potentially endangered native plants is not possible, FPL shall relocate individual plants where rare, endangered, threatened, or potentially endangered native plants, are located within a construction zone, where practical.

[FPL Stipulation – 6/20/13; Zoning Resolution No. Z-56-07, Chapter 24 of MDC Code, Comprehensive Development Master Plan Policies CON-9B and CON-9C, Comprehensive Development Master Plan Transportation Circulation Element text accompanying Figure 3.1]

I. Reclaimed Water Pipeline

a. Construction of the reclaimed water pipeline shall not adversely impact existing sheetflow and groundwater flow across the area where these features will be located. Culverts located along the alignment of the reclaimed water pipeline shall be replaced with a larger capacity culvert or conveyance as needed to accommodate increased water flows that could result from future wetland restoration projects. FPL shall provide construction plans to DEP and Miami Dade County at least 90 days prior to commencement of reclaimed water pipeline construction. The plans shall demonstrate compliance with the requirements of Miami-Dade County Code Section 24-48.3(1) (b), (d) & (e) and by reference with any applicable regulations cited within these sections.

b. Trimming or alteration of mangrove trees for the purpose of constructing or maintaining the reclaimed water pipeline is prohibited outside the reclaimed water pipeline ROW, unless exempt pursuant to Florida Statutes, and shall require a permit or written authorization and mitigation as well as restoration of the affected area.

c. Exotic vegetation in the reclaimed water pipeline ROW that occurs within wetland mitigation and restoration areas of the project shall be controlled in accordance with the Mitigation Plan Rev.2 (July 2011). Exotic vegetation in the reclaimed water pipeline ROW that occurs within the eastern transmission ROW shall be managed in accordance with the transmission exotic vegetation management conditions in Section C.VII.M. below.

d. All vegetative debris shall be removed and properly disposed of in accordance with all applicable local regulations.

e. Once the pipeline has been installed and the trench has been covered, FPL shall be responsible for restoring the pipeline corridor back to the pre-construction elevation.

f. Dewatering for construction of the reclaimed water pipeline in all areas in and adjacent to contaminated areas and in areas with chloride or nutrient concentrations exceeding county or state water quality standards shall be prohibited unless FPL demonstrates through a post certification submittal of a dewatering plan that dewatering effluent will be adequately treated prior to final discharge at the approved discharge point to ensure compliance with Section 24-42(4), Miami-Dade County Code, and other applicable water quality standards.

[FPL Stipulation – 8/1/13]

J. Reclaimed Water Treatment Facility

The reclaimed water treatment facility shall only be developed on the 'Alternate Site' as depicted on Figure 1.4-1 (rev. 2) of the SCA.

[FPL Stipulation – 8/1/13; MDC Zoning Resolution Z-1-13]

K. Real Property Interests

1. Non-Transmission Linear Facilities - Upon identification of final Turkey Point Units 6 & 7 potable water pipeline, reclaimed water pipeline, and roads rights of way within certified corridors, as a post-certification submittal pursuant to Section A.Condition XIX, FPL shall submit the design information required by Ch. 24, Article IV, Div.1 of the County Code for a Class III permit for features that cross or are parallel to existing MDC canals or ditches to Miami-Dade County for review and approval, which shall not be unreasonably withheld. FPL shall demonstrate that the potable water pipeline, reclaimed water pipeline, and roads do not interfere with Miami-Dade County Water Control Plan and/or with Miami-Dade County water management operations within the Miami-Dade County canal system.

2. Temporary roadway improvements on FPL's privately owned property shall not be open to the general public to the greatest extent practicable. Miami-Dade County and other agencies with needed access shall, after providing proper notification to FPL, be granted access across FPL's temporary construction access roadway west of the L-31E. FPL shall provide appropriate contact information for notification and access coordination 90 days prior to roadway construction and will update as needed to address staffing changes. Coordination shall occur no less often than annually. At FPL's expense, all temporary roadway improvements south of SW 344th Street shall be patrolled by security personnel when in active use. In addition, FPL shall maintain security gates or other appropriate security measures during inactive periods on privately owned roadway improvements. To the greatest extent possible, FPL shall deter access by the general public on temporary roadways south of SW 344th Street.

3. In addition to the facilities currently in operation, FPL shall allow the access of Miami-Dade County personnel to the plant and non-transmission line facilities covered under the Units 6 & 7 Project certification at reasonable times during construction, operation, and maintenance phases for the purpose of conducting inspections to ensure compliance with the conditions of certification.

4. An unobstructed utility easement to the Miami-Dade Water and Sewer Department shall be provided along SW 360 Street from SW 117 Avenue to the Turkey Point facility. (Condition No.2 of Z-1-135.)

5. FPL shall provide Miami-Dade County with an easement along section line road right of way on the SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, prior to any work on FPL's property related to the Units 6 & 7 Project Certification, including any preconstruction work such as earthwork or clearing. All work approved under Resolution No. Z-l-13, including preconstruction earthwork and clearing is prohibited unless the subject easement has been approved and accepted by Miami-Dade County.

[FPL Stipulation – 8/1/13]

L. Equipment Barge Unloading Area

1. Grounding of any vessel associated with the project and the dredging or scouring of submerged lands resulting from the grounding shall be reported by FPL and its contractor, or their designee to the FDEP, United States Coast Guard - Sector Miami, and the Coastal and Wetlands Resources Section of RER-DERM within 24 hours of the event. In addition, grounding of any vessels associated with construction of Units 6 & 7 occurring within the boundaries of the Biscayne Bay Aquatic Preserve or Biscayne National Park shall be reported to the Aquatic Preserve Manager and the Biscayne National Park Director as applicable, within 24 hours of the grounding event.

[FPL Stipulation – 6/19/13; MDC Code Chapter 24, Sections 24-2, 24-18, 24-27, 24-48.3]

2. Pursuant to Section 24-48.3(3) no permit shall be issued for the equipment barge docking facility unless adequate water depth exists (as defined by Section 24-5, County Code), including when the vessels are fully loaded. In addition and pursuant to the Miami-Dade County Manatee Protection Plan sufficient water depth shall be required. In order to protect manatees and to prevent avoidable impacts to benthic resources in both the Aquatic Preserve as well as Biscayne National Park, tugs and barges shall navigate via marked channels and routes affording the greatest water depth so as to provide the most clearance with the bay bottom in order to prevent vessel grounding or scouring of the submerged lands. Vessels and barges associated with construction of the Units 6 & 7 project shall be prohibited from leaving the marked navigation channel at Turkey Point when traveling to and from the facility from locations landward of the outer marker of the Turkey Point Channel.

[FPL Stipulation – 6/19/13; MDC Code Chapter 24, Sections 24-2, 24-5, 24-18, 24-27 and Section 24-48. 3(1)(e), 24-48.3(3), CDMP Objective CM-4, Policy 4-F, Miami-Dade County Code Manatee Protection Plan Section III.C.]

3. The equipment barge docking facility shall be constructed and utilized preserving adequate width for manatees to avoid vessels and shall include a fendering system that provides a minimum four foot stand off from the bulkhead or wharf under maximum compression. Additionally, only one barge shall occupy the equipment barge docking facility at any time and the maximum draft of any barges or vessels utilizing this area shall be 6.5 feet when fully loaded.

[FPL Stipulation – 6/19/13; MDC Code Chapter 24, Section24-48. 3(1)(e), CDMP Objective CM-4, Policy 4-F, Miami-Dade County Code Manatee Protection Plan Section III.C.]

M. Water

1. Except for Parcel "A", as described in MDC Resolution No. Z-1-13, FPL shall not apply for any water withdrawal from the Biscayne Aquifer as a source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7."

2. FPL shall monitor the quality and quantity of the reuse/reclaimed water provided by Miami-Dade County. FPL shall maintain documentation including but not limited to laboratory analysis and any other monitoring data. If monitoring indicates that the quality or the quantity of the reclaimed water has decreased to the point where it no longer meets the

thresholds defined in paragraph 3.3.2 of the Joint Participation Agreement signed by both Miami-Dade County and FPL (R-813-1 0) or successor agreements, FPL shall provide notification to Miami-Dade County WASD within 24 hours of such a determination. FPL shall maintain all records relating to this monitoring for review by Miami-Dade County and provide such records within 30 days upon request. FPL shall utilize reclaimed water as the primary source of cooling water, when it is available in sufficient quantities and quality as defined by Paragraph 3.3.2 of the Joint Participation Agreement.

3. Construction of the radial collector wells, including but not limited to dewatering activities, shall not result in violation of the water quality standards set forth in Section 24-42(4) of the Code of Miami-Dade County. Construction activities, including but not limited to de-watering shall be in compliance with applicable water quality standards. All dewatering associated with the construction of the radial collector wells shall be directed to the cooling canals or to approved deep injection wells unless otherwise approved by Miami-Dade County RER-DERM; discharges of any kind associated with dewatering to wetlands or Biscayne Bay are prohibited without prior written approval from Miami-Dade County RER-DERM.

4. FPL shall provide the agencies with notice prior to any sampling activity conducted as part of the Radial Collector Well System Monitoring Plan (RCWSMP), and shall allow access to agency staff during sampling for the purpose of collecting split samples to provide independent characterization and supplemental information as necessary.

[FPL Stipulation – 6/19/13]

N. Open Burning

1. Pursuant to Section 24-41.5 of the Code of Miami-Dade County, the Licensee may conduct open burning of land clearing debris associated with the construction of the Project. All open burning of land clearing debris shall be conducted in accordance with the conditions and limitations contained in the Miami-Dade Fire Rescue Department Application for Open Burning Permit. Before conducting open burning of land clearing debris, the Licensee shall notify the Director of the Department of Regulatory and Economic Resources- Division of Environmental Resources Management and the Chief of the Miami-Dade Fire Rescue Department. Those officials may inspect the site where open burning is occurring to observe the burning. FPL may conduct open burning on weekends if necessary, and within 300 feet of public roads provided the visibility is not reduced to less than 1,000 ft and upon notice to the listed County officials. The Licensee shall also comply with Condition A. VIII.B Open Burning.

[FPL Stipulation – 6/20/13; MDC Code Sections 24-41.4 and 24-41.5]

2. Pursuant to Section 24-41.4 of the Code of Miami-Dade County, no person shall ignite, cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire except as provided in Section 24-41.5 of the Code. All applicable permits shall be obtained prior to conducting any open burning activities. Notwithstanding any other conditions of this certification and pursuant to Section 24-27 of the Miami-Dade County Code, FPL shall not cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by conducting open burning activities.

[FPL Stipulation – 6/20/13; MDC Code Chapter 24 Sections 24-5, 24-27, 24-28, 24-41.4 and 24-41.5]

O. Wetland Impacts and Mitigation

1. FPL shall provide mitigation for the plant site, access roads, radial collector wells, reclaimed water treatment facility, nuclear administration building, training building, and parking area, in accordance with the Mitigation Plan Rev. 2 (July 2011) (hereinafter "Mitigation Plan") as supplemented by these conditions. Mitigation for impacts caused by construction activities at the plant site, access roads, radial collector wells, reclaimed water treatment facility, nuclear administration building, training building, and parking area shall be initiated concurrent with commencement of any work or construction that cause impacts to wetlands including preconstruction earthwork (including but not limited to clearing, grubbing, excavation, demucking, or filling) associated with these areas. As part of the Mitigation Plan, in order to ensure the maximum ecological value will result from restoration activities under the Uniform Mitigation Assessment Methodology, FPL shall provide an additional 8.4 credits, in addition to those under FPL's proposed Wetland Mitigation Plan, by conducting additional applicant-sponsored mitigation activities that achieve the equivalent wetland lift.

2. FPL will provide detailed methodology to be employed within the 320th Street and NW Restoration Sites as a post-certification submittal. The information shall include the proposed methods for exotic vegetation control and removal of ditches in a manner that minimizes the use of heavy equipment and impacts to existing native wetland vegetation. For the proposed restoration of mosquito ditches, use of heavy equipment will be restricted to the immediate work area where possible. FPL will also fill the three east-west canals within the NW Restoration Site and plug their discharge to the east.

3. In accordance with MDC approved mitigation pursuant to the requirements of Resolutions Z-56-07 and Z-1-13 and the MDC Code, FPL shall mitigate for impacts to mangroves and associated habitat at the Units 6 and 7 site, by permanently deducting 148.4 coastal credits from the Everglades Mitigation Bank (EMB) prior to any earthwork or construction at the Unit 6 and 7 site. FPL shall also mitigate for impacts to habitat associated with the nuclear administration building, training building, and parking area, and reclaimed water treatment facility, by permanently deducting from the Everglades Mitigation Bank 52.9 coastal credits prior to any earthwork or construction at the nuclear administration building, training building, parking area, and reclaimed water treatment facility. FPL shall provide 0.14 EMB credits per acre for the time lag associated with restoration following reclaimed water pipeline installation. The type of credits to compensate for the pipeline's impacts (coastal, forested, freshwater) shall be based on the habitat to be impacted. These credits must be permanently deducted from the EMB prior to any earthwork, or construction and prior to any other impacts to vegetation or habitat anywhere along the reclaimed water pipeline route. These credits are in addition to the required restoration of the reclaimed water pipeline corridor. All required earthwork to restore the wetlands impacted from construction of the reclaimed water pipeline shall be completed prior to the operation of the pipeline. For all wetland impacts associated with pipeline installation proposed for restoration, the wetlands shall be fully restored within the time frames assumed in the UMAM analysis. Wetlands associated with pipeline installation not fully or timely restored may require supplemental planting, maintenance or monitoring as required by DEP.

4. Construction or use of the roadways that impact mangroves or wetlands shall not occur prior to initiation of the mitigation for those impacts.

5. Prior to any impacts in mangrove or wetland habitats and prior to restoration activities at the off-site mitigation areas, proposed conservation easements or proposed restrictive covenants running with the land shall be submitted by FPL. Upon acceptance by MDC and other jurisdictional agencies, those documents shall be executed and recorded in the public records by MDC. Flowage easements shall be executed and recorded in favor of MDC and SFWMD in the off-site wetland mitigation areas to allow sheetflow that does not adversely affect the restored wetland communities within the mitigation areas.

6. FPL shall mitigate for loss of shorebird habitat through credits obtained for the restoration and preservation of approximately 170 acres of similar habitat within the Everglades Mitigation Bank. These mitigation credits shall be permanently deducted from the EMB ledger and dedicated to Turkey Point 6 & 7 Project. Five credits obtained from this area shall be used solely to offset the loss of shorebird habitat and shall not be included within the credits necessary to offset mangrove or wetland impacts.

7. FPL shall avoid and minimize impacts to benthic resources and be responsible for mitigation of unavoidable adverse impacts to benthic resources (i.e. corals, sponges, or seagrasses) that may result from the dredging, expansion and/or operation of the barge basin. Prior to construction in the barge basin, FPL shall survey the barge basin expansion site for the presence of benthic resources. If the expansion of the barge basin will result in adverse impacts to benthic resources, FPL shall provide a post certification mitigation plan to compensate for unavoidable impacts to benthic resources in the barge basin.

8. FPL shall mark in a conspicuous fashion the boundaries or limits of work/fill areas in proximity to undisturbed mangroves, wetlands, mitigation areas and preservation areas. This may be accomplished with fencing, flagging, buoys, silt barriers, hay bales, or other forms of durable demarcation.

9. FPL shall install field markers for work in tidal waters, wetlands, or mangroves. Field markers shall include survey benchmarks or reference points that can be compared to submitted construction plans and drawings. Prior to construction in tidal waters, wetlands or mangroves, FPL shall provide the layout of the field markers to MDC as a post-certification submittal. The markers shall be maintained for the entirety of construction in the work area.

10. Construction Access Roads: In the final design of the access roads, FPL shall avoid and minimize impacts to tree islands and wetlands to the extent practicable. FPL shall provide a post-certification submittal to MDC demonstrating compliance with this requirement. For unavoidable impacts to wetlands, FPL shall provide mitigation in accordance with the Mitigation Plan Rev 2 (July 2011) and these Conditions of Certification.

11. Reclaimed Water Pipeline:

a. The wetland areas impacted by the construction of the reclaimed water pipeline shall be restored pursuant to the Mitigation Plan Rev 2 (July 2011).

b. In the final design of the reclaimed water pipeline, FPL shall avoid and minimize impacts to existing native vegetation to the extent practicable. Prior to the commencement of construction of the reclaimed water pipeline, FPL shall provide a post-certification submittal to MDC demonstrating compliance with this requirement.

c. FPL shall not store excavated material, vehicles or heavy equipment, fill, building materials, construction debris, dead vegetation, waste or any other materials associated with the construction, operation or maintenance of any of the certified facilities in undisturbed wetlands.

12. For the access roads and pipelines, FPL shall preserve specimen trees (trunk > 18 inch diameter at breast height) to the extent practicable. Should upland construction damage or require removal of any upland trees, FPL shall replace upland tree canopy in accordance with the requirements of Article IV of Chapter 24, MDC Code. This requirement also applies to trees along FPL entrance roads and existing landscaped areas and for all upland areas including uplands within the non-transmission linear facilities to be constructed for the FPL Units 6&7 Project, and shall be in addition to all other mitigation including wetland mitigation.

13. Prior to commencement of work within each segment of linear facilities (roads or pipelines), FPL shall revise the tree survey previously submitted in response to MDC completeness question 5-MDC–D-11 (July 2011). The revised tree survey will show all upland trees proposed to be removed, as well as a tree planting plan to mitigate for the tree canopy to be removed as required by Section 24-49 of Miami-Dade County Code. Miami-Dade County (or applicable municipalities) will review the survey and plan for compliance with these conditions of certification. Removal of trees from botanic gardens or state approved nurseries is not subject to the tree or canopy replacement requirements contained herein. For purposes of this condition, state approved nurseries shall mean those nurseries with a valid certificate of registration from the Division of Plant Industry. Mangrove and wetland mitigation requirements are described in other conditions of certification and trees located within wetlands are not subject to these tree or canopy replacement requirements.

[FPL Stipulation – 6/19/13; *Sections 24-48.3, 24-48.4, and 24-49, MDC Code CDMP Objective TC-6, Policy TC-6C, and Policy CON-7A; Conditions #1, 9, and 11 of Resolution Z-56-07; Condition #15 of Resolution Z-1-13.]*

P. Radial Collector Well System Monitoring

1. The requirements of these Conditions are for the purpose of monitoring potential adverse impacts to ecological and water quality resources of Biscayne Bay, adjacent nearshore areas, surrounding wetlands, and groundwater resources resulting from the construction and operation of the Turkey Point Units 6 & 7 radial collector well system (RCWS). If adverse impacts further defined herein as Harm in the section entitled "General Conditions for Secondary Cooling Water Supply Sources" in Section B.VII.P.7.a. b. and c. below are identified, additional measures shall be required to evaluate and abate or mitigate such impacts.

2. Radial Collector Well System Monitoring Plan (RCWSMP)

a. Licensee shall implement a RCWSMP to confirm that no adverse impacts occur to ecological and water resources of Biscayne Bay, including nearshore areas, surrounding wetland areas and groundwater resources of the Biscayne aquifer, resulting from the construction and operation of the RCW system. The data collected from the RCWSMP will help monitor the effects, if any, of RCW system operations on seagrass, benthic and macroalgae communities and on near-shore salinity and water quality above the RCW laterals in Biscayne Bay, as well as any impacts to surrounding wetlands and groundwater resources.

b. At least 2 years prior to the expected commencement of construction of the first caisson for the RCWS, the Licensee shall submit a RCWSMP to the DEP SCO (with copies provided to FWC the SFWMD and MDC) for review in accordance with Section A, General Conditions, XIX, Procedures for Post-Certification Submittals. Once finalized, any proposed revision to the RCWSMP shall be submitted to the DEP for review prior to implementation.

c. The RCWSMP shall, at a minimum, meet all DEP, FWC, MDC and SFWMD requirements for the plan included in the Conditions of Certification. The Plan shall be developed to avoid unnecessary duplication of monitoring requirements of the several agencies to ensure that the Plan is efficient and effective in achieving its purpose of monitoring and identifying any adverse impacts to Biscayne Bay and its resources, surrounding wetlands, and groundwater resources of the Biscayne aquifer as a result of construction and operation of the RCWS.

d. Should the FWC or SFWMD Conditions of Certification be modified such that DEP applicable non-procedural requirements are no longer addressed, DEP may modify this Section to include Conditions to satisfy those applicable nonprocedural requirements of the Department no longer being addressed within the FWC or SFWMD Conditions.

e.

3. Radial Collector Well System Monitoring & Reporting

a. All reports and data submitted to satisfy requirements of the final RCWSMP shall be sent to the DEP SCO with copies provided to FWC, the SFWMD and MDC.

b. Submittals shall be reviewed by DEP, in consultation with FWC the SFWMD and MDC, for impacts to resources under their respective authority to protect, and for impacts as identified in those agencies' respective Conditions.

c. If the DEP, upon consultation with FWC, SFWMD and MDC determines that pre-construction (baseline) monitoring, construction monitoring or post-construction monitoring data indicate adverse impacts, further defined herein as Harm in Section B.VII.P.1. above, to ecological or water resources of Biscayne Bay, adjacent nearshore areas and surrounding wetlands, or the Biscayne aquifer, then additional measures shall be required to evaluate, and abate or mitigate such impacts. These measures may include enhanced monitoring, modeling, or mitigative measures.

[FPL Stipulation – 6/19/13; Chapters 18-18, 62-330, 62-342, and 62-345, F.A.C.]

4. Radial Collector Well System Biological Monitoring

a. The "Radial Collector Well System Monitoring Plan" (RCWSMP) being required by the Department of Environmental Protection's Siting Certification Office under these conditions shall be submitted to the FWC, the SFWMD and MDC and shall be consistent with the provisions below for the purposes of determining whether there are impacts to the fish and wildlife resources of Biscayne Bay including near shore areas, and surrounding wetlands resulting from construction or operation of the radial collector well system (RCW).

b. In order to accurately assess potential impacts to listed species dependent on resources within Biscayne Bay, monitoring of seagrass cover and benthic fauna for potential impacts to state listed species in the vicinity of the proposed construction and operation of the RCW shall be conducted by the Licensee prior to RCW construction, during RCW construction and post-RCW construction as follows:

i. Pre-construction (baseline) monitoring shall be conducted for a period of two years prior to the onset of RCW system construction.

ii. Construction monitoring shall be conducted from the onset of RCW construction through completion of RCW construction.

iii. Post-construction monitoring shall be conducted for two years after Turkey Point Units 6 & 7 commercial operation date (COD) and including the first two RCW operational events. If two RCW operational events do not occur within the two year post-construction monitoring period, one year of quarterly monitoring shall be conducted following the first two RCW operational events.

c. In order to accurately assess potential impacts to listed species dependent on resources within Biscayne Bay, pre-construction (baseline) monitoring, construction monitoring, and post-construction monitoring, as defined above, of seagrass cover and benthic fauna shall be conducted within the area surrounding the Turkey Point peninsula encompassed by the extent of the RCW laterals. Two monitoring control sites shall be located in seagrass beds within five miles of the Turkey Point peninsula.

i. Seagrass and benthic monitoring shall be conducted quarterly during the pre-construction, construction, and post-construction monitoring periods. The following methodologies shall be used during pre-construction, construction, and post-construction monitoring.

ii. Seagrass Monitoring Methodology: A series of 30 linear transects surrounding the Turkey Point peninsula shall be established, evenly spaced within the area encompassed by the extent of the RCW laterals. Each transect shall be 300 meters in length, with sampling stations at the shoreward and seaward ends of each transect and at 25-meter intervals in between for a total of twelve sampling locations per transect. Within each control site, ten 300-meter transects shall be established with sampling stations at 50-meter intervals for a total of seven sampling locations per transect. At each sampling station, a 0.25-m2 PVC quadrat shall be randomly placed on the bottom three times. All seagrass species present within the quadrats shall be identified, and their percent cover visually estimated using Braun Blanquet or another approved methodology. All in-water observations shall be conducted by biologists with considerable practicable experience working in the seagrass communities of south Florida.

iii. Benthic Fauna Monitoring Methodology: Ten benthic fauna sampling stations shall be established within the area encompassed by the RCW laterals, and 10 sampling stations shall be located within the control sites. Three replicate benthic samples shall be collected at each station, using a diver-operated core sampler with a surface area of 225 cm. Each sample shall be rinsed in the field using a 0.5 mm mesh bucket sieve and preserved in separate sample containers with a 10 percent buffered formalin solution. Laboratory taxonomic analysis shall include organism enumeration and identification to the lowest practicable taxon.

d. The Licensee shall be required to submit regular monitoring reports. All reports shall include all data and statistical analyses resulting from the monitoring requirements.

i. Timing. During the pre-construction monitoring period, the construction monitoring period, and the post-construction monitoring period, as defined above, the Licensee shall prepare a report after each year (365 days) of monitoring activity ("annual reports"). Reports shall be submitted to the DEP SCO FWC and MDC for review within 90 days following the completion of the annual monitoring periods.

ii. Additional requirement for post construction monitoring. During the post-construction monitoring period, the reports shall summarize all data and statistical analyses collected to date and provide an analysis comparing those monitoring data to control data and to the pre-construction monitoring (baseline) data.

e. If the DEP, upon consultation with SFWMD, FWC and MDC - determines that the comparison of pre-construction (baseline) monitoring, construction monitoring or post-construction monitoring data indicate adverse impacts, further defined herein as Harm in section I. above, to the fish and wildlife, ecological or water resources of Biscayne Bay, adjacent nearshore areas and surrounding wetlands, or to groundwater resources of the Biscayne aquifer, resulting from RCW construction and/or operation activities, then additional measures shall be required to evaluate and abate or mitigate such impacts. These measures may include enhanced monitoring, modeling, or mitigative measures.

[FPL Stipulation – 6/19/13; Article IV, Sec. 9, FL. Const.; Sections 379.2291 and 379.2431, F.S.; Chapter 68A-27, F.A.C.]

5. Radial Collector Well System Monitoring Plan (RCWSMP)

Licensee shall implement a RCWSMP to confirm that no adverse impacts, further defined herein as Harm in section I. above, occur to ecological and water resources of Biscayne Bay, adjacent nearshore areas and surrounding wetlands, and the Biscayne aquifer resulting from the construction and operation of the RCW system. The data collected from the RCWSMP will help monitor the effects, if any, of the RCWS operations on seagrass and macroalgae communities, and on near-shore salinity, hydroperiod in surrounding wetlands and water quality.

a. Plan Scope. The RCWSMP shall address, at a minimum: the initial and periodic monitoring associated with secondary water supply operation of the RCW system; appropriate biological and water quality parameters; necessary monitoring equipment; locations, maps, figures, capability of site access for monitoring locations; frequencies of sampling; and reference monitoring locations and reporting intervals. The RCWSMP shall include a work schedule, if necessary, to ensure the plan is ready to be implemented.

b. Plan Content. The RCWSMP shall include, monitoring of surface water and groundwater quality as further described herein. Monitoring of biological resources within Biscayne Bay in the vicinity of the proposed RCW system, including but not limited to distribution and abundance by species.

c. Quality Assurance. The RCWSMP shall include a quality assurance/quality control plan. The quality assurance plan shall include protocols for maintaining in-situ monitoring devices to ensure accuracy of results and collection and laboratory analysis of surface and groundwater samples. Field observers using the Braun-Blanquet method shall be cross-trained with an established monitoring program for the BBCW Project Observations shall be calibrated so that results are consistent with BBCW Project.

d. Plan Development. Licensee shall coordinate with SFWMD, DEP, FWC, MDC and other affected agencies to complete development of the RCWSMP. The RCWSMP shall be coordinated with any other similar monitoring plan for the certified project and shall not duplicate any monitoring required by other agencies or conditions of certification. Coordination with SFWMD on the RCWSMP will ensure that data collected in accordance with the RCWSMP will complement contemporaneous data collection associated with the BBCW Phase I project. In designing details of the RCWSMP Licensee may consult the Project Monitoring Plan for the BBCW Phase I project found in Annex E, Part III of the BBCW Phase I PIR. Licensee may, upon review of submitted data from this BBCW monitoring plan and other sources, recommend to the SFWMD in writing that the RCWSMP be modified to more appropriately collect necessary data.

e. Plan Review. Licensee shall submit a final RCWSMP to DEP SCO, with copies provided to SFWMD, FWC and MDC, for review in accordance with Section A, General Condition XIX. Procedures for Post-Certification Submittals, prior to implementing the plan. The Plan shall include the location of the monitoring control sites, the seagrass linear transect locations, the benthic and macroalgae, and surface and groundwater water quality sampling station locations and monitoring locations for measuring the water elevation in surrounding wetlands, as well as the quality assurance/quality control plan. The SFWMD and MDC will have the opportunity to review the final RCWSMP and propose changes if necessary.

f. Plan Duration. Licensee shall implement the RCWSMP before, during and after RCW system construction. Licensee shall conduct quarterly pre-construction (baseline) monitoring for a period of two years prior to commencing RCW system construction. Licensee shall conduct quarterly monitoring during entire RCW construction period. Licensee shall conduct quarterly monitoring immediately following the Turkey Point Units 6 & 7 commercial operation date for a period of two years including the first two RCW operational events. If two RCW operational events do not occur within the two year post-construction monitoring period, one year of quarterly monitoring shall be conducted following each of the first two RCW operational events. If none of the RCW operational events during the two years following the commercial operation date or later involve operation of the RCW system at full capacity for more than fifteen (15) consecutive days, the Licensee shall conduct quarterly monitoring for one year after the first such event.

g. Adverse Impacts. If the DEP, upon consultation with FWC, SFWMD and MDC determines that pre-construction (baseline) monitoring, construction monitoring or post-construction monitoring data indicate adverse impacts, further defined herein as Harm in Section B.VII.P.1. above, to the ecological resources of Biscayne Bay, adjacent nearshore areas, surrounding wetlands, or to groundwater resources of the Biscayne aquifer, are determined to have been caused by the operation of the RCWS, then Licensee shall be required to evaluate and abate or mitigate such impacts. These measures may include additional monitoring, modeling or mitigation.

h. Plan Modifications. Any proposed modifications to the RCWSMP shall be submitted to DEP SCO with copies provided to SFWMD, FWC and MDC, for review and concurrence at least thirty (30) days prior to implementation.

[FPL Stipulation – 6/19/13; Chapter 373, Part II, F.S.; Rule 40E-2.091, F.A.C.; "Basis of Review of Water Use Permit Applications within SFWMD]

6. RCW Testing

a. Upon completion of construction of the first radial collector well (RCW), Licensee shall conduct a full-scale radial collector well test (RCWT).

i. The RCWT shall include attributes listed below. The RCWT shall be conducted by pumping the caisson and associated laterals at the caisson's design pumping rate. The RCWT shall include measuring pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative method approved by DEP in consultation with SFWMD and MDC) to determine the hydraulic conditions between the Bay and subsurface conditions in the area and confirm the predicted amounts of water originating from the Bay withdrawn by the RCWs, and observing water levels and water quality as specified below. The effects of tidal fluctuations, barometric pressure, precipitation, and pumping associated with operation of Units 1 through 4 (including the operations of the CCS circulating pumps and the Interceptor Ditch pumps) shall be recorded along with canal stage in the L-31E and Florida City Canals. Non-RCW pumping influences such as these shall be removed from the pumping and recovery test data prior to the test analysis described below.

ii. The RCWT shall be conducted for a minimum of 72-hours. The RCWT shall include a background period of at least three (3) days prior to pumping, and at least eight (8) hours of recovery following pumping, or until the water levels return to their pre-test levels. Water quality (conductivity, temperature, pH, dissolved oxygen, chloride and water elevation) will be sampled during the 72 hour test. Water quality will be sampled in the caisson and in onsite monitor wells MW-1 through MW-5 [or replacement well(s) at nearby location(s)] and existing tri-zone monitor wells (TPGW-1, TPGW-10, and TPGW-12). Water elevation will be recorded at two additional well locations, one in wetlands near the vicinity of the RWTF, and one in wetlands west of the L-31E borrow canal. The purpose of this initial 72 hour pump testing is: 1) to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. Following the test and data collection, Licensee shall analyze the data using appropriate groundwater hydraulic techniques. Licensee shall use this data and initially configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the RCWT using the recorded pumping rates and lateral distributions. The modeled steady-state drawdowns will be compared to observed drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate observed drawdowns during the RCWT. The recalibrated model will then be run to confirm conclusions of the original model. The Licensee shall provide copies of the 72 hour test results to DEP, SFWMD and MDC in addition to other agencies.

iii. Subsequent to the 72-hour pumping test, initial full scale testing of the first completed well shall consist of a 30 day pumping period at the average expected single caisson pumping rate for the full Radial Collector Wellfield operations. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this 30 day pump testing is to: 1) to generate sufficient hydrologic and water quality data to confirm that one well operating at full capacity would not result in adverse impacts, further defined herein as Harm in Section B.VII.P.1. above, to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas resulting from the operation of the well field and to confirm information provided on

aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to inform the design or further refinement in design of the long term component of the Radial Collector Well monitoring based on the data generated from the initial start-up testing phase and 3) to verify the amount of time necessary for full recovery of the aquifer and surrounding water bodies after this initial test and 4) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. The long term monitoring component shall generate sufficient hydrologic and water quality data necessary to evaluate and confirm that full scale operation of the Radial Collector Well would not result in adverse impacts, further defined herein as Harm in Section B.VII.P.1. above, to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas and to confirm aquifer characteristics and modeling predictions submitted in the application as they relate to the causal effects on these water resources, and to provide actual data at a scale sufficient to verify output of the model.

iv. Monitoring locations for the 30-day pump test shall include the RCW effluent, existing stations MW-2, MW-3, MW-4, upgraded stations MW-1 and MW-5 (upgraded to tri-zone wells) [or replacement well(s) at nearby location(s)], existing tri-zone wells TPGW-1, TPGW-10, TPGW-12, two surface water locations adjacent to Turkey Point peninsula, and two additional stations (for water elevation only) located in the surrounding wetlands (one located in wetlands in the vicinity of the RWTF, and the other located in wetlands west of L31-E borrow canal. Physical Parameters shall include temperature, specific conductance, dissolved oxygen, pH, salinity, and water elevation. Chemical analysis shall include the ions (chloride, sodium, sulfate and sulfide), nutrients (total ammonia and unionized ammonia, NOx-N, TKN, and total phosphorus) and Tritium. The 30-day pumping test shall include a background period of at least three (3) days prior to pumping. Physical parameters shall be recorded continuously during the background period through completion of the 30 day pump test. Ions shall be collected at all stations four times during the background period (twice during high tide and twice during low tide), twice during pump operations (within 24 hours after pump start-up, and within 24 hours prior to pump shut down on day 30). Nutrients and tritium shall be collected once at high tide and once at low tide at stations MW-1, MW-2, MW-3, MW-4, and MW-5, once at TPGW-1, TPGW-10, TPGW-12, and at both surface water stations, during the background period. Nutrients and tritium shall be collected at all stations twice during pump operations (within 24 hours after pump start-up, and within 24 hours prior to pump shut down on day 30).

v. All effluent water generated by the 30 day pumping test must be disposed of via deep well injection to the boulder zone in order to prevent the discharge of this water from influencing the results of the pumping tests.

7. Monitoring and Reporting

a. The licensee shall provide to DEP, the SFWMD, FWC and MDC, a detailed report including all raw data and statistical analysis and interpretation of all the data generated during the 72-hour and 30-day tests. The report shall be provided to the aforementioned agencies within 90 days of completion of the respective 72-hour and 30-day pumping tests.

b. Licensee shall collect and report the monitoring data as described in the Radial Collector Well System Monitoring Plan described above. Licensee shall submit annual reports that include data collected in accordance with the RCWSMP and statistical

analyses of the data. The Licensee shall provide copies of those reports to DEP, SFWMD, FWC, MDC and other agencies.

c. FPL shall submit Monthly Operating Reports to Miami-Dade County RER DERM with monitoring requirements specific to the well field operations (i.e. idle, maintenance, and actual operation). Submittal of a Monthly Operating Report shall be required whether or not the wells have been operated in any particular month. Each Monthly Operating Report shall provide monthly groundwater data, including volume extracted and water quality data when the RCWs have been operated for cooling purposes. The water quality parameters to be included in the Monthly Operating Reports when the RCWs have been operated for cooling purposes are: specific conductance, temperature, pH, and salinity.

d. Licensee shall record withdrawal volumes on a daily, per caisson basis and Licensee shall submit the information to SFWMD on an annual basis. Licensee shall specify the water accounting method used and a description of means of calibration in each report.

e. RCW equipment maintenance records shall be retained by Licensee.

f. The Licensee shall utilize reclaimed or reuse water to the maximum extent possible, in accordance with the requirements of the South Florida Water Management District (SFWMD).

[FPL Stipulation – 6/19/13; Chapter 373, Part II, F.S.; Rule 40E-2.091, F.A.C.; "Basis of Review for Water Use Permit Applications within the South Florida Water Management District, March 18, 2010"]

8. General Conditions for Secondary Cooling Water Supply Sources

a. Interference with Existing Legal Uses

Licensee shall mitigate interference with existing legal uses, in existence at the time of issuance of the Certification Order, caused in whole or in part by Licensee's withdrawals, consistent with an approved mitigation plan. As necessary to offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the (1) Inability to draw water consistent with the provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; (2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent; or (3) Inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

[FPL Stipulation – 6/19/13; *Rule 40E-2.301 (1)(f), F.A.C.]*

b. Impacts to Existing Off-Site Land Uses

Licensee shall mitigate harm to existing off-site land uses caused by Licensee's withdrawals, as determined through reference to these Conditions of Certification and Chapter 373, F.S. When harm occurs, or is imminent, SFWMD will require Licensee to modify withdrawal rates or mitigate the impacts. Harm, as determined through reference to these

Conditions of Certification include: (1) significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose of the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.); (2) damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; (3) land collapse or subsidence caused by reduction in water levels associated with consumptive use;

[FPL Stipulation – 6/19/13; *Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]*

c. Impacts to Natural Resources

Licensee shall mitigate harm to natural resources caused by Licensee's withdrawals, as determined through reference to these Conditions of Certification and Chapter 373, Florida Statutes. When harm occurs, or is imminent, SFWMD will require Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes: (1) reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface; (2) reduction in water levels that harm the hydroperiod of wetlands; (3) significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond; (4) harmful movement of contaminants in violation of state water quality standards; or (5) harm to the natural system including damage to habitat for rare or endangered species.

[FPL Stipulation – 6/19/13; *Sections 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]*

d. Water Supply Systems Operation

At any time, if there is an indication that the well casing, pipes, valves, or controls associated with the RCW system leak or have become inoperative, Licensee shall be responsible for making the necessary repairs or replacement to restore the water supply system(s) to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

[FPL Stipulation – 6/19/13; Sections 373.308 and 373.316, F.S; Rules 40E-3.041, 40E-3.101, 40E-3.411 and 40E-3.500-531, F.A.C.]

e. Request for Modification of Withdrawals

A modification of the RCW system withdrawals for consumptive use authorized by this Certification may be requested in accordance with the provisions of Section 403.516, F.S. and Rule 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Rule 62-17.211, F.A.C.

[FPL Stipulation – 6/19/13]

Q. Stormwater Management and Water Quality

1. FPL shall design, construct, and operate the plant and non-transmission facilities such that there is no harmful obstruction or undesirable alteration of the natural flow of

water, material injury to adjacent property, or adverse environmental impact from changes to water quality or quantity to Section 24-48.2(II)(B)(4)(a)(i-iv), Miami-Dade County Code.

2. Prior to occupancy or use of any newly developed facility, including but not limited to the nuclear administration and training building, reclaimed water treatment plant, power block, and associated parking facilities, FPL shall provide as-built plans for the stormwater management system. The plans shall be sufficiently detailed to allow a determination of any new impervious area associated with each feature, such that stormwater utility fees may be calculated in accordance with Miami-Dade County Code, Section 24-51.4(3).

3. Environmental controls and Best Management Practices shall be implemented to minimize any materials related to construction from entering waters surrounding the features of FPL's proposed project. Turbidity and erosion controls (including, but not limited to, turbidity curtains, silt screens, staked hay bales and vegetated berms) shall be utilized during construction to prevent encroachment and adverse impacts to any adjacent wetlands, or surface waters, and to ensure compliance with the water quality standards. FPL shall be responsible for ensuring that turbidity and erosion control devices and procedures are inspected periodically and maintained in working order during all phases of construction authorized by this certification until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges in accordance with the guidelines and specifications in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as practicable. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. Construction of permanent parking areas, walkways, and amenities shall use semi-pervious materials to reduce runoff where feasible and compatible with safety requirements.

[FPL Stipulation – 8/1/13]

R. Environmentally Endangered Lands Adjacent to Non-Transmission Facilities

1. FPL shall comply with Article 7 of the MDC Home Rule Charter and shall design Project facilities, including but not limited to construction access roads, to avoid impacts to MDC EEL owned or managed parcels.

2. FPL shall fully restore any unauthorized impacts on MDC EEL owned or managed parcels that are caused by FPL or their contractors, including but not limited to those resulting from the installation or maintenance of the project features and any associated roads or rights of way to the satisfaction of the EEL Program in accordance with timeframes required by the property owner. FPL shall demonstrate through a postcertification submittal that there will not be any material injury to EEL property as a result of the proposed work.

[FPL Stipulation – 8/1/13]

VIII. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

A. Submerged Land Easement for Radial Collector Well Laterals

Upon its execution and thereafter, the Licensee shall comply with any Sovereign Submerged Land Easement for Radial Collector Well Laterals directed to be issued by the Order of Certification for this facility (Attachment H-a.). After the radial collector well laterals are constructed, FPL shall submit an as-built survey of their location to the Division of State Lands, and the area subject to this easement shall be adjusted to include only the land within five feet on either side of the wells laterals. Any renewals of the easement shall be submitted by the Licensee to the Siting Coordination Office.

[Section 258.397, F.S. and Rule 18-18, F.A.C.]

IX. CITY OF HOMESTEAD

A. Right – of – Way (ROW) – Potable Water Pipeline and Temporary Construction Access Roads

Licensee shall provide information on the Licensee's final selected rights-of-way within the City of Homestead's boundaries to the City in a post-certification submittal under the procedures under DEP General Condition of Certification A.XIX. Those submittals shall depict the final rights-of-way and provide other relevant information on the location and construction of the water pipeline and temporary roads within the City, including any facilities that are to be placed within or crossing any of the City's properties or works. In this post-certification submittal, Licensee shall submit the information necessary for a City Utility Rights-of-Way Use Permit Application. Licensee shall construct the water pipeline and access roads in accordance with the information provided in the SCA and with the applicable non-procedural requirements of the City's ordinances and adopted Public Works Manual, as established under section 28·2, Code of the City of Homestead.

B. ROW Use

Pursuant to section 403.509(6), Florida Statutes, within 30 days following the Licensee's submittal of information necessary for completion of the City's Utility Rights-of-Way Use Permit Application, the City of Homestead shall issue to the Licensee any license or easement from the City that is necessary for the use, connection, or crossing of the City's properties and works, to the extent that such works are located on property owned by the City. and do not impair City operations, by the water pipeline and temporary access roads, subject only to the conditions set forth in this certification. FPL shall complete the work in a timely manner, notwithstanding any other time limitations specified in the City's regulations or the City Utility Rights-of-Way Use Permit Application.

[FPL Stipulation – 7/5/13; City of Homestead Code, Section 28-2]

SECTION C: SPECIFIC CONDITIONS – TRANSMISSION LINES

I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Process for Review of ROW Location

1. 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 Southeast District Office, DOT, SFWMD, South Florida Regional Planning Council, Miami-Dade County and the affected municipality, delineating the corridors of the Certified Transmission Lines and the transmission lines' ROW for the areas within each agency's jurisdiction. In addition, Licensee shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. Licensee shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments and on a line-by-line basis. The agencies receiving the aerial photographs from Licensee shall have an opportunity to review the photographs and to notify DEP, within 12 days of Licensee's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or 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.

2. 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 lines, (including access roads or pads) within Licensee's designated ROW cannot be accomplished in compliance with the Conditions of Certification, Licensee shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of Licensee's submittal of the aerial photographs to the agencies, Licensee may proceed with design of the transmission lines on the noticed ROW.

3. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at Licensee's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission lines or access road within the ROW in accordance with these Conditions of Certification.

4. After Licensee has acquired interest in the entire length of the transmission lines' ROW, Licensee shall:

a. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. Licensee shall also file with the appropriate county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

b. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the

requirements of paragraph A. If the boundaries have not changed, Licensee shall file a statement with DEP Siting Coordination Office accordingly.

[Sections 403.511, F.S.; 62-17.191, F.A.C.]

B. Miami River Crossing

Prior to employing any trenchless technology activities under the Miami River, the Licensee shall submit a Trenchless Technology Plan to the DEP Southeast District Environmental Resources Section for review to include implementation of Best Management Practices to minimize the potential for adverse environmental impacts during trenchless technology activities.

C. Replacement for Restoration of System Integrity

1. Replacement of all or a portion of a Certified Facility that is necessary to restore system integrity following an emergency as defined by Sections 252.34(6), (7) or (9), F.S., and requiring deviation from any COC shall not be considered a modification pursuant to Section 403.516, F.S. A verbal report of the emergency replacement for restoration of system integrity shall be made to the Department as soon as possible. Within 30 days after correction of the emergency condition requiring a replacement for system integrity, a report to the Department shall be made outlining the details of the emergency condition requiring the replacement and the steps taken for its 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.

2. The Department will use its enforcement discretion when evaluating violations that result from operating a Certified Facility under emergency conditions. During and after the emergency conditions, the Licensee must use due diligence to bring the facility back into compliance as soon as possible. In addition, the Licensee must use its best efforts and best management practices to minimize adverse environmental impacts. The Licensee shall notify the SCO and the SED when the emergency condition has ended. Furthermore, the Licensee must include all monitoring data, which would otherwise be required under normal operating circumstances, recorded during emergency conditions when submitting reports as required by these conditions. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 403.511, F.S.]

II. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System:

All access modifications to State roadway facilities will be subject to the access management standards pursuant to Rule Chapter 14-97, Access Management Classification and Standards, Florida Administrative Code, in accordance with Sections 334.044(2) and 335.182 to 335.188, Florida Statutes.

[Sections 334.044(10)(a), 335.182 - 335.188, F.S.; FPL Stipulation -6/25/13]

B. Overweight or Overdimensional Loads:

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

[Chapter 316, F.S.; Chapter 14-26, F.A.C.; FPL Stipulation -6/25/13]

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

All usage of State of Florida right of way or transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001);

[Sections 337.403 and 337.404, F.S.; Rules 14-15 and 14-46, F.A.C.; FPL Stipulation -6/25/13]

D. Standards:

The US Federal Highway Administration's 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; Florida Department of Transportation's Plans Preparation Manual; and pertinent sections of the Department of Transportation's Project Development and Environment Manual will be adhered to in all circumstances involving the State Highway System and other State owned transportation facilities.

[Rule 14-15, F.A.C.; FPL Stipulation -6/25/13]

E. Drainage:

Any drainage onto State of Florida right of way and transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-86, Drainage Connections, F.A.C.

[Chapter 14-86, F.A.C.; FPL Stipulation -6/25/13]

F. Use of Air Space:

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

from the Florida Department of Transportation as a post-certification submittal under Condition of Certification XIX 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 as a post-certification submittal under Condition of Certification XIX.

G. Specific

1. All work within, and materials, and equipment used on FDOT right-of-way shall be subject to inspection and review by FDOT as a post-certification submittal.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

2. A project schedule shall be provided prior to beginning construction of the project and updates shall be provided on a routine basis and shall be provided to FDOT 48 hours prior to the beginning of all construction events within FDOT right-of-way. Separate schedules may be submitted for segments or portions of the certified facilities.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

3. The construction and maintenance of the project shall not interfere with the property and rights of a prior FDOT Permittee, easement holder, or subordinated interest.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

4. All review/approval is for permissive use only and shall not operate to create or vest any property right in FPL.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

5. In the event a FDOT project requires adjustment of the facilities installed within FDOT right-of-way as part of the project and the work is scheduled to be done simultaneously with the FDOT's construction work, FPL will coordinate with the FDOT before proceeding and shall cooperate with the FDOT's contractor to arrange the sequence of work so as not to delay the work of the FDOT's contractor, defend any legal claims of the FDOT's contractor due to delays caused by FPL's failure to comply with the approved schedule, and shall comply with all provisions of the law and the FDOT's current UAM. FPL shall not be responsible for delay beyond its control.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

6. The rights and privileges to place portions of the certified transmission line facility within FDOT right-of-way herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by FPL, and FPL will, at all times, and to the extent permitted by law, assume all risk of and indemnify, defend, and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense

arising in any manner on account of the exercise or attempted exercises by FPL of the aforesaid rights and privileges.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

7. During construction, all safety regulations of the FDOT related to connections to the state highway system shall be observed and FPL must take measures, including placing and the display of safety devices that may be necessary in order to safely conduct the public through the project area in accordance with the Federal MUTCD, as amended by the UAM. At least 90 days prior to commencement of construction, FPL shall submit to DEP and DOT as a post-certification submittal pursuant to General Condition XIX a traffic control plan for handling construction-related traffic on state roads in compliance with the requirements and standards of Chapter 14-96, F.A.C.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

8. Should FPL be desirous of keeping its utilities in place and out of service, FPL, acknowledges its present and continuing ownership of its utilities located between and within the FDOT's right-of-way as set forth above. Whenever FPL removes its facilities, it shall be at FPL's sole cost and expense. FPL, at its sole expense, shall promptly remove said out of service utilities located within FDOT right-of-way whenever the FDOT determines said removal is in the public interest.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

9. In the event substances or material suspected of being hazardous waste, asbestos, oil of any kind or in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas, is encountered by FPL or its contractors within the construction limits in FDOT right-of-way, FPL shall immediately cease work and notify the FDOT. The FDOT shall notify FPL of any suspension of work to allow contamination assessment and remediation. Said suspension or revocation shall remain in effect until otherwise notified by FDOT.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

10. For any excavation, construction, maintenance, or support activities performed by or on behalf of the FDOT, within its right of way, FPL may be required by the FDOT or its agents to perform the following activities with respect to FPL facilities: physically expose or direct exposure of underground facilities, provide any necessary support to facilities and/or cover, de-energize or alter aerial facilities as deemed necessary for protection and safety.

[Utility Accommodation Manual; Rule 14-46, F.A.C.; FPL Stipulation -6/25/13]

11. Pursuant to Section 337.401(2), Florida Statutes, FPL shall be responsible for damage resulting from or in connection with FPL's use of FDOT's right-of-way or airspace. The FDOT may initiate proceedings as provided in Section 120.69, Florida Statutes, to enforce provisions of this condition or any rule or order issued or entered into pursuant thereto.

[Sections 120.69 and 337.401(2), F.S.; FPL Stipulation -6/25/13]

12. Pursuant to Section 337.402, Florida Statutes, when any public road or publicly owned rail corridor is damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road or publicly owned rail corridor, the owner of the utility shall, at his or her own expense, restore the road or publicly owned rail corridor to its original condition before such damage. If the owner fails to make such restoration, the authority is authorized to do so and charge the cost thereof against the owner under the provisions of Section 337.404, Florida Statutes.

[Section 337.402, F.S.; FPL Stipulation -6/25/13]

13. FPL shall comply with all provisions of Chapter 556, Florida Statutes, Underground Facilities Damage Prevention and Safety Act.

[Chapter 556, F.S.; FPL Stipulation -6/25/13]

14. The proposed FPL transmission line corridors will intersect and/or be co-located adjacent to facilities identified as part of the Florida Intrastate Highway System (FIHS), Strategic Intermodal System's (SIS), and State Highway System (SHS) facilities. The placement of the transmission line should take into consideration the planned widening of these facilities, including but not limited to US1, as outlined in the most recent versions of the FDOT Work Program and Miami-Dade MPO's Long Range Transportation Plan. The cost of removal, relocating, or reconstructing Project facilities within FDOT facilities will be borne by the Licensee to the extent required by Section 337.403, Florida Statutes, Rule Chapter 14-46, Florida Administrative Code and the UAM. The provisions of Section 337.403 and 337.404, Florida Statutes, apply to the transmission lines.

[Sections 337.403 and 337.404, F.S.; Rules 14-15 and 14-46, F.A.C.; FPL Stipulation – 6/25/13]

III. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed-Species Conditions

The following table (Table 2) contains state and federally listed species that occur in the State of Florida and are likely to occur within the transmission line corridor and associated facilities. The table contains species that are potentially impacted by the activities proposed within the corridor. Therefore, these conditions of certification apply to the species listed in this table that are found within the transmission line corridors and associated facilities. Listed Species Occurring or Potentially Occurring in the transmission line corridors and associated facilities as of June 2011[1]:

Table 2. State and Federally Listed Species in Florida

Common Name	Scientific Name	Fl status	Fed status
American alligator	*Alligator mississippiensis*	SSC	T*
American crocodile	*Crocodylus acutus*	E	T

[1] Species' legal statuses are subject to change. Recent changes to 68A-27, Florida Administrative Code (F.A.C.) make it likely that statuses of species listed may change before the Licensee commences work. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

American oystercatcher	*Haematopus palliates*	SSC	
Bald eagle	*Haliaeetus leucocephalus*	***	***
Black skimmer	*Rhynchops niger*	SSC	
Brown pelican	*Pelecanus occidentalis carolinensis*	SSC	
Burrowing owl	*Athene cunicularia*	SSC	
Cape Sable seaside sparrow	*Ammodramus maritimus mirabilis*	E	E
Eastern indigo snake	*Drymarchon couperi*	T	T
Everglades mink	*Mustela vison evergladensis*	T	
Florida bonneted (mastiff) bat	*Eumops glaucinus floridanus*	E	
Florida black bear	*Ursus americanus floridanus*	T**	
Florida mouse	*Podomys floridanus*		
Florida Panther	*Puma concolor coryi*	E	E
Florida pine snake	*Pituophis melanoleucus mugitus*	SSC	
Florida sandhill crane	*Grus canadensis pratensis*	T	
Gopher frog	*Lithobates capito*	SSC	
Gopher tortoise	*Gopherus polyphemus*	T	
Least tern	*Sterna antillarum*	T	
Little blue heron	*Egretta caerulea*	SSC	
Limpkin	*Aramus guarauna*	SSC	
Piping plover	*Charadrius melodus*	T	T
Reddish egret	*Egretta rufescens*	SSC	
Rim rock crown snake	*Tantilla ooliticus*	T	
Roseate spoonbill	*Platalea ajaja*	SSC	
Everglades snail kite	*Rostrhamus sociabilis plumbeus*	E	E
Snowy egret	*Egretta thula*	SSC	
Southeastern American kestrel	*Falco sparverius paulus*	T	
Tricolored heron	*Egretta tricolor*	SSC	
West Indian manatee	*Trichechus manatus latirostris*	E	E
White-crowned pigeon	*Patagioenas leucocephala*	T	
White ibis	*Eudocimus albus*	SSC	
Wood stork	*Mycteria Americana*	E	E

SSC = Species of Special Concern; E = Endangered; T = Threatened
* Due to similarity to another federally threatened species
** Except in Baker and Columbia counties or in Apalachicola National Forest
*** While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Chapter 68A-27, Florida Administrative Code (F.A.C.)]

B. General Listed Species Survey

1. Prior to conducting detailed surveys, the Licensee shall coordinate with the Florida Fish and Wildlife Conservation Commission (FWC) to obtain the current listed species (in accordance with Article IV, Section 9 of the Florida Constitution and Rule 68A-27,

F.A.C.) and follow the current survey protocols for these listed species that may occur within the transmission line ROW, and implement appropriate buffers as defined by the listed species' survey protocols.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys shall be provided to FWC in a report, and coordination shall occur with the FWC on appropriate impact mitigation methodologies.

[Article IV, Sec. 9, *Fla. Const; Section* 379.2291, *F.S., Sections 403.507 and 403.5113(2), F.S., and Chapter 68A-27, Florida Administrative Code (F.A.C.).*

C. Specific Listed Species Surveys

Before land clearing and construction activities within a transmission line right-of-way occur, the Licensee shall conduct an assessment for listed species which shall note all habitat, occurrence or evidence of listed species. Listed species to be included in this survey shall include the bald eagle and those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS). Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC or USFWS. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and FWC post certification review.

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

2. This survey shall identify any wading bird colonies within the project that may be affected.

3. This survey shall identify locations of breeding sites, 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 any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

4. 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) including a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way prior to land clearing and construction activities using GIS.

[Article IV, Sec. 9, Fla. Const; Sections 379.2291, 403.526 and 403.5317, F.S); and Chapters 68A-27, 68A-4, 68A-16, F.A.C.]

D. Listed Species Locations

Where any suitable habitat or evidence is found of the presence of listed species within the right-of-way, the Licensee shall report those locations to, and confer with, the appropriate regulatory agencies for possible additional pre-clearing surveys, including those specified in E-N below, 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 anticipated date for the start of construction within a certified transmission corridor. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved as follows:

1. Listed Wildlife Species:

If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office(s), the FWC, the appropriate WMD, the appropriate local government(s), the USFWS, and the National Park Service as appropriate.

2. Species Management Plan:

If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species involved to avoid, minimize, mitigate, or otherwise appropriately address potential impacts. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Const; Sections 379.2291, 403.526 and 403.5113(2), F.S.; and Chapter 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (revised April 2013) and the FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development". Surveys must be conducted within 90 days prior to a post-certification submittal of the online gopher tortoise relocation permit application (Temporary Exclusion Permit) to the FWC, as described in E.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The results of the gopher tortoise surveys shall be provided to the appropriate land management state agency for portions of the transmission lines that cross state-owned lands, for informational purposes.

2. FWC is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of

such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation permit application (as required by a Temporary Exclusion Permit) in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species.

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

[Article IV, Sec. 9. *Fla. Const.; Section 403.526. FS. and Rule 62-17.660. F.A.C.; Section* 379.2291. *F.S.; Chapter 68A-27. F.A.C.]*

F. Wood Stork Wading Bird Colonies

In order to identify the baseline conditions which may indicate the potential for impacts to wood storks and other wading birds, and to help quantify potential mitigation for such impacts, FPL will perform the following pre- and post-construction studies:

1. Pre-construction follow flight surveys shall be conducted during nesting for the currently known wood stork colonies along Tamiami Trail (East 1, East 2, and West) and the 3B Mud East Colony using fixed wing aircraft. The follow flight surveys shall be conducted both prior to and during the fledging period. The surveys would ascertain flight line corridors for the wood storks in terms of direction, numbers of birds, and altitudes. These data would be compared to existing data for the Tamiami Trail and 3B-Mud East colonies collected to date. The survey design shall be submitted to FWC for review prior to implementation.

2. A post-certification, pre-clearing aerial survey shall be conducted via fixed wing or rotary wing aircraft, between the months of December and May, once it is confirmed by FWC, USFWS or SFWMD that wading birds are nesting in the area of the proposed transmission line right-of-way. The surveys shall employ a series of two transects, along each side of the right-of-way. To minimize disturbance to the colonies, the flight(s) shall be conducted at altitudes no less than 300 feet.

a. This survey shall identify any wood stork/wading bird colonies in addition to any found from agency records that may be affected within one-half mile of the project ROW.

b. Center locations of all wood stork and wading bird colonies shall be delineated with a Wide Area Augmentation System (WAAS) enabled Global Positioning System (GPS) unit.

c. All wood stork and wading bird colonies shall be ground inspected, as aerial identification of intermediate-sized and dark-plumaged wading birds (little blue heron, tricolored heron, glossy ibis) is difficult at best and because they tend to nest below the vegetation canopy, making species identification all but impossible. To avoid flushing birds from their nests, identification of species shall be made using binoculars and surveys shall follow the protocols in Rodgers and Smith (1995).

Reference: Rodgers, J.A., and H.T. Smith. 1995. Set-back distances to protect nesting bird colonies from human disturbance in Florida. *Conservation Biology 9:89-99.*

3. For the currently known wood stork colonies along Tamiami Trail (East 1, East 2, and West) and the 3B Mud East Colony, and for any newly identified wood stork colonies within one-half mile from the corridor as a result of the above-referenced, post-certification pre-clearing survey, FPL shall implement the following measures:

a. Flight Diverters - FPL will install spiral corkscrew design bird flight diverters (or other mutually agreeable design flight diverters) on the Overhead Ground Wires (OGW) of each transmission line from a point one-half mile south of the Tamiami Trail colonies to a point one half mile north of the 3B Mud East Colony, and between points one half mile in either direction from any newly identified colonies. The point one-half mile shall be identified from the actual colony boundary to adhere to the USFWS Wood Stork Guidelines for activities within the primary boundary. Flight diverters have been shown to reduce mortality and will be installed according to the manufacturers' instructions.

b. FPL will also install perch discouragers at transmission structure pole tops and arms to address risks from nest building and streamers (defecation) and reduce the exposure and potential risk of electrocutions.

c. Mitigation Effectiveness Study - FPL will fund a monitoring study during the first wood stork nesting season after construction along the marked stretch of the transmission lines near the currently known wood stork colonies, similar to the study performed by Frederick and Deng (1997) on the FPL Levee-Midway Transmission Line. The results will be used to determine effectiveness of wood storks (and other wading birds) in avoiding the new transmission line facilities, and especially if effectiveness of marked sections of lines is significantly different from unmarked lines.

Reference: Frederick, P. and Deng, J. 1997. Bird-Strike Mortality on the Everglades Section of the Levee-Midway Powerline. Florida Power & Light Co. 27 pp.

The surveys shall generally be performed as follows:

(1) Specific study protocols including mortality monitoring and sampling biases protocols will be developed in conjunction with FWC, USFWS, and SFWMD biologists using Avian Power Line Interaction Committee (APLIC) guidelines for mitigating bird collisions with power lines.

(2) Surveys will be conducted on a regular frequency sufficient to detect mortality, such as every other day, in the mornings and in the evenings.

(3) Any dead or injured birds found will be identified, located with GPS, and collected for necropsy (if dead).

(4) Surveys will be conducted along the marked stretch of transmission line right-of-way in 100m transects, with each transect separated by 100m.

Transects shall be centered on any observed flight lines as identified in the pre-construction follow-flight surveys. Transect width shall include the right of- way width and any visible dimension on either side.

(5) Observations of flight behavior of any birds crossing the lines will also be recorded. A protocol for visual observations similar to the Frederick and Deng studies will be developed.

d. Post-survey Review - After the Mitigation Effectiveness Study has been conducted, the results will be presented to FWC. If mortality to wood storks reasonably related to collisions with the transmission lines is documented to impact the wood stork population and as determined by the USFWS Biological Opinion, FPL and the Study Investigator will meet with FWC to discuss the results of the Mitigation Effectiveness Study. The populations considered in determining impacts will be the four colonies (Tamiami East I, East 2, and West, and the 3B Mud East) and other colonies formed within one-half mile of the transmission right-of-way, based on the SFWMD's annual wading bird survey that year. If in the judgment of the FWC the wood stork population of the four colonies that year was not within "ten-year average" ranges, FPL may be required to resurvey the right-of-way in that vicinity during an additional nesting season. If the post-survey review shows that mortality to wood storks within the colonies due to collision with the transmission lines exceeds that portion of the colonies' population that is allowed by the USFWS Biological Opinion, additional mitigation measures such as, but not limited to, different configurations or greater density of flight diverters, or additional monitoring, or a combination may be required by FWC.

[Article IV, Sec. 9*, Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Section* 379.2291*, F.S.; Chapter 68A-27, F.A.C. and Rule 68A-16.001, F.A.C.]*

G. Everglades Snail Kite

1. A survey (USFWS South Florida Ecological Services Office Draft Snail Kite Survey Protocol, May 18, 2004) is necessary when the project site is within the snail kite consultation area and suitable habitat is present. The following criteria can be used to judge the adequacy of the habitat for snail kites.

- Appropriate foraging habitat present [paspalidum (*Paspalidium geminatum*), spikerushes (*Eleocharis spp*.), panicum (*Panicum spp*.), or beakrushes *(Rhynchospora spp.*)].
- Perching and/or nesting substrate present, i.e., [willows (*Salix caroliniana*), melaleuca (*Melaleuca quinquenervia*), or pond cypress (*Taxodium ascendens*)]; or [sawgrass (*Cladium jamaicense*), cattail *(Typha spp*.), giant bullrush (*Scirpus validus*), or reed (*Phragmites australis*)], respectively.
- Appropriate water depth (0.2-1.3 m deep) under nesting substrate.
- Nesting substrate an adequate distance (>150 m) from upland.
- Proximity of nearest wading bird colony.

2. If suitable habitat is present or snail kites are reported on the transmission line right-of-way, the following survey procedures shall be used to document their occurrence. To maximize the chances of finding snail kites the survey shall be conducted in January to May during the breeding season. A visual survey of suitable habitat shall be made for birds and nests.

A boat may be needed for the survey as the best nesting habitat may be a considerable distance (> 150 m) from uplands. Check small trees, such as, willow, melaleuca, and pond cypress along the open water edge for nests or perching birds. If snail kites are observed, then nests can be located through the bird's behavior. When flushed from a nest the adult tends to circle upward, whereas non-nesting birds that are flushed fly more horizontally away from the disturbance (Bennetts et al. 1988). Nests also can be found by following kites carrying sticks, adults carrying apple snails, aerial courtship displays, vocalizations of adults or begging calls of the young, and through a thorough search of areas where adults are repeatedly observed (Bennetts et al. 1988).

3. In the event that surveys determine that a project transmission line has the potential to impact snail kites, the following measures shall be used to minimize and mitigate for these impacts.

- FPL and FWC will meet to discuss the specific issues and mitigation alternatives.
- FPL will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COCs or federal permit conditions.
- FPL will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.
- Corrective action alternatives will be determined and implemented if necessary.

Reference: Bennetts, R.E., M.W. Collopy, and S.R. Beissinger. 1988. Nesting ecology of Snail Kites in Water Conservation Area 3A. Department of Wildlife and Range Science, University of Florida, Gainesville. Florida Cooperative Fish and Wildlife Research Unit, Technical Report No. 31, 174 p.

[Article IV, Sec. 9*, Fla. Const., Section 403.526, F.S., Rule 62-17.660, F.A.C., Section 379.2291, F.S., and Chapter 68A-27 F.A.C.]*

H. Bald Eagle

1. The Licensee shall avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If construction activities cannot be avoided within a 660-foot nest buffer zone, construction activities shall be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC-approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts shall be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October I or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities shall be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season shall be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or subsequent USFWS-approved versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit shall be obtained from the

FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan shall be followed, as applicable.

[Article IV, Sec. 9, *Fla. Const.; Section 403.526, F.S., and Rule* 62-17.191, *F.A.C.; Chapter 68A-27, F.A.C., and Rule 68A-16.002, F.A.C.]*

I. Southeastern American Kestrels

The Licensee shall coordinate with the FWC prior to conducting surveys for Southeastern American kestrels *(Falco sparverius paulus)* to ensure that surveys are in accordance with the FWC-approved protocol.

1. The Licensee shall provide the FWC with the Southeastern American kestrel survey results and identify where impacts to kestrels cannot be avoided.

2. The Licensee shall mitigate loss of kestrel nest trees by placing approved nest boxes in appropriate habitat along the transmission line right-of-way where feasible, practical, and where landowner consent can be obtained, and shall follow the FWC-approved protocol for construction and installation of nest boxes.

3. The Licensee shall coordinate all nest box installation with the FWC.

[Article IV, Sec. 9, Fla. Const., Section 403.526, F.S. , Rule 62-17.660, F.A.C., Section 379.2291, F.s., and Chapter 68A-27 F.A.C.]

J. Florida Panther

The Licensee shall take proper precautions during clearing and construction to protect panthers from accidental injury due to conditions on the transmission right-of-way during construction.

1. Construction policies and practices identified by the FWC to protect panthers shall be used whenever feasible. These include:

- Limit speeds on transmission patrol roads to 45 mph or less and adjust transmission patrol road trucking activities and material delivery schedule within the panther consultation area to reduce speeds in wooded zones, at dawn and dusk.
- Conduct frequent and unannounced site inspections to monitor for compliance with the above.

2. FPL shall report any panther observations (dead or alive) by employees or contractors within 24 hours to the FWC after verification by a qualified expert.

[Article IV, Sec. 9, Fla. Const.; Section 403.526 and F.S., Rule 62-17.660, F.A.C.; Chapter 68A-27, F.A.C.]

K. Florida Black Bear

The Licensee shall take proper precautions during clearing and construction to protect black bears from accidental injury due to conditions on site during construction.

1. If there is any chance that food waste will be stored on or near the site at any time, bear-resistant garbage containers or dumpsters shall be used.

2. Additional construction policies and practices to protect bears shall be used whenever feasible. These include:

- Prohibit clearing, blasting and burning of forested habitat during the December-March denning season for bears while in a primary or secondary bear range.
- Require clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse; require frequent trash removal and the use of proper food storage and removal on work sites.
- Adjust trucking activities and material delivery schedule to mandate slower speed in wooded zones, at dawn and dusk, and during the June and July breeding season for bears.
- Conduct frequent and unannounced site inspections to monitor for compliance with the above.
- FPL personnel or contractors will also report any black bear observations (dead or alive) within 24 hours to the FWC.

[Article IV, Sec. 9, Fla. Const.; Section 403.526, F.S., Section 403.5317, F.S., and Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C.]

L. Everglades Mink

1. A survey by an experienced biologist (individual or firm with documented experience with this species or with mustelids) shall be conducted in areas where suitable potential habitat exists in the transmission line right-of-way, prior to the initiation of construction activity, to help determine whether any mink are present in the right-of-way, and if any den areas may be present. To the extent practicable, the survey shall be done during the mink mating season, which extends from September through November. Although chalkdusted trackboards and anal scent attractant has proven effective in detecting the Everglades mink (Humphrey and Zinn 1982), camera traps are another option, and are current! y being tested as an alternate survey method in the Fakahatchee Strand (David Shindle, The Conservancy of Southwest Florida, pers. comm.)

References: Humphrey, S.R. and T.R. Zinno 1982. Seasonal habitat use by river otters and Everglades mink in Florida. Journal of Wildlife Management 46:375- 381.

2. In the event that surveys determine that a project transmission line has the potential to impact Everglades Mink on the transmission line right-of-way, the following measures shall be used to minimize and mitigate for these impacts.

- FPL and FWC will meet to discuss the specific issues and mitigation alternatives.
- FPL will then provide a detailed mitigation plan to address the specific impacts, which must be reviewed and approved by FWC, and be consistent with all other COCs or federal permit conditions.

- FPL will provide a monitoring report after a designated period to document effectiveness of the mitigation plan.
- Corrective action alternatives will be determined and implemented if necessary.

[Article IV, Sec. 9, *Fla. Const.; Section 403.526, F.S., and Rule 62-17.660, F.A.C.; Section 379.2291, F.S.; Chapter 68A-27, F.A.C.]*

M. Florida Manatee

With respect to construction, maintenance and operation of the project transmission lines:

1. The Standard Manatee Conditions for In-Water Work (revision 2012) shall be followed for all in-water activity located where waters are accessible to manatees. These are listed in Attachment F. Blasting as a dredge method shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to the Imperiled Species Management Section of the FWC for post-certification review prior to these methodologies being used.

2. At least 60 days prior to the beginning of in-water construction located where waters are accessible to manatees, the Licensee shall contact the FWC to determine whether observers shall be required, how many observers will be needed and who those observers will be. If observers are recommended, manatee observers must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset. Following project completion, a report summarizing manatee sightings, collisions or injuries shall be prepared by FPL and this report shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at imperiledspecies@myfwc.com

3. If a cofferdam is used during in-water construction to minimize release of sediment, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

[Article IV, Sec. 9, *Fla. Const.; Section 403,526, F.S., Section 403.5317, F.S., and Rule 62-17.660, F.A.C.; Sections 379.2291 and 379.2431, F.S.; and Chapter 68A-27, F.A.C.]*

N Avian Protection Plan

The Licensee shall coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with transmission lines associated with the project with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website. http://www.fws.gov/rnigratorybirdS/CurrentBirdlssuesIHazards/APP/ A VIAN%20PROTECTION%20PLAN%20FINAL %204%2019%2005 .pdf

[Article IV. Sec. 9. Fla. Const.; Section 403.526, F.S., Rule 62-17.660. F.A.C., Section 379.2291. F.S.; Chapter 68A-27. F.A.C. and Rule 68A-16.001, F.A.C.]

IV. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. Except to the extent already completed, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with DHR. A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Area. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance. If avoidance of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts or features are discovered at any time within the Certified Area, the Licensee shall notify the SED and DHR, R.A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 487-6333, and Miami Dade County Office of Historic Preservation (at 305-375-4958) and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.; FPL/MDC Stipulation – 6/19/13]

V. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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

[Chapter 487, F.S.]

VI. SOUTH FLORIDA WATER MANAGEMENT DISTRICT

A. General

For purposes of these conditions of certification, "SFWMD real property interests" is defined as SFWMD rights-of-way, Works of the District, and any property interest evidenced by being recorded in the public records.

1. "Licensee" as used herein includes Licensee's employees, contractors, subcontractors, invitees, authorized representatives, affiliates, parent, subsidiaries, and/or anyone acting on Licensee's behalf.

2. If this Certification is transferred from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.

[Sections 373.044, 373.085, 373.223, 373.342, and 373.413, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.38l, 40E-3.101(1), and 40E-6.351, F.A.C.]

3. This project must be constructed, operated, and maintained in compliance with and meet all non-procedural requirements and criteria set forth in Chapter 373, F.S., and

Chapters 40E-2 (Consumptive Use), 40E-6 (Works or Lands of the District), and 40E-20 (General Water Use Permits), F.A.C.

4. It is the responsibility of the Licensee to avoid or minimize and mitigate any impacts to the water resources during the construction, operation, and maintenance of the project in accordance with these conditions of certification.

[Chapter 373, F.S.; Rules 40E-2.09l, 40E-2.38l, and 40E-6, F.A.C.]

5. The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

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

6. Information submitted to SFWMD subsequent to Certification, in compliance with these Conditions of Certification, shall be for the purpose of SFWMD determining the Licensee's compliance with the non-procedural criteria contained in Chapter 373, F.S., Chapters 40E-2, 40E-6, and 40E-20, F.A.C., as applicable prior to the commencement of the subject construction, operation, and/or maintenance activity covered by these Conditions of Certification.

[Rule 62-17.191, F.A.C.]

7. SFWMD may confer with DEP to request that DEP take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of SFWMD.

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

8. It is understood that the Licensee and SFWMD shall strive to resolve disputes by mutual agreement. However, SFWMD retains its right to seek any and all available relief under Florida law for the protection of the health, safety, and welfare of persons and property within its jurisdictional boundaries.

[Sections 373.044, 373.085, 373.113, 373.129, 373.413 and 373.429, F.S.; Rules 40E-1.601, 40E-4.331, 40E-6.331, and 40E-6.341, F.A.C.]

9. With concurrence from DEP, SFWMD and the Licensee may jointly agree to vary the informational requirements.

[Sections 373.085 and 373.229, F.S.; Rules 40E-2.101(1) and 40E-6.101(1), F.A.C.]

10. Licensee shall maintain the status (exempt from public disclosure) in a confidential manner of any documents received from SFWMD, including communications systems and building plans, blueprints, schematic drawings, and diagrams, in preliminary draft and final formats, which depict the internal layout and structural elements of a building or water structure, or other SFWMD facility, owned and operated by SFWMD, which are exempt from the Public Records law, unless required to disclose such documents pursuant to Section 119.071(3)(b)3., F.S., as also agreed to in an executed Confidentiality Agreement, the form of which shall be the same as Attachment V. All such documents exempt from public disclosure shall be listed as an exhibit to the Confidentiality Agreement and clearly marked as "EXEMPT" by SFWMD before delivery to Licensee.

11. Indemnification / Insurance

Licensee shall also be responsible for the following:

a. For good and valuable consideration received, and to the fullest extent permitted by law, Licensee agrees to defend, indemnify, and hold harmless SFWMD, its Board members, Directors, employees, and agents (collectively, the "Indemnified Parties") from and against any and all claims, suits, loss, including, but not limited to, bodily injury, death, and property damage and all other damage, including reasonable attorneys' fees and costs, sustained by the SFWMD Entities to the extent caused by or arising from Licensee's and its agents' (which includes Licensee's officers, employees, contractors, subcontractors, agents, representatives, and invitees) planning, engineering, design, construction, alteration, operation, maintenance, removal, abandonment of facilities on, activities upon and access over SFWMD real property interests or activities undertaken under this Certification (including post certification reviews, amendments or modifications, collectively the "Certification") unless Licensee can establish that the damages were attributable solely to the negligent or willful actions of one or more Indemnified Parties or third parties other than Licensee and its agents. SFWMD shall have the right to approve, in SFWMD's reasonable discretion, Licensee's legal counsel in connection with this indemnity.

b. Licensee shall obtain and maintain in full force through self-insurance and independent insurance as further set forth herein during the period that the Licensee or its agents access SFWMD real property interests, undertake activities under this Certification, and six months thereafter. Such coverage shall include but not be less than:

i Licensee shall certify to SFWMD initially, and in subsequent years, in the form of an affidavit or letter (Attachment T) that Licensee is self-insured up to $3,000,000 for commercial general liability insurance coverage as set forth in subsection (ii) below, and shall provide an additional $7,000,000 in commercial general liability insurance coverage as set forth in subsection (ii) below by independent insurance for a total of $10,000,000 coverage per occurrence and in the aggregate, and worker's compensation insurance coverage as set forth in subsection (iii) below. Licensee shall submit to SFWMD an audited financial statement to support its affidavit or letter of self-insurance and certificate as evidence of Licensee's financial ability to comply with the conditions stated herein. In the event that audited financial statement discloses Licensee's financial inability to comply with such conditions, SFWMD may require independent insurance coverage in lieu of the coverage described herein.

ii Commercial General Liability Insurance against claims for bodily injury, death, or property damage arising out of or in any way related to or resulting from Licensee or its agents (including, but not limited to, its contractors, subcontractors, agents, representatives, and invitees) access over or adjacent to SFWMD right-of-way, Works of the District or real property interests recorded in the public records, interference with SFWMD communication systems, or activities undertaken under this Certification, including planning, engineering, design, construction, operation, and maintenance of facilities, endorsed to include premises-operations, completed operations-products, independent contractors, pollution, explosion, collapse and underground property damage hazards, liability imposed under the terms and conditions of this Certification (including covering Licensee's indemnity obligations), broad form property damage, and fire liability coverage with a combined single limit of $10,000,000 per occurrence and $10,000,000 in the aggregate. Licensee may self-insure the first $3,000,000 of coverage, provided that Licensee assumes the defense obligations of the insurer providing insurance pursuant to this paragraph for all lawsuits or claims against SFWMD. This obligation

to defend SFWMD and its agents shall begin immediately upon the filing of any lawsuit or claim that would be defended by the insurance required hereunder and continue until such time as the self-insured retention has been met or the insurance required hereunder provides a defense to SFWMD and its agents.

iii. Workers compensation insurance covering all persons employed by Licensee or its contractors in accordance with statutory benefits. Licensee may self-insure the coverage as it is a qualified self-insurer in the state of Florida in accordance with applicable law.

c. Independent insurance shall be written by companies reasonably acceptable to SFWMD. The Commercial General Liability Policy shall name SFWMD and its agents as additional insureds and shall include a waiver of subrogation in favor of SFWMD and its agents. All insurance, including self-insurance, shall be primary to any liability or property insurance or self-insurance carried by the SFWMD or its agents and shall also provide that any loss otherwise payable shall be payable not withstanding any act or omission of SFWMD or its agents which might, absent such provision, result in a forfeiture of all or a part of such insurance payment. Licensee shall furnish to SFWMD Certificates of Insurance (or certified copies of all insurance coverage, if requested) prior to Licensee entry upon SFWMD real property interests.

d. All insurance coverage required by or provided to Licensee by its agents engaged by Licensee under this Certification shall be extended to the SFWMD and its agents with the same protection and insurance coverages required by and afforded to Licensee. Licensee shall require that its agents include SFWMD and its agents as additional insureds on all such insurance. Licensee shall furnish to SFWMD Certificates of Insurance (or certified copies of all insurance coverage, if requested) of its agents prior to Licensee's agents entry upon SFWMD real property interests.

e. Any insurance provided by Licensee and its agents naming SFWMD and its agents as an additional insured, including self-insurance, shall respond first and defend and indemnify SFWMD and its agents with respect to any and all claims or suits arising out of Licensee's or its agents access over or adjacent to SFWMD right-of-way, Works of the District or real property interests recorded in the public records, interference with SFWMD communication systems, or activities undertaken under this Certification, including design, construction, operation, and maintenance of facilities. If and only if such insurance does not apply or is otherwise not available with respect to a particular matter, the indemnity provisions in the first paragraph of this section will apply.

f. It is expressly agreed that this Section shall survive the termination or expiration of this Certification.

[Sections 373.016, 373.085(1)(b), and 373.1391, F.S and Rules 40E-6.051(3), 40E-6.381(6), 40E-6.221(2)(i), 62-17.133(3), F.A.C.]

12. Consistency with SFWMD Existing and Planned Projects

a. During the planning and design of the certified transmission lines and prior to the final design of the transmission lines right-of-way to be located on SFWMD real property interests, Licensee shall coordinate with SFWMD to obtain SFWMD's plans including detailed design plans and specifications for any existing SFWMD project and the latest detailed information available for planned projects, including but not limited to ecosystem restoration projects, and shall coordinate all Licensee's project activities with SFWMD in such a manner as to avoid inconsistencies with SFWMD existing or planned projects. "Planned project" shall mean any project or facility of SFWMD for which SFWMD is authorized to be a non-federal

sponsor that is 1) in the construction phase, 2) in the final construction design phase with approved funding for design, or 3) is a CERP project component as defined in Sec. 373.1501(1)(g), F.S., and as listed in Attachment R-a. Attachment R-a can be amended by SFWMD, to the extent that any new planned projects meet the definition in Condition VI.A.12.a.(1) and (2) above, upon consultation with Licensee.

b. No later than thirty (30) days after receipt of Licensee's post-certification submittal of the proposed transmission line right-of-way location as required by DEP Condition XIX, SFWMD will submit to Licensee any SFWMD plans for existing or planned projects.

c. To the extent practicable, Licensee will undertake its preliminary design of the certified transmission facilities to be located on SFWMD real property interests to accommodate and avoid inconsistencies with SFWMD existing and planned projects.

d. At the time of design of the certified transmission facilities, Licensee shall submit to SFWMD a preliminary design demonstrating compliance with paragraph 12(c) above, so that SFWMD can review this information. SFWMD must review Licensee's preliminary design within ninety (90) days following SFWMD receipt of Licensee's preliminary design. If SFWMD does not respond within ninety (90) days, Licensee can proceed with final design consistent with the submitted preliminary design. If SFWMD's review indicates an inconsistency exists, the parties will strive to achieve an agreeable solution in accordance with Condition VI.A.8. of these conditions of certification. Agreeable solutions may include Licensee's modification of Licensee facilities or if no practicable design alternatives can be identified, SFWMD may agree that its facilities can be modified. If SFWMD modifies its facilities as the agreeable solution, Licensee shall reimburse SFWMD for any and all costs, including direct and indirect (including overhead costs), incurred by SFWMD.

e. At least ninety (90) days prior to construction, Licensee shall submit to SFWMD a final design demonstrating compliance with its preliminary design and any agreeable solutions for design modifications identified pursuant to paragraph 12(d), so that SFWMD can review this information for consistency with SFWMD identified existing and planned projects. SFWMD must review Licensee's final design within ninety (90) days following SFWMD receipt of Licensee's final design. If SFWMD does not respond within ninety (90) days, Licensee can proceed with construction consistent with the submitted final design. If SFWMD's review indicates an inconsistency exists, the parties will strive to achieve an agreeable solution in accordance with Condition VI.A.8 of these conditions of certification. Agreeable solutions may include Licensee's modification of Licensee facilities or if no practicable design alternatives can be identified, SFWMD may agree that its facilities can be modified. If SFWMD modifies its facilities as the agreeable solution, Licensee shall reimburse SFWMD for any and all costs, including direct and indirect (including overhead costs), incurred by SFWMD.

f. If two (2) years elapse after Licensee submittal of its final design demonstrating compliance with paragraph 12(c) above without commencement of construction of Licensee's project, Licensee shall request a list of new or updated planned project information. If SFWMD provides a list of new or updated planned project information within thirty (30) days of Licensee's request, Licensee shall incorporate this new or updated information to achieve compliance with paragraph 12(c) above. In the event that new or updated information is provided by SFWMD to Licensee, the coordination process as described in paragraph 12(d) above shall be followed.

g. For the purpose of this condition, "inconsistency" shall mean any significant incompatibility, encroachment, or obstruction that hinders, compromises, or detrimentally affects SFWMD projects, scheduling, costs, goals, benefits, functions, operation, maintenance, repair, replacement, rehabilitation, performance, or life expectancy as defined in and hereto incorporated into the Conditions of Certification Attachment R-a (the list of SFWMD existing and planned projects), Attachment R-b (a map showing the SFWMD existing and planned projects Attachment R-a and the FPL Proposed Linear Facility Corridors) and Attachment R-c (a table explaining the projects listed in Attachment R-a.

[FPL Stipulation –6/20/13; Federal Water Resources Development Acts of 1992, 1996 and 2000, Sec. 601(b)(2)(C); 33 C.F.R. 208 and 385; Sections 373.1501 and 373.085(1)(b), F.S.; Rules 40E-6.011 (2) and 62-17.133(3), F.A.C.]

13. Reimbursements and Costs

In addition to any requirements specified elsewhere in these conditions, the Licensee shall also be responsible for the following:

a. Modifications to Licensee Project Facilities

Where the certified transmission line(s) will cross or use lands where SFWMD holds a real property interest, Licensee shall design any future modifications to its transmission line(s), including its structures and access roads, to avoid inconsistency with any SFWMD existing or planned project utilizing the process described in condition Condition VI.A.12. above. Licensee shall undertake at its own expense any necessary alterations to Licensee's project as a result of such inconsistencies as defined in condition VI.A.12.g.

b. Payment Timeliness and Other Remedies

Licensee shall make reimbursements within sixty (60) days following receipt of invoices submitted by SFWMD. Each invoice must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures. In the event a dispute arises as to the appropriateness of the request for reimbursement of one or more cost items, the dispute may be resolved pursuant to the dispute resolution process specified in Section A, Condition X. Dispute Resolution. However, this provision is not intended to be an exclusive remedy and does not preclude the exercise of any other rights and remedies available under law or equity. Reimbursement of a disputed cost shall be held in abeyance until the dispute is resolved.

[FPL Stipulation –6/20/13; Rules 40E-6.381(3),(4) and 62-17.133(3), F.A.C.]

14. Licensee Access to SFWMD Areas of Real Property Interest

a. For informational purposes and to the extent practicable, and subject to any easements or other agreements between Licensee and SFWMD, Licensee shall meet with SFWMD representatives no less than six (6) months prior to construction to identify all of Licensee's major construction activities on SFWMD real property interests. For the purpose of this condition, "major construction activities" shall mean mobilization, earthwork, construction, erection, installation or maintenance involving construction related to Licensee's project. Licensee shall also meet with SFWMD representatives no less than one (1) month prior to commencement of construction to coordinate with SFWMD Licensee's construction schedule and non-major activities on SFWMD real property interests. Licensee is encouraged to discuss coordination with SFWMD any minor activities that arise unexpectedly.

[FPL Stipulation –6/20/13; Rules 62-17.133(3), F.A.C.]

b. Licensee shall be responsible for any mitigation or permitting

arising from impacts to any state or federally listed threatened or endangered species where SFWMD holds a real property interest occurring from the construction, operation, or maintenance of the proposed transmission line facilities, in accordance with the terms and conditions of any local, state, or federal approvals, and all applicable regulatory laws, including, but not limited to the conditions in this Certification.

[FPL Stipulation –6/20/13; Sections 373.085 and 373.086, F.S; Rules 40E-6.221(2), 40E-6.091(1) and 62-17.133(3), F.A.C. and SFWMD Volume V, Permit Information Manual, Criteria Manual for Use of Works of the District, Section IX.S.]

c. Licensee, its agents, employees, contractors and subcontractors shall be prohibited from removing any items of historical, architectural, archaeological, or cultural significance on lands where SFWMD holds a real property interest.

[FPL Stipulation –6/20/13; Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.; 40E-6.311(3) and 62-17.133(3), F.A.C.]

d. For purposes of this Certification, "Pollutant" shall mean any hazardous or toxic substance, material, or waste of any kind or any contaminant, pollutant as defined by Rule 62-150 F.A.C., and 42 USC 9601 paragraph 4, in addition to petroleum, petroleum product, or petroleum by-product. "Release" shall mean the release, storage, use, handling, discharge or disposal of such Pollutants. Any release of Pollutants on District real property interests, whether caused by the Licensee or any other third party, shall be reported to the SFWMD within twenty-four (24) hours upon the knowledge thereof by the Licensee. The Licensee shall be solely responsible for the entire cost of cleanup of any release of Pollutants resulting from the activities of the Licensee, its contractors, subcontractors, agents, and/or assigns discovered in or on canals or lands where SFWMD holds a real property interest.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

e. SFWMD does not waive sovereign immunity in any respect.

[Rules Chapter 40E-6.091(1) and 40E-6.381(7), F.A.C.]

f. No vehicular maintenance or repair activities or substances or parts associated with the repair or maintenance of vehicles or equipment will take place, be used, stored or discarded within lands where SFWMD holds a real property interest nor shall these lands be used for storage or parking of equipment, associated machinery, or construction trailers unless specifically authorized by these Conditions of Certification.

[FPL Stipulation –6/20/13;40E-6.091(1), 40E-6.081(8), and 62-17.133(3), F.A.C.]

g. Licensee shall not stockpile excavated material in the canal or within lands where SFWMD has a real property interest, except as specifically authorized by SFWMD. Licensee shall be responsible for the removal of all construction materials and debris from SFWMD canal and right-of-way; and, for the repair, replacement, and restoration of any sections of SFWMD right-of-way damaged or disturbed resulting from the authorized activity. Repair, replacement and restoration shall be to pre-existing conditions or better using current SFWMD engineering standards provided by SFWMD as guidance (i.e., for backfill material, density/compaction, stabilization and maintainability). Site-specific engineering considerations and decisions shall be undertaken by the Professional Engineer in charge. Furthermore, such restoration, when required, shall include grading/re-shaping, seeding, re-sodding with bahia,

Argentine, or other species recognized by SFWMD as a drought tolerant species. Licensee is also responsible for removal of all excess project-related material from SFWMD rights-of-way, unless otherwise authorized in these conditions of certification.

[FPL Stipulation –6/20/13;40E-6.091(1), 40E-6.081(8), and 62-17.133(3), F.A.C.]

h. Licensee shall comply with the following concerning removal of exotic vegetation as listed in Table 3 below.

[FPL Stipulation –6/20/13;40E-6.091(1) and 62-17.133(3), F.A.C.; SFWMD Volume V, Permit Information Manual, Criteria Manual for Use of Works of the District, Section IX.S, p. 122.]

i. Licensee shall remove all exotic vegetation throughout the limits of the transmission line right-of-way from lands where SFWMD holds a real property interest and keep these lands free of said exotic vegetation throughout the life of the project.

ii Licensee is put on notice that successful removal of the exotic vegetation may require the application of a suitable herbicide on cut stumps, etc. by following manufacturer's label instructions.

iii. Licensee shall take all precautions to not damage or destroy existing native (indigenous) vegetation located within the SFWMD rights-of-way throughout the project limits.

iv. Licensee shall not remove, or treat with herbicide applications any mangrove or other native shoreline vegetation.

v. Licensee shall maintain the project area on a regular cycle basis and keep Licensee's rights of way free of excessive weeds and exotic vegetation.

Table 3. Exotic Vegetation to be Removed by Licensee.

Scientific Name	Common Name
Schinus terebinthifolius	Brazilian Pepper
Melaleuca quinquenervia	Melaleuca
Casuarina cunninghamiana	Australian Pine
Lygodium microphyllum	Old World Climbing Fern
Ardesia crenata	Ardesia
Psidium guajava	Guava

15. SFWMD Approval Limitations

No right of review, inspection, or approval by SFWMD under this Certification: 1) shall be deemed a waiver of any of SFWMD rights under the Certification or at law or in equity; 2) shall be deemed to be an assumption of such responsibility by SFWMD for any defect, error, omission; or 3) shall relieve Licensee of its responsibility for the performance of its obligations under the Certification and the accuracy, competency, adequacy, fitness, suitability, or coordination of its postcertification responsibilities and deliverables under this Certification. Approval by any governmental or other regulatory agency or other governing body, including DEP, shall not relieve Licensee of responsibility for the strict performance of its obligations under this Certification. Licensee expressly accepts the risk that defects in its performance, if

any, may not be discovered until after completion of the transmission line project for Turkey Point Units 6 and 7. Licensee's post-certification submittal may be submitted in segments and/or on a line-by-line basis. SFWMD's failure to timely object to a particular post-certification submittal for any particular segment or line does not waive SFWMD's right to object to the same information for another post-certification submittal.

[FPL Stipulation –6/20/13; Rule 40E-6.381, F.A.C.]

16. These conditions of certification shall not operate to revoke any rights, terms or conditions of any permit, license, easement, or other property interest, over SFWMD-owned lands, for the uses identified in those instruments.

B. Central and Southern Florida Project

1. Communication Systems

a. Licensee's project, as described in the Site Certification Application and in post-certification submittals, shall not result in harmful interference or other adverse impacts to the South Florida Water Management District Communication System and Facilities (WMDCSF). WMDCSF refers to the SFWMD Information Technology (IT) Systems and Supervisory Control and Data Acquisition (SCADA) systems necessary for the operations and maintenance of the SFWMD and C&SF Flood Control Project. The IT Systems are the collection of microwave sites, communications towers, antenna sub-systems, microwave radios, SCADA base stations, mobile radio base stations, multiplex electronics, data internet protocol (IP) electronics, direct current (DC) power systems, standby power systems, and shelters. The SCADA systems are the collection of base radios, remote terminal unit (RTU) radios, antenna sub-systems, antenna support pole, RTUs, data loggers, wireline communications, enclosures, sensors, and instrumentation. The SCADA systems include the central software applications that monitor, control, collect, and store data.

b. Prior to initiation of detailed design, Licensee shall request an updated list of WMDCSF identifying existing and planned communication facilities within 2,000 feet of the certified transmission line corridor. "Planned communication facilities" are those facilities that are either in the construction phase or in the final construction design phase with approved funding for design.

c. Licensee shall take the WMDCSF into consideration during its design to avoid harmful interference, as defined by the FCC, or adverse impacts to WMDCSF. Adverse impacts to WMDCSF shall be defined as any manifestation of performance degradation, misinterpretation, or loss of information beyond the range of normal variation in signal strength that would not otherwise happen in the absence of unwanted energy or physical obstructions.

d. The Consulting Engineer shall take the following WMDCSF technical specifications into consideration in the proposed transmission line design. Any proposed alternatives to these specifications shall be documented in the Preliminary Evaluation Report.

i. For maintenance of microwave communications performance and reliability purposes, the design for the electrical transmission lines shall be such that:

1) Electrical transmission line towers are not located within the 0.3F1 at K=2/3 and 1.0F1 at K=4/3 of a SFWMD microwave path (GTE Lenkurt Inc., "Engineering Considerations for Microwave Systems", Section 7, "Clearance Criteria").

2) Electrical transmission line conductors are not located within the first Fresnel zone of a SFWMD microwave path when the conductors are located within 2 kilometers of a microwave site (Seizawa, Y., Takeshita, K. Takeshita, S., "Influence of Microwave Scattering by Power Transmission Lines on Digital Radio Communications", IEEE Transactions on Electromagnetic Compatibility, Volume 31, No.4, pp 346-352, November 1989).

ii. For maintenance of land mobile radio voice communications base station and area coverage performance and reliability purposes, the design for the electrical transmission lines shall be such that the RF noise floor, in either clear or rainy conditions, attributable to the electrical transmission lines, is not sufficient to cause harmful interference or other harmful impacts to WMDCSF.

iii. For maintenance of SCADA telemetry communications performance and reliability purposes, the design for the electrical transmission lines shall be such that the RF noise floor, in either clear or rainy conditions, is increased to an amount that reduces the fade margin for SCADA base station and RTU fade margin to less than 30 dB for the primary communications path and 20 dB for the secondary communications path (SFWMD Design Standard). For SCADA systems that have fade margins less than the SFWMD Design Standard any reduction in fade margin shall be eliminated or mitigated.

e. Licensee, in consultation with SFWMD, shall identify and retain an independent Consulting Engineer(s) with demonstrated knowledge of and/or experience with RF and SCADA communications systems such as the WMDCSF for the purpose of conducting the evaluations, including modeling and measurements, required by these SFWMD Communications Conditions (collectively referred to as the "Evaluation Program"). Licensee shall be responsible for payment of fees charged by the Consulting Engineer(s).

f. The Consulting Engineer, in consultation with Licensee and SFWMD, shall develop a scope of work and schedule to accomplish the Evaluation Program. Licensee shall submit the proposed scope of work and schedule for the Evaluation Program, together with any revisions proposed by Licensee, to SFWMD as a post-certification submittal for review pursuant to DEP General Condition XIX. At a minimum, the scope shall include:

i. Identification of the location and characteristics of all existing and planned WMDCSF within 2,000 feet of the certified transmission line corridors that have the potential to experience harmful interference or other adverse impacts from the certified transmission facilities.

ii. Identification of the appropriate evaluation methodology to assess whether harmful interference or any other adverse impact to WMDCSF will occur due to Licensee's facilities.

iii. The Preliminary Evaluation, shall include:

1) Based on Licensee's preliminary design of its transmission line facilities, a modeling and analysis effort to determine the potential for transmission line harmful interference or adverse impacts to operation of the WMDCSF.

2) Field measurements, and review of SFWMD maintenance and performance records for the WMDCSF, to establish environmental baseline operability of the WMDCSF where the modeling and analysis in Section C.VI.B.1.f.iii.(1). above

show a potential for harmful interference or adverse impacts to operation of the WMDCSF, and ambient or preexisting electromagnetic and radio-interference conditions in the vicinity of the WMDCSF. The Baseline Testing shall be conducted during the wet season or during other times as agreed upon by SFWMD and Licensee for a period sufficient to capture significant weather events and establish signal strength profiles.

iv. A report that will communicate the findings of the Preliminary Evaluation, and identify specific potential interference issues that should be addressed in Licensee's final design of the transmission line facilities to avoid harmful interference or adverse impacts to WMDCSF.

v. Review of Final Transmission Line Design. The Consulting Engineer shall advise the Licensee and SFWMD of any potential harmful interference or adverse impact issues identified in the Preliminary Evaluation report that do not appear to have been addressed in the final transmission line design.

vi. Construction Acceptance Test Program shall include:

1) If construction is commenced more than two (2) years following field measurements under Section C.VI.B.1.f.iii.2. above, verification of baseline conditions and WMDCSF operability during the wet season immediately prior to initiation of construction.

2) Measurement of post-construction conditions and WMDCSF operability immediately following transmission line energization and load condition during the next wet season or during other times as agreed upon by SFWMD and Licensee.

vii. Provision of methodology for collection of all test data.

viii. Provision of a report from the Consulting Engineer to Licensee analyzing the pre- and post-transmission line construction testing data and communicate the findings of the Construction Acceptance Test Program, and identify any specific harmful interference or adverse impacts to the WMDCSF that Licensee must address through avoidance (i.e., redesign) or mitigation or determine that no harmful interference or adverse impacts are created by Licensee's project.

g. Sixty (60) days prior to any planned testing or invasive measurements of WMDCSF, Licensee shall submit a calendar schedule to allow for District coordination of access, water management operation change control, District observation of testing, and staff support.

h. Licensee shall submit its preliminary design of transmission facilities necessary for the evaluation in Section C.VI.B.1.f.iii. above to the Consulting Engineer, with an informational copy to SFWMD.

i. Licensee shall submit the Preliminary Evaluation Report as a post-certification submittal for review pursuant to Section A., Condition XIX.

j. If the results of the Evaluation Program indicate that harmful interference or adverse impacts are likely to occur or are occurring, Licensee shall avoid or mitigate for such harmful interference or adverse impacts. Licensee shall either revise the design of the transmission facilities, or work with SFWMD to develop a mitigation plan for enhancement of the WMDCSF or other remedial redesign of affected WMDCSF. Should the mitigation plan involve service-affecting operations, Licensee shall develop a Cutover Plan that details the timeframes WMDCSF service will be affected and coordinate with SFWMD on scheduling activities. The Cutover Plan shall be included in the mitigation plan submitted as a post-certification submittal for review pursuant to Section A., Condition XIX. All mitigation

costs attributable to Licensee-created harmful interference or adverse impacts shall be the responsibility of Licensee. Such mitigation will be implemented on a mutually agreeable schedule upon determination that the transmission facilities will produce or are producing harmful interference or adverse impacts to WMDCSF. Design and mitigation solutions to offset adverse impacts to existing and planned WMDCSF shall be submitted to SFWMD as a post-certification submittal pursuant to Section A., Condition XIX and may include, but are not limited to:

i. Redesign of Licensee's transmission facilities, such as upgrades to the phase-conductor design to lower the corona-produced radio frequency interference generated by the transmission lines, relocation of poles, and changing height of phase conductors.

ii. Enhancements to SFWMD's system, such as larger antennas; raising, lowering, adjusting or relocating SFWMD's antennas, antenna-mounting structures, poles, or transmitters; a dedicated fiber optic circuit or communications link to be deployed during and/or after Licensee's construction activities; temporary facilities and systems to maintain operations during construction; relocating or hardening of SCADA monitoring stations; working with SFWMD to enhance the communication system signal strength or coverage areas near the transmission facilities.

iii. An implementation schedule.

k. Licensee shall submit its final transmission line design to SFWMD as a post-certification submittal pursuant to Section A., Condition XIX and to the Consulting Engineer at least ninety (90) days prior to commencement of construction, identifying design features that have been incorporated to address all potential harmful interference issues or adverse impacts identified in the Consulting Engineer's report under Section C.VI.B.1.f.iv. above.

l. Licensee shall submit the report of the Construction Acceptance Test Program, together with any Licensee comments, to SFWMD as a post-certification submittal for review pursuant to Section A., Condition XIX.

m. Licensee shall immediately investigate all complaints of harmful interference or other adverse impacts disrupting communications through any portion of WMDCSF in proximity to Licensee's certified transmission facilities. If such investigation indicates the harmful interference or other adverse impacts are caused by Licensee's transmission lines, Licensee shall implement appropriate mitigation.

[FPL Stipulation –6/20/13; 33 C.F.R. 208.10 and C.F.R. 385.37; Sections 373.085(1)(b) and 373.086(1); Rule 62-17.133(3), F.A.C.]

C. Operations & Maintenance / Right-of-Way

The term "SFWMD right(s)-of-way" when used in SFWMD Conditions is intended to mean those lands acquired by SFWMD in fee, easement, or other type of grant, for the purpose of operations and maintenance of SFWMD's canal and levee system, spoil areas, and access and other easements.

[Chapter 40E-6, F.A.C.]

1. General Conditions

a. At least ninety (90) days prior to the commencement of construction of any portion of the transmission lines on SFWMD right-of-way; Licensee shall provide SFWMD with the final right-of-way location within the certified corridor.

[Sections 373.085(1) and 373.413(2), F.S.]

b. At least ninety (90) days prior to the commencement of construction of any portion of the transmission lines over, across, or using any SFWMD canal or levee right-of-way to facilitate the construction or maintenance of the transmission line, Licensee shall submit complete scaled or fully-dimensioned 8½" x 11" drawings to SFWMD showing the proposed facilities for SFWMD monitoring for compliance with the non-procedural requirements of Chapter 40E-6, F.A.C. The drawings shall depict the proposed electrical transmission line crossings along with the adjacent towers or support structures, in both plan and profile views, and shall show, at a minimum, information consistent with Appendix E-1A and E-2 of the Criteria Manual for Use and Occupancy of Works of the District.

[Sections 373.085, 373.086, and 373.413(2), F.S.

c. Prior to use of SFWMD right-of-way for construction access, the Licensee shall provide a time schedule for use of the right-of-way, including a plan identifying the proposed route, type, and number of vehicles and the frequency of such use.

[Section 373.085 and 373.086, F.S.; Rules 40E-6.091(1) and 40E-6.201(1)(j), F.A.C.]

d. The Licensee shall maintain the area of SFWMD right-of-way utilized for access or occupied by Licensee's facilities at all times in a condition as good or better than the condition existing prior to Licensee's use.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

e. If deemed necessary to accommodate unimpeded continuous access by SFWMD vehicles and equipment, the Licensee shall construct vehicle turn-around/passing areas to meet SFWMD requirements or coordinate with SFWMD when construction activities that may impede access are scheduled to occur.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

f. Vertical clearances for any aerial crossings over SFWMD canals and rights-of-way shall meet SFWMD non-procedural criteria and requirements in effect at the time of Licensee's submittal of drawings in sub-paragraph (b) above, as set forth in Chapter 40E-6, F.A.C.

[Sections 373.085(1) and 373.086(1), F.S.; Rule 40E-6.091, F.A.C.; and Criteria Manual for Use and Occupancy of Works of the District.]

g. Subsequent to Certification, any requests for use of SFWMD right-of-way that would otherwise require a waiver to SFWMD Right Of Way Occupancy Permit Criteria, as set forth in Rule 40E-6, F.A.C., if deemed acceptable by SFWMD in writing shall not require an amendment or modification to this Certification.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

h. The Licensee is responsible for identifying potential conflicts with existing facilities owned by third parties permitted by SFWMD and for coordinating relocation of previously permitted facilities, as required, including obtaining the necessary right-of-way occupancy permit modifications for those previously permitted facilities. Similarly, if during the course of future permit application reviews, SFWMD notices a proposed facility that potentially interferes with the transmission lines, SFWMD will require the applicant to coordinate with Licensee to resolve potential conflicts.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

i. The Licensee shall only have the right to utilize SFWMD right-of-way for those activities, uses, and purposes specifically authorized in this Certification for the purpose of construction, operation, and maintenance of the certified transmission facilities unless otherwise agreed to by SFWMD and Licensee in writing. All other activities, uses, and purposes on SFWMD right-of-way by Licensee not specifically authorized in this Certification are prohibited. Furthermore, the Licensee shall not have the right to authorize any other person or entity to utilize SFWMD right-of-way for any activity, use, or purpose without the prior written consent of SFWMD.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

j. SFWMD reserves the right of priority access in order to perform its regional water management missions and the Licensee shall not interfere with that access, particularly during emergencies. Uninterrupted SFWMD access shall be maintained at all times.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, and Rule 40E-6.381, F.A.C.]

k. The Licensee does not have any authority to incur liens for labor or materials on SFWMD rights-of-way. All persons contracting with the Licensee, all material, men, contractors, mechanics, and laborers are hereby charged with notice they must look to the Licensee, and to the Licensee only, to secure the payment of any bill for work done or any materials furnished during the term of this Certification. Pursuant to Sections 713.01(26), F. S., SFWMD right-of-way shall not be subject to liens for improvements and such liability is expressly prohibited. This paragraph shall be included in all contracts with the Licensee for materials or services involving SFWMD right-of-way. In the event that the Licensee does not, within thirty (30) days following Licensee's notice of the imposition of any such lien, cause the same to be released of record by payment or posting of a bond or other means acceptable to SFWMD, SFWMD shall have, in addition to all other remedies provided herein and by law, the right, but not the obligation, to cause the same to be released by such means as it shall deem proper, including payment of the claim giving rise to such lien. All such sums paid by SFWMD, including, but not limited to reasonable attorney's fees and expenses incurred by it in connection therewith, together with interest at the maximum rate allowed by law, shall be payable to SFWMD by the Licensee on demand.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

l. SFWMD, its Governing Board members, employees, contractors, and subcontractors, are not responsible or liable for any claims by the Licensee, or any partner, parent, affiliate, or subsidiary, for damages (including special and consequential), loss, expense, or costs with respect to the Licensee's project or other property or improvements arising directly,

indirectly, or proximately from water level fluctuations, water flows, or operations of water control structures, if operated in compliance with the USACE Master Water Control Manual for the C&SF Project and the Operations and Maintenance (O&M) Manual for the C&SF Project (see Attachment R-d, TP6&7 Project Features – Intersecting C&SF System and Works of the District Project Features).

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

m. Licensee shall be responsible for incremental costs of SFWMD facility improvement projects within the certified corridors for transmission facilities. "Facility improvement project" is a SFWMD project that involves modifications to infrastructure (conveyance canals, water control structures, levees, borrow canals or other SFWMD facilities within the SFWMD right-of-way) as may be necessary in the future to preserve public health, safety and welfare associated with the Central and Southern Florida Flood Control Project. SFWMD routine maintenance is not considered SFWMD facility improvement projects for purposes of this Certification. "Incremental costs" are costs attributed to a facility improvement project due to the presence of Licensee facilities within the SFWMD right-of-way. Licensee shall not be required to comply with changes made to applicable non-procedural requirements of the SFWMD Criteria Manual after Licensee facilities are designed or incur incremental costs as a result of modifications to Licensee facilities in order to meet the new criteria. SFWMD will notify Licensee when SFWMD initiates a facility improvement project [by conducting a Reconnaissance Study, a Project Implementation Report (PIR) or Feasibility Study, for example] whose construction may incur incremental costs as defined above. SFWMD and Licensee will then initiate the following process if the estimated construction costs include "incremental costs".

i. Design Phase

1) Upon receipt of the Design Documentation Report for Basis of Design, and Opinion of Probable Construction Cost (OPCC) SFWMD will provide copies to Licensee. Licensee shall have the opportunity to review SFWMD's package on the same timetable identified in the schedule.

2) Licensee shall have the option to develop design alternatives to avoid or minimize incremental costs for SFWMD consideration during the SFWMD Preliminary Design phase.

3) In addition, at the option of Licensee, Licensee, in consultation with SFWMD, shall identify and retain an independent Consulting Engineer(s) with demonstrated knowledge of and experience with SFWMD and Licensee facilities. Licensee shall be responsible for the payment of fees charged by the Consulting Engineer(s).

4) The Consulting Engineer shall evaluate SFWMD facility improvement project plans and anticipated incremental costs and will report findings to Licensee and SFWMD for the purpose of confirming or refining incremental costs. At the option of Licensee, the Consulting Engineer will identify design options and construction methods to achieve the planned SFWMD facility improvements, including alterations to SFWMD or Licensee existing facilities.

5) The Consulting Engineer's evaluation shall include a comparison of costs of the various design options and construction methods and shall recommend the design option that represents the option that achieves the objectives of the SFWMD facility improvement project and involves the lowest cost and least impacts to Licensee and SFWMD and their facilities.

6) Licensee shall submit its Consulting Engineer's evaluation to SFWMD before the preparation of Intermediate Plans and Specifications is complete. SFWMD will consider this evaluation; however, SFWMD is under no obligation to accept or incorporate the recommendations contained in the evaluation.

7) Licensee and SFWMD will reach written agreement on the maximum incremental costs to be paid by Licensee. In the event agreement on cost cannot be reached, the parties shall pursue dispute resolution pursuant to Condition of Certification X (Section A, General Conditions).

8) SFWMD will provide Licensee copies of the Final Plans and Specifications for Advertising for Construction, Final Design Documentation Report, Final Construction Schedule and Final Opinion of Probable Construction Cost at least sixty (60) days prior to soliciting bids from contractors.

ii. Construction Phase

1). In accordance with applicable SFWMD procurement policies in effect at the time, SFWMD will select a Contractor as the lowest responsive and responsible bidder to construct the facility improvement project. SFWMD shall provide Licensee copies of the awarded bid, construction schedule and a timetable of estimated incremental costs

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

2) Licensee shall pay SFWMD for incremental costs within sixty (60) days of receipt of written invoice from SFWMD of actual incremental costs of the facility improvement project in accordance with the agreement on maximum incremental costs identified in paragraph 7) above.

n. The Licensee shall only use the access points and gates authorized by SFWMD. Upon payment of applicable key deposit fees and submission of complete key permit applications, SFWMD agrees to issue, as a ministerial act, Licensee the necessary key permits allowing access to SFWMD roads to support the construction, operation, and maintenance needs of the Licensee. The Licensee shall take all necessary measures practicable to preclude the general public from accessing those portions of the right-of-way under construction such as posting of designated construction zones.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

o. Licensee shall not utilize SFWMD right-of-way for the general servicing or maintenance of its vehicles or construction equipment or for the storage of any contaminant, hazardous substance, fuel, or other petroleum products unless agreed to by SFWMD in writing.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

p. To the extent practicable, Licensee shall expedite the preparation and implementation of any repair, remediation, mitigation, and/or related plans required to address damages and/or any other adverse impacts to SFWMD facilities or systems caused by the Licensee during the design, construction, operation, and/or maintenance of the certified facilities. The time frames specified in these conditions shall be considered maximum allowable time frames, unless adjusted by mutual agreement between SFWMD and Licensee.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

2. Standard Limiting Conditions

a. All structures on SFWMD works or lands constructed by Licensee shall remain the property of Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. The Licensee is advised that other federal, state, and local safety standards may govern the occupancy and use of SFWMD lands or works. SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused to others by any such failure.

[Rule 40E-6.381(1), F.A.C.]

b. Licensee solely acknowledges and accepts the duty and all associated responsibilities to incorporate safety features that meet applicable engineering practice and accepted industry standards into the design, construction, operation, and continued maintenance of the authorized facilities/use. This duty shall include, but not be limited to, the Licensee's consideration of SFWMD regulation and potential fluctuation, without notice, of water levels in canals and works, if operated in compliance with the USACE Master Water Control Manual for the C&SF Project and the Operations and Maintenance (O&M) Manual for the C&SF Project as well as the Licensee's consideration of upgrades and modifications to the authorized facilities/use that may be necessary to meet any future changes to applicable engineering practice and accepted industry standards (See Attachment R-d, TP6&7 Project Features – Intersecting C&SF System and Works of the District Project Features). The Licensee acknowledges that SFWMD review of this project including, but not limited to, any post-certification reviews and field inspections performed by SFWMD, does not in any way consider or ensure that the authorized use/facilities are planned, designed, engineered, constructed, or will be operated, maintained or modified so as to meet applicable engineering practice and accepted industry standards, or otherwise provide any safety protections. The Licensee further acknowledges that any inquiries, discussions, or representations, whether verbal or written, by or with any SFWMD staff or representative during the post-certification review process, including, but not limited to, any field inspections, shall not in any way be relied upon by Licensee as SFWMD assumption of any duty to incorporate safety features, as set forth above, and shall also not be relied upon by the Licensee in order to meet Licensee's duty to incorporate safety features, as set forth above.

[Rule 40E-6.381(2), F.A.C.]

c. The Licensee shall not engage in any activity regarding the authorized use that interferes with the construction, alteration, maintenance, or operation of the works of the SFWMD, including:

i. discharge of debris or aquatic weeds into the works of the SFWMD;

ii. causing erosion or shoaling within the works of the SFWMD;

iii. planting trees or shrubs or erecting structures that limit or prohibit access by SFWMD equipment and vehicles, except as may be authorized by this Certification.

iv. leaving construction or other debris on SFWMD right-of-way or waterway;

v. damaging SFWMD berms and levees; removal of SFWMD-owned spoil material; removal of or damage to SFWMD locks, gates, and fencing; opening of SFWMD rights-of-way to unauthorized vehicular access; or running or allowing livestock on SFWMD rights-of-way.

Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference, as set forth in i through v above. Should the authorized activities or placement of the authorized facilities within SFWMD right-of-way or maintenance of same contribute to sloughing, erosion, or wash-outs of SFWMD right-of-way, berm, or side slope of the canal, it is the Licensee's sole responsibility and expense to, upon notification from SFWMD, immediately take appropriate steps to restore the right-of-way to pre-existing conditions or better using current SFWMD engineering standards provided by SFWMD as guidance. Site-specific engineering considerations and decisions shall be undertaken by the Professional Engineer in charge (i.e., for backfill material, density/ compaction, stabilization, and maintainability).

[373.085(1)(b) and (2), F.S.; Rules 62-17.133(3) and 40E-6.381 (2), (3) and (8), 40E-6.091(1) and 40E-6.221 (1), (2) and (10), F.A.C.]

d. SFWMD is not responsible for any personal injury or property damage that may directly or indirectly result from the use of water from SFWMD's canal or any activities that may include use or contact with water from the SFWMD canal, since SFWMD periodically sprays its canals for aquatic weed control purposes and uses substances that may be harmful to human health or plant life.

[Rule 40E-6.381(9), F.A.C.]

e. SFWMD has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the SFWMD in accordance with criteria established by SFWMD or USACE for the works of the SFWMD (See Attachment R-d, TP6&7 Project Features – Intersecting C&SF System and Works of the District Project Features).

[Rule 40E-6.381(13) and 62-17.133(3), F.A.C.]

f. Licensee shall be responsible for the repair or replacement of any existing facilities located within SFWMD right-of-way that are damaged as a result of Licensee's installation or maintenance of the authorized facilities.

[Rule 40E-6.381(19), F.A.C.]

g. It is the responsibility of the Licensee to make prospective bidders on construction contracts for the certified facilities aware of the pertinent terms and conditions of this Certification.

[Rule 40E-6.381(21), F.A.C.]

[Sections 373.044, 373.113, 373.085(1), 373.086, 373.103, 373.129, and 373.603, F.S.; Rule 40E-6.381, F.A.C.]

3. Special Conditions

a. A copy of the Certification application, Certification order, and SFWMD post-certification submittals will be available for review by SFWMD upon request.

b. At no time shall Licensee place permanent or semi-permanent above-ground encroachments or facilities within the 40-foot-wide strip of land lying parallel to any SFWMD canal as measured from the top of the existing canal bank landward, unless otherwise authorized in this Certification or agreed to by SFWMD in writing.

c. At no time shall Licensee place facilities crossing over SFWMD structures or project culverts, unless otherwise authorized in this Certification or agreed to by SFWMD in writing.

d. At no time shall Licensee place permanent or semi-permanent above-ground structures within SFWMD one-hundred (100) foot-long equipment staging areas defined as being immediately upstream and downstream of all bridges and pile-supported utility crossings of SFWMD canals, unless otherwise authorized in this Certification, or agreed to by SFWMD in writing. Temporary placement of equipment or materials is allowable as long as the equipment or materials can be removed by Licensee within forty-eight (48) hours of notice given by SFWMD that a tropical storm watch has been declared for MDC or at times when post-storm debris removal activities must be undertaken by SFWMD.

e. Within thirty (30) days of completion of the authorized work, the Licensee shall contact the SFWMD field representative at the Miami or Homestead Field Station to schedule a final inspection for compliance with right-of-way conditions of certification.

f. For culvert connections to SFWMD works, the Licensee shall comply with the following:

i. The crown of the authorized connection shall be set at a minimum of one-half foot below the design water surface elevation or lower.

ii. The top of the rip-rap headwall must match the elevation of the existing ground.

iii. The Licensee shall construct the endwall/headwall to include adequate returns to prevent erosion.

iv. The Licensee shall take all feasible measures acceptable to SFWMD to prevent the discharge of debris or aquatic weeds into SFWMD works by the authorized use.

v. All culverts 36 inches in diameter or larger that serve to connect to works of the SFWMD must be equipped with a skimmer or baffle that effectively precludes the discharge of aquatic weeds into SFWMD works by the authorized use.

vi. Licensee is solely responsible for maintenance of the skimmer or baffle.

vii. Licensee shall adequately identify all culvert connections with a permanent type, aboveground marker placed within SFWMD right-of-way at location(s) specified by the SFWMD field representative.

viii. Culverts to be installed in association with structure pads and pad access ramps connecting to SFWMD levee access roads shall be of adequate design to prevent adverse impacts to wetlands or weakening of the levee due to impoundment of water.

g. Licensee shall comply with the following requirements during use of SFWMD right-of-way for construction, maintenance, and operation activities:

i. Prior to commencement of construction or utilization of SFWMD right-of-way, the Licensee is required to contact the SFWMD field representative at the Miami or Homestead Field Station to schedule a pre-construction meeting. The Licensee shall prepare and present the following at the pre-construction meeting:

(a) A list of 24-hour contact personnel. The list shall include the contractor and alternate contact, their titles, and telephone numbers for 24-hour contact.

(b) A written inventory of the type of vehicles, construction equipment, other machinery, and materials that will be located within SFWMD right-of-way.

(c) Written procedures for the clearing of all construction materials, machinery, equipment, and vehicles from the canal and the area immediately adjacent to the canal within 24 hours notice from SFWMD.

(d) A list of the names and contact numbers of the designee and alternate contact responsible for the various operations involved in the clearing procedures.

ii. This authorization is for the use of the Licensee and the Licensee's contractor(s)/sub-contractor(s) only.

iii. The Licensee shall be responsible for locking SFWMD access gates upon entering and leaving SFWMD right-of-way. The Licensee shall take all necessary measures to preclude the general public from accessing the right-of-way with motorized vehicles.

iv. The Licensee is responsible for posting a watchman at any SFWMD vehicular access gates unlocked by Licensee during any working hours that the gate remains unlocked. At no time shall a SFWMD gate unlocked by Licensee be left unlocked and unattended by Licensee.

v. The Licensee is responsible for providing and utilizing acceptable dust control measures during the duration of the proposed work.

h. The Licensee shall comply with the following concerning storm event notifications and requirements during construction activities:

i. If storm, hurricane, or emergency circumstances are developing, SFWMD will attempt to provide a 48-hour notice. The Licensee will be contacted by telephone or a visit to the construction site wherein the Licensee will be informed of the emergency situation. The Licensee is put on notice that the 48-hour notice is a warning that SFWMD may or may not be able to provide the Licensee.

ii. If storm, hurricane, or emergency circumstances have developed, SFWMD will contact the Licensee by telephone or visit the site to place the Licensee on 24-hour alert. At this time, the Licensee and the Licensee's contractor(s) and sub-contractor(s) must begin securing the project site in accordance with Special Condition g.i.(c) of this subsection.

iii. The Licensee is advised that SFWMD's hurricane, storm event, and/or emergency alert may differ from the National Hurricane Center or the local news and weather. SFWMD takes into consideration the numerous factors concerning construction within the canal rights-of-way. As such, upon SFWMD notification to the Licensee of a pending emergency, storm event, or hurricane, the Licensee has 24 hours or less to comply with SFWMD orders.

i. In the event of floods or other natural or civil disaster or emergencies affecting SFWMD or SFWMD right-of-way, the Licensee shall cooperate with SFWMD to facilitate mitigation of the impact of such emergencies. The Licensee shall immediately notify SFWMD of any emergency situation observed on SFWMD right-of way.

j. Licensee shall be responsible for obtaining any and all other necessary federal, state, local, special district, private, and underlying owner authorizations in connection with its activities conducted under this Certification. In the event the Licensee does not obtain such authorizations from the underlying owner, the Licensee shall acquire or otherwise satisfy any interest or claims made by such underlying owners with respect to this Certification.

k. If required by the Florida Department of Transportation (FDOT) to prepare a Maintenance of Traffic (MOT) Plan that involves SFWMD property, the Licensee shall provide SFWMD with a copy of the MOT Plan upon submittal to FDOT. The Licensee shall provide SFWMD with a copy of the Final MOT Plan reviewed by the FDOT.

l. Licensee shall be required to install facilities in accordance with minimum clearance requirements specified in SFWMD Criteria Manual for Use or Occupancy of Works of the District, including Section XIV, Appendix E-1, in effect at the time of design of the certified transmission lines for crossing Works of the District, unless otherwise agreed in writing.

m. Licensee acknowledges that Licensee's proposed activities contemplated under this Certification may be subject to USACE 33 U.S. Code Section 408 approval requirements. Licensee further acknowledges and agrees, that in the event of future USACE projects or modification of existing USACE projects, it shall be the responsibility of the Licensee to implement any and all necessary modifications to Licensee's facilities including, but not limited to, relocations thereof required by the USACE at Licensee's sole cost and expense.

[FPL Stipulation –6/20/13;Federal Water Resources Development Acts of 1992, 1996 and 2000; 33 U.S.C. 408; 33 C.F.R. 385 and 208; Sections 373.1501 and 373.103(2), F.S.; Rule 62-17.133(3), F.A.C.]

D. Land Management / Ecosystem Restoration

1. The Licensee shall avoid impacting wetlands to the extent practicable. When necessary and feasible, the location of the span between power poles shall be maximized or varied to eliminate or reduce wetland impacts.

[FPL Stipulation –6/20/13; Section 373.1391(1)(a) and (5), F.S.; Rules 40E-6.221 (2) and (10), 62-17.133(3), 40E-4.301 and 40E-4.302, F.A.C; SFWMD Environmental Resource Permit Information Manual, Volume IV.]

2. On SFWMD lands, the Licensee shall employ at-grade roads, geoswales that would not extend above existing wetland grades, elevated roadways to bridge slough features, or other appropriate construction methods or techniques to maintain historical drainage

patterns and sheetflow, to the extent practicable. For those areas where wetland impacts will occur, wetland control elevations shall be established to maintain or improve pre-construction hydroperiods within all affected areas.

[Section 373.1391, F.S.; Rules 40E-4.301 and 40E-4.302, F.A.C.; Basis of Review for Environmental Resource Permits, Section 4.2.3.3.]

3. The Licensee shall, to the extent practicable, use adjacent existing public roads for access to the right-of-way for construction, operation, and/or maintenance purposes before using non-public roads or building new roads.

[FPL Stipulation –6/20/13; Section 373.1391, F.S.]

4. At new access points created by Licensee's transmission facilities, transmission line access roads shall be designed to include locked gates, or other appropriate methods or techniques to prevent illegal access to SFWMD-owned lands including but not limited to lands within Model Lands, Southern Glades, and Pennsuco Wetlands. Licensee shall maintain these access points by repairing illegal breaches within thirty (30) days of being notified of or discovering such breaches.

[FPL Stipulation –6/20/13; Section 373.1391, F.S; Rules 40E-6.311, 40E-6.091 and SFWMD Volume V, Permit Information Manual, Criteria Manual for Use of Works of the District, Section IX.M.]

5. Upon request by Licensee prior to final design of the certified transmission facilities, SFWMD shall provide Licensee with a list of SFWMD lands that are subject to planned burns. SFWMD shall provide advance notice to Licensee of any planned burns in the vicinity of the certified transmission rights-of-way.

[FPL Stipulation – Stipulated 6/20/13; Section 373.1391, F.S.; Rules 40E-6.311 and 40E-6.221(10), F.A.C.]

6. Licensee shall provide SFWMD with final construction drawings of all Licensee's facilities that encroach or cross SFWMD lands, works, or projects.

[Sections 373.085(1)(b) and 373.1391, F.S]

E. Water Use

1. Prior to the commencement of construction of those portions of the project that involve dewatering activities, unless the proposed dewatering activity meets the "no notice" criteria of Rule 40E-20.302 (3), F.A.C. and Section 2.5.1 of the Basis of Review for Water Use Permits, the Licensee shall submit a detailed plan for the proposed dewatering activities to SFWMD for an assessment of consistency with the non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal and impact monitoring if necessary (Rule 62-17.133, F.A.C.). The following information, referenced to North American Vertical Datum of 1988 (NAVD88) where appropriate, shall be submitted:

a. A detailed site plan that shows the location(s) for each proposed dewatering area

b. The method(s) used for each dewatering operation

c. The maximum depth for each dewatering operation

d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation

e. The duration of each dewatering operation

f. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s)

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

h. The location of any infiltration trenches and/or recharge barriers. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the state of Florida.

F. Corridor-Specific Conditions

1. East Preferred Corridor

a. Central and Southern Florida Project

Licensee has proposed to cross SFWMD C-2 (Snapper Creek) Canal with its transmission facilities just west of SW 70th Avenue or in the vicinity of U.S. Highway 1. Based on the District's proprietary interests, Conditions i and ii below apply to these locations, respectively.

i. Licensee may install the electrical transmission line support structures parallel to and within the SFWMD C- 2 Canal right-of-way north of the Dadeland Mall only between the west side of 77th Avenue and 70th Avenue, provided that: 1) conductors shall not overhang any part of the Canal; 2) no placement of permanent or semi-permanent structures within 100 feet of the 70th Avenue bridge, to comply with C.3.d. above; and 3), Licensee's placement of electrical transmission line support structures shall not impair the integrity of the C-2 canal bank or side slope or reduce the conveyance capacity of the C-2 canal.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

ii. Licensee may install transmission facilities that cross the C-2 Canal on the east side of U.S. Highway 1 within SFWMD right-of-way. However, due to existing SFWMD C-2 Canal and right-of-way access and maintenance constraints in the vicinity of U.S. Highway 1 Licensee shall consult with and obtain written concurrence from SFWMD for transmission facilities to be installed on the west side of U.S. Highway 1 within SFWMD right-of-way.

[Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.]

2. West Preferred Corridor

a. Protection of Everglades Habitat Associated with CERP Restoration

i. Aerial Surveys. SFWMD adopts and incorporates by reference Florida Fish and Wildlife Conservation Commission (FWC) condition F, "Wood Stork and Wading Bird Colonies", in its entirety.

ii. Ground Surveys. In conjunction with FWC Condition F, Licensee shall conduct ground surveys of wood storks during nesting for currently-known

colonies along Tamiami Trail (East 1, East 2, and West) and the 3B Mud East colony. The ground surveys shall be conducted prior to and during fledging of juvenile wood storks.

iii. Licensee shall consult with SFWMD prior to finalizing design of aerial and ground surveys.

iv. Licensee shall provide SFWMD copies of all post-certification submittals, including the ground and aerial surveys referenced in Conditions i and ii herein, in accordance with time frames set forth in Section A, Condition XIX.

v. Licensee shall provide SFWMD a calculation of wood stork foraging habitat loss based on application of the United States Fish and Wildlife Service (USFWS) Habitat Assessment Foraging Model developed specifically for South Florida and a mitigation plan. Licensee shall consult with SFWMD prior to the plan being finalized.

[FPL Stipulation –6/20/13; Federal Water Resources Development Acts of 1992, 1996 and 2000, Section 601(h)(3)(C); 33 C.F.R. 385.26(c) and 385.20(e)(2); Sections 373.085(1)(b) and 373.1501, F.S.; Rules 40E-6.091(1) and 62-17.133(3), F.A.C.]

b. Central and Southern Florida Project

i. L-29 / L-30 / L-31N Levee Procedures / Requirements

(a) Pre-Construction Surveys / Inspections

(1) Within thirty (30) days of written request from the Licensee, SFWMD shall provide the Licensee with a copy of the most recent levee inspection reports for the levees within SFWMD right-of-way that the Licensee is proposing to access for construction and/or maintenance activities.

(2) In areas where the transmission line access will be located on SFWMD levee(s), the Licensee shall conduct surveys, including a level survey at the toe and crest of the levee and cross-section surveys every 500 feet (including both toes of the levee) and at locations agreed between SFWMD and Licensee as potential problem areas. Potential problem areas will be identified by visual inspection or where there are significant changes proposed to the levee. Upon completion of the surveys, Licensee shall submit certified, signed, and sealed copies of the surveys to SFWMD. The surveys will be used to establish a baseline of the pre-construction topographic features of the levee(s) including, but not limited to, top-of-levee width and elevation and side slopes in NAVD88. If any post-certification submittals are provided prior to 2014, the Licensee shall consult with SFWMD concerning the need to include National Geodetic Vertical Datum of 1929 (NGVD29) measurements in addition to NAVD88 measurements. The surveys shall document the condition of the levee(s) with respect to the most recent East Coast Protection Levee Evaluation Report at the time of the surveys. As an alternative, the Licensee can use surveys conducted by SFWMD, if the studies were completed less than three (3) years prior to the Licensee's anticipated construction commencement date.

(3) In addition to surveys, the Licensee shall also perform a visual inspection of the levee(s), documented by videotape or photographs, to assess the structural integrity of the levee(s). Where video or photographic documentation is used, station markers and GPS coordinates should be installed or used so that exact locations can be determined for reference.

(4) If Licensee surveys, visual inspection, or other assessment methods indicate that further investigation is needed to accurately assess the integrity of the levee(s), Licensee shall conduct additional investigations in consultation with SFWMD. Further investigations may include, but shall not be limited to, soil borings, piezometer

installations/monitoring, laboratory tests, modeling, etc. The Licensee shall provide its written findings, conclusions, and recommendations, certified by a Florida-registered Professional Engineer, to SFWMD. Licensee shall conduct additional investigations or assessments, as necessary, to satisfy SFWMD non-procedural requirements, prior to any construction activities on SFWMD levees.

(b) Pre-Construction Safety, Maintenance, and Construction Plans

(1) Prior to construction of the certified electrical transmission line facilities, the Licensee shall provide SFWMD with a Levee Safety and Maintenance Plan that addresses steps the Licensee will take to maintain the integrity of the levee(s), including any improvements proposed by the Licensee. The Plan shall be reviewed by SFWMD for compliance with the applicable SFWMD nonprocedural requirements.

(2) Prior to construction of the certified electrical transmission line facilities, the Licensee shall provide SFWMD with a Levee Construction Plan that addresses the steps the Licensee will take in constructing the certified transmission line facilities. The Plan shall be reviewed by SFWMD for compliance with the applicable SFWMD non-procedural requirements.

(c) Pre-Construction Levee Improvement Standards/Requirements

(1) Any improvements made by the Licensee within SFWMD L-29, L-30, and L-31N Canal rights-of-way shall be performed such that the structural integrity of the levee(s) shall be maintained to a level as good as or better than the conditions in existence immediately prior to the Licensee's commencement of work activities, as documented pursuant to Section C.VI.F.2.b.i.a. (Pre-Construction Surveys/Inspections). For construction of any proposed improvements, Licensee may be required to first obtain approval from USACE, as set forth in 33 U.S. Code, Section 408 and pursuant to Section C.VI.C.3.j (Special Conditions).

(2) Licensee shall not commence construction activities on SFWMD rights-of-way without prior postcertification review by SFWMD of Licensee Levee Safety and Maintenance Plan and Levee Construction Plan. In the event that SFWMD identifies any non-compliance with SFWMD applicable non-procedural requirements in these plans, SFWMD shall within ninety (90) days identify any applicable requirements that SFWMD believes the Licensee's improvements do not satisfy.

(d) Monitoring and Structural Integrity During Construction

(1) Pre-existing or latent defects related to the structural integrity of the levee(s), identified by Licensee's investigations, shall be remedied by SFWMD through its routine maintenance schedules, if deemed necessary by SFWMD. If not deemed necessary by SFWMD, any preexisting or latent defects shall be remedied by the Licensee, if deemed necessary by the Licensee. If not deemed necessary by the Licensee, any pre-existing or latent defects shall be monitored by the Licensee throughout construction of the certified electrical transmission line facilities in the vicinity of the levee(s). Any further deterioration or changes to the levee(s) found as a result of Licensee's monitoring of the levee(s) conditions that could be detrimental to the integrity of the levee(s) shall be immediately communicated in writing to SFWMD. If the further deterioration or changes are caused by the Licensee's construction activities, the further deterioration or changes shall be remedied by the

Licensee to pre-construction conditions or better as documented in Section C.VI.F.2.b.i.a, (Pre-Construction Surveys/Inspections).

(2) SFWMD reserves the right to halt any and all construction activities due to concerns related to the structural integrity of the levee(s). If SFWMD requires a halt to construction activities, SFWMD shall provide the Licensee with a description of its concerns regarding the structural integrity of the levee(s) within forty-eight (48) hours of the halt, including the alleged causes of concern and potential remedies for the Licensee to consider. Following the halt of construction activities, the Licensee shall provide SFWMD with a proposed Remedial Construction Plan that addresses SFWMD concerns within three (3) working days or such longer time as agreeable to both SFWMD and Licensee. SFWMD failure to respond to Licensee within five (5) working days after Licensee's submittal of the Remedial Construction Plan shall constitute SFWMD confirmation that Licensee's Remedial Construction Plan complies with SFWMD applicable non-procedural requirements.

(e) Damages During Construction

(1) The Licensee shall be responsible for the repair or replacement of SFWMD L-29, L-30, or L-31N levees damaged as a result of Licensee's construction, operation, or maintenance of the certified electrical transmission line facilities, including SFWMD access to the levees. Repair of damages to the levee(s) that occurs during the Licensee's construction activities in location(s) not identified by the Licensee's pre-construction investigation as having pre-existing or latent defects shall be the responsibility of the Licensee and the Licensee shall commence repair work promptly.

(f) Inspections During and After Construction

(1) SFWMD personnel shall have access and the opportunity to inspect improvements to the L-29, L-30, and L-31N Canal levees during construction or operation at all times. Licensee shall engage a third-party inspector to conduct SFWMD post-construction inspection, jointly selected by SFWMD and Licensee. The purpose of the post-construction inspection will be to confirm that Licensee has maintained or returned the L-29, L-30 and L-31N levees to as good as or better than preconstruction conditions as documented in C.VI.F.2.b.i.a, (Pre-Construction Surveys/Inspections)). If any SFWMD inspections will interfere with Licensee construction activities, advance notification of such inspections should be given.

(g) Post-Construction

(1) Licensee shall provide as-built drawings showing all levee improvements within the L-29, L-30, and L-31N canal rights-of-way within ninety (90) days of completion of each phase of construction. The as-built drawings shall be signed and sealed by a Florida-registered Professional Engineer and shall be referenced to NAVD88. Licensee and SFWMD may use the drawings as a reference for maintenance or improvements of ingress and egress areas to the levees that are utilized by the Licensee for ongoing operation of the adjacent electrical transmission line facilities, or until modified/utilized by other parties.

(2) If Licensee's improvements within SFWMD canal rights-of-way are modified / utilized by parties other than the Licensee, the Licensee shall not be responsible for any impacts to the levee(s) caused by such third party use. The third party user and/or SFWMD shall be responsible for approval of any changes to the as-built drawings to reflect said third party use of the Licensee's improvements.

[FPL Stipulation –6/20/13; Federal Water Resources Development Acts of 1992, 1996 and 2000, Section 601(h)(3)(C); 33 C.F.R. 208 and 385; Sections 373.085(1)(b) and 373.1501, F.S.; Rules 40E-6.091(1) and 62-17.133(3), F.A.C.]

ii. Unless authorized in this certification or mutually agreed in writing between Licensee and SFWMD authorized representative, electrical transmission line support structures and overhead wires shall not be placed on the east sides of the L-30 and L-31N canal rights-of-way between S.W. 120th Street and the southern boundary of the Krome Avenue access corridor, with the exception of aerial wire crossings for the Clear Sky-Levee #1 and #2 500 kV transmission lines and the Clear-Sky Pennsuco 230 kV transmission line over the east side of the L-30 Canal, immediately south of and adjacent to the southern boundary of the Krome Avenue Access Corridor.

[FPL Stipulation –6/20/13;Federal Water Resources Development Acts of 1992, 1996 and 2000, Sections 373.085(1)(b), 373.086(1) and 373.089, F.S.; Rules 40E-6.011 (1), (2) and (12), 40E-6.041 (1) and (2), 40E-6.221 (1), (2) and (10) and 62-17.133(3), F.A.C.]

iii. Unless authorized in this certification or mutually agreed in writing between Licensee and SFWMD authorized representative, within the West Preferred Corridor, access shall be restricted to the west sides of the L-30 and L-31N canals. Longitudinal access on the east sides of the L-30 and L-31N Canals is prohibited, except for Krome Avenue.

[FPL Stipulation –6/20/13;Federal Water Resources Development Acts of 1992, 1996 and 2000, Sections 373.085(1)(b), 373.086(1) and 373.089, F.S.; Rules 40E-6.011 (1), (2) and (12), 40E-6.041 (1) and (2), 40E-6.221 (1), (2) and (10) and 62-17.133(3), F.A.C.]

iv. The Licensee shall comply with the following conditions concerning use of the Ratner Bridge, S-334 service bridge, and S-335 service bridge:

(a) The Licensee's proposed use is secondary to SFWMD and USACE proposed use and shall not interfere with SFWMD proposed use.

(b) The Licensee shall inspect the bridges prior to and after construction activities in accordance with FDOT standards.

(c) Prior to construction, the Licensee shall provide load rating calculations for specific high frequency and special vehicles that will need to use the bridges.

(d) Maximum load criteria shall not be exceeded.

(e) Prior to construction, the Licensee shall provide SFWMD with videos and/or photographs documenting the condition of the bridges.

(f) The Licensee shall be responsible for paying the cost of any necessary bridge improvements required to accommodate Licensee's activities.

(g) The Licensee shall be responsible for repairing or paying the cost of repairing any damage to the bridge as a result of Licensee's activities. Within thirty (30) days of completion of construction activities, the bridge and its immediate surroundings shall be restored to its original condition prior to construction, including, but not limited to, concrete/asphalt repairs, canal bank repairs, gravel, and sod.

(h) The Licensee shall provide SFWMD with uninterrupted access acceptable to SFWMD for the duration of any necessary repair work.

(i) The Licensee shall obtain consent from the underlying fee owners for use of lands adjacent to the Ratner Bridge and related access road and shall submit a copy of said documentation to SFWMD prior to use.

(j) Prior to Licensee's use of the S-334 and S-335 service bridges, Licensee shall submit to SFWMD a Bypass Pumping Plan. The Plan shall address, to SFWMD's satisfaction, bypass pumping, in the event water control structures S-334 or S-335 are damaged as a result of Licensee's use thereof, such that the conveyance capability of water control structures S-334 or S-335 is impacted. The Bypass Pumping Plan must contemplate on-site facilities in order to effectuate immediate implementation in the event of damage to the S-334 or S-335 water control structures.

[FPL Stipulation –6/20/13;Federal Water Resources Development Acts of 1992, 1996 and 2000, Sections 373.085(1)(b), 373.086(1) and 373.089, F.S.; Rules 40E-6.011 (1), (2) and (12), 40E-6.041 (1) and (2), 40E-6.221 (1), (2) and (10) and 62-17.133(3), F.A.C.]

v. Transmission line support structures (poles) shall be placed a minimum of forty (40) feet from the toe of the water conservation area side of the levee.

[FPL Stipulation –6/20/13;Federal Water Resources Development Acts of 1992, 1996 and 2000; Sections 373.085(1)(b), 373.086(1) and 373.089, F.S.; Rules 40E-6.011 (1), (2), (4), (5), (6), (7) and (12), 40E-6.041 (1) and (2), 40E-6.221 (1), (2) and (10), and 62-17.133(3), F.A.C.]

c. Land Management / Ecosystem Restoration

i. At least thirty (30) days prior to construction of the transmission line segments that are along SFWMD L-29, L-30, or L-31N levees, Licensee shall submit a construction schedule and a coordination plan to SFWMD for review and post-certification compliance. The coordination plan will be for the purpose of coordinating Licensee and SFWMD construction activities in areas where both entities will have ongoing simultaneous construction activities.

[Sections 373.1391, 373.1501(4)(d), 373.1502(2)(a), and 373.4592, F.S.]

ii. Prior to final design of the certified transmission facilities, Licensee shall consult with SFWMD regarding design and placement of transmission line support structures and access roads between the Krome Avenue Detention Center and the southern limits of the existing rock mines owned by Kendall Properties and Investment within Licensee's West Preferred Corridor.

[Sections 373.1501(4)(d), 373.1502(2)(a) and 373.4592, F.S.]

3. Alternate Corridors

a. Definitions

i. "Alternate Corridors" for the following conditions of certification specifically applies to five (5) corridors proposed during the Site Certification process by Third Parties as alternates to FPL's West Preferred and West Secondary corridors: three (3) proposed by the Miami-Dade Limestone Products Association (M-DLPA); one (1) proposed by the National Parks Conservation Association (NPCA) and one (1) collectively proposed by the Village of Pinecrest and City of Coral Gables (PCG).

ii. "M-DLPA AC-1" refers to the alternate corridor filed by M-DLPA on May 2, 2011.

iii. "M-DLPA AC-2" refers to the alternate corridor that tracks the FPL West Preferred Corridor in the vicinity of the SFWMD L-31N levee and borrow canal (L-31N) then departs from the FPL West Preferred Corridor and turns to the east approximately one mile south of Tamiami Trail, and was filed on December 10, 2012

iv. "M-DLPA AC-3" refers to the alternate corridor that departs from the FPL West Preferred Corridor approximately six miles south of Tamiami Trail. M-DLPA AC-3 was filed December 10, 2012.

v. "NPCA AC-A" refers to the alternate corridor filed by NPCA on December 10, 2012.

vi. "PCG-AC" refers to the alternate corridor filed by the Village of Pinecrest and City of Coral Gables in May 2011.

vii. "Transmission facilities" refers to the proposed transmission lines, as defined in Section 403.522(22), Fla. Stat., in the FPL Turkey Point 6&7 Project Site Certification Project, including the Clear Sky-Turkey Point 230-kV transmission line, the Clear Sky-Davis and Davis-Miami 230-kV transmission lines, and Clear Sky-Levee #1 and #2 500-kV transmission lines and Clear Sky-Pennsuco 230-kV transmission line.

b. Protection of Everglades Habitat Associated with CERP Restoration

i. If Alternate Corridor M-DLPA AC-1 is certified and Licensee plans to place transmission facilities within this corridor then Section C.VI.F.2.a.ii above shall be modified to exclude ground surveys of wood storks during nesting for the Tamiami 3B Mud East colony.

ii. If Alternate Corridor M-DLPA AC-2 is certified and Licensee plans to place transmission facilities within this corridor then Section C.VI.F.2.a.ii above shall be modified to require ground surveys of wood storks during nesting for only the Tamiami East 2 colony.

iii. If Alternate Corridors M-DLPA AC-3 or NPCA AC-A is certified and Licensee plans to place transmission facilities within either of these corridors then Licensee shall not be required to comply with Section C.VI.F.2.a.ii above.

c. The following conditions apply to the M-DLPA AC-1, M-DLPA AC-2, M-DLPA AC-3 and NPCA AC-A alternate corridors:

i. For the bridge located over SFWMD C-4 Canal that is public access to Rifle Range Road from the Tamiami Trail and whose use would be required to use the access corridor for segments of the corridor north of Tamiami Trail, Licensee shall coordinate with Miami-Dade County to ensure compliance with all conditions of the SFWMD-issued Right-of-Way Occupancy Permit issued to Miami-Dade County. Placement of additional facilities or modification of facilities other than those specifically authorized by the Right-of-Way Occupancy Permit will require a permit modification to be issued by SFWMD. SFWMD and Miami-Dade County will work collaboratively with Licensee to address any such facilities or modifications.

ii. SFWMD C-4 Emergency Detention Basin.

(a) Licensee's use and occupancy of the SFWMD C-4 Emergency Detention Basin works, including levees and access roads, shall comply with Section C.VI.F.2.b. above titled "L-29 / L-30 / L-31N Levee Procedures / Requirements".

(b) Licensee's use is secondary to that of SFWMD and shall not interfere with SFWMD use.

(c) Any proposed levee improvements shall be designed and constructed so as not to cause a significant reduction in the C-4 Emergency Detention Basin existing water storage capacity.

iii. Transmission line facilities in the Pennsuco Regional Mitigation Area shall comply with Section C.VI.D. above.

d. The following conditions apply to the M-DLPA AC-2, M-DLPA AC-3 and NPCA AC-A alternate corridors:

i. Licensee shall work collaboratively with SFWMD to address any proprietary interests or issues arising with respect to the placement of transmission facilities on SFWMD real property interests within any alternate transmission line corridor having any encumbrance, such as those having a federal interest as described in the June 1999 SFWMD and U.S. Department of Interior (DOI) Grant Agreement for Everglades Watershed Restoration in accordance with the DOI and Related Agencies Appropriations Act, 1999, Public Law 105-277, Stat. 2681 (Grant Agreement), as specified in the paragraph below.

ii. Use of SFWMD Parcels Subject to Encumbrances: FPL shall bear the SFWMD's administrative costs (e.g., surveying, appraisals, and title searches) of release of encumbrances within the proposed transmission line rights-of-way.

e. The following conditions apply to the PCG-AC Alternate Corridor:

i. The subaqueous electric transmission line crossing of the Miami River shall be constructed so as not to impact the flow conveyance capacity of the Miami River.

ii. Downstream of SFWMD water control structure S-26, any crossing of or bulkhead wall use or construction on the Miami River must adhere to SFWMD permit criteria.

f. The following conditions apply to the M-DLPA AC-2 Alternate Corridor:

i. All Licensee transmission facilities placed on the west side of L-31N shall comply with all conditions in Section C.VI.F.2.b. above.

ii. Use of SFWMD East L-31N Right-of-Way (from Tamiami Trail southward to approximately S.W. 100th St).

(a) 230 kV Facilities: If placed within the east District right-of-way the single 230 kV, un-guyed (except for heavy angles) transmission facilities, shall not occupy more than fifty (50) feet westward from the east SFWMD right-of-way boundary.

(b) 500kV Facilities: Where the 500 kV transmission facilities cross SFWMD L-31N, the crossing shall extend to beyond the eastern boundary of the SFWMD L-31N right-of-way.

(c) 160' Clear Zone: Guy wires necessary for the transmission facilities associated with heavy angles may be placed within District Right-of-Way but shall not be placed within one hundred sixty (160) feet of the eastern top-of-bank of the SFWMD L-31N.

iii. Use of SFWMD East L-31N Right-of-Way (Specific Segments): In recognition of the District's and FPL's interests in balancing the environmental impacts (such as potential impacts to wetlands, Everglades National Park, and avian species) and impacts to the District's L-31N/ L-30 property interests arising from the construction, operation and maintenance of the west transmission lines associated with the Turkey Point 6&7 Project, the SFWMD agrees to allow use of its rights-of-way and properties, in exchange for no siting of transmission facilities on the west side of the L-31N canal in Segment 3, notwithstanding the provisions of the 2008 Cooperation Agreement to the contrary, as specified in more detail below:

(a) Segment 3 (Northern Segment): North from approximately SW 56th Street, Licensee agrees that, as part of this Alternate Corridor, in the area north from the westward extension of approximately SW 56th Street, all transmission facilities will be sited east of the SFWMD L-31N Right-of-Way unless Licensee is prevented from utilizing this area (east of the SFWMD right-of-way) by regulatory or proprietary impediments. If such impediments prevent Licensee from utilizing this area, the conditions in Sections C.VI.A. through C.VI.F.2.b. above apply. ("Proprietary impediments" in this provision refers to impediments to the use of property, property interests, or works of any public or governmental agency.)

(b) Segment 2 (Central Segment): In the area between approximately SW 56th Street and the southern boundary of Government Lot 2 Licensee may place transmission facilities associated with a single 230 kV transmission line within the SFWMD east right-of-way.

(1) For purposes of these conditions the SFWMD L-31N east right-of-way line shall be as depicted on Attachment W, including a map and "Sketch and Description Portions of Section 35, Township 54 South, Range 38 East and Government Lot 2 of the Hiatus between Township 54 South and Township 55 South, Range 38 East," dated October 31, 2008.

(2) Licensee shall coordinate with Permittee of SFWMD Standard Permit No. 12872 to ensure compatibility of design and operation of Licensee transmission facilities with Permittee's authorized use of SFWMD right-of-way, or work with permittee and the SFWMD to modify the above-referenced permit. SFWMD proposed conditions and Licensee anticipated compliance therewith in no way constitutes a waiver or variance of the above referenced permit.

(3) Licensee shall design the transmission facilities to be compatible with the SFWMD South Miami microwave tower (B-90) and in compliance with Communication Systems condition in Section C.VI.B. above; if compatibility

requires modification of the SFWMD tower or tower facilities, such modification shall be at Licensee's expense.

(c) Segment 1 (Southern Segment): In the area south of the southern boundary of Government Lot 2 Licensee may place facilities associated with a single 230 kV transmission line within the SFWMD east right-of-way in this segment only to the extent there is mutual agreement between FPL and SFWMD on the placement of transmission facilities within the SFWMD right-of-way.

iv. FPL may use the existing SFWMD access roadways on the L-31N levee and east of the L-31N Canal within the SFWMD ROW, other public roadways, and newly constructed access roads within the corridor boundaries for access to transmission structures within the West Consensus Corridor south of Tamiami Trail.

v. The Licensee shall only have the right to utilize SFWMD right-of-way for those activities, uses, and purposes specifically authorized in this Certification for the purpose of construction, operation, and maintenance of the certified transmission facilities unless otherwise agreed to by the SFWMD Executive Director or his/her designee and Licensee in writing.

[FPL Stipulation – 10/25/13]

VII. MIAMI DADE COUNTY (MDC)

A. General Conditions

The construction, operation and maintenance of all transmission lines shall be in full compliance with applicable non-procedural requirements of Chapter 24 and the MDC Public Works Manual.

[MDC Code, Chapter 24]

B. Noise

FPL shall comply with the applicable non-procedural requirements of MDC's noise ordinance in Section 21-28 of the MDC Code in the construction, operation, and maintenance of the proposed transmission lines.

[FPL Stipulation –7/16/13; MDC Code, Chapter 21, Article IV]

C. Environmentally Endangered Lands (EEL)

1. FPL shall place no transmission line structures or facilities and conduct no construction or maintenance activities within the Sunny Palms EEL Preserve (Parcel ID Number 3078340000140).

2. Impacts to any Environmentally Endangered Lands parcel ("EEL parcel") outside the certified corridor(s) are prohibited, including activities that may result in adverse impacts to EEL parcels, such as encroachment by equipment or other construction materials, the dumping of cut vegetation, and the use of herbicides or pesticides on EEL lands. If the transmission line ROW will be located immediately adjacent to any EEL parcels (see parcels shown in pink on map, Attachment O), FPL shall install high-visibility barriers during construction between the transmission line ROW and any EEL parcels immediately adjacent thereto; however, under no circumstances shall such barriers be located on EEL parcels. These

barriers shall be sufficient to prevent encroachment of fill, sediment, or debris that may result in adverse impacts to EEL parcels, and shall be maintained in good condition and remain in place for the duration of construction. EEL parcels with the potential to be immediately adjacent to the transmission line ROW are:

a. Sunny Palms Pineland EEL Preserve

b. Tamiami Pineland Complex Addition EEL Preserve

c. South Dade Wetlands EEL Preserve

3. Miami-Dade County may acquire additional EEL parcels (see parcels shown in green on map, Attachment O), and upon FPL's submittal of the proposed ROW location within the certified corridor pursuant to Section C. Condition I.A.1. and prior to FPL's final design of the transmission facilities, Miami-Dade County shall notify FPL of EEL acquisitions that may be adjacent to the transmission line ROW. If the transmission line ROW will be located immediately adjacent to such EEL parcels of which FPL has been notified, FPL shall install high-visibility barriers during construction between the transmission line ROW and any EEL parcels immediately adjacent thereto; however, under no circumstances shall such markers be located on EEL parcels. These barriers shall be sufficient to prevent encroachment of fill, sediment, or debris that may result in adverse impacts to EEL parcels, and shall be maintained in good condition and remain in place for the duration of the construction project. Such EEL acquisitions may include, but would not be limited to, additional lands that would be added to the South Dade Wetlands EEL Preserve, as well as the King's Highway Pineland. For the Kings' Highway Pineland Complex Addition EEL Preserve, the above requirements for barriers would apply to that portion of the property that is outside of the transmission line ROW.

[FPL Stipulation –6/19/13; Chapter 24, Article IV, Division 3 of MDC Code; Article 7 of MDC Charter.]

D. Fill within the Transmission Rights of Way

All fill material proposed to be placed within any certified transmission line ROW shall meet the clean fill/soil criteria, pursuant to the definition of Chapter 24-5 of the Code of Miami-Dade County, or shall be compliant with the Soil Reuse Guidance for Miami-Dade County dated March 22, 2004 or the FPL Conceptual Earthwork and Materials Disposal Plan (June 3, 2011), attached as Attachment S, as applicable. Fill from permitted commercial rock mines will not be tested by FPL. If the material is from other off-site sources, FPL will meet with MDC DERM to determine the appropriate testing requirements to ensure that the material complies with the requirements set forth in this section.

[FPL Stipulation –11/1/13; MDC Code, Chapter 24-48.3(4), Article IV, Division 1]

E. Cultural and Archeological Resources

1. In the final design of the certified transmission lines, to the extent practicable,

a. For the Davis-Miami transmission line, FPL shall avoid or minimize impacts to County-designated, known historic and archaeological sites and cultural resources that are identified by completion of a cultural resources survey. If any impact to a historic or archaeological site cannot be avoided completely, the Licensee shall conduct an

Effects Analysis, and consult with DHR and MDC to identify appropriate action and mitigation, if necessary; and

b. For the Clear Sky-Levee and Clear Sky-Pennsuco transmission lines, FPL shall avoid or minimize impacts to County-designated and known historic and archaeological sites, and cultural resources that are identified by completion of a cultural resources survey. If any impact to a historic or archaeological site cannot be avoided completely, the Licensee shall conduct an Effects Analysis, and consult with DHR and MDC to identify appropriate action and mitigation, if necessary.

2. FPL shall provide as a post-certification submittal final design drawings demonstrating compliance with these requirements.

3. FPL shall provide copies to MDC of any surveys or reports made to the Division of Historical Resources (DHR).

[FPL Stipulation – 6/19/13; MDC Code, Chapter 16A]

F. Kings Highway Natural Forest Community (Parcel Folio Number 30-7810-000-0140)

1. Within the Kings Highway Pineland Natural Forest Community (NFC), as defined in Section 24-5 of MDC Code, FPL shall minimize the permanent impacts (defined as the location of pole pads and anchors and other infrastructure that remains post-construction) of the proposed transmission lines to no more than ten percent of the total NFC acreage, without providing appropriate mitigation. To the extent practicable and unless an engineering or safety concern arises, FPL will use best efforts to accommodate the County's preference for the alignment shown on Attachment P (drawing: Figure 2 from FPL's completeness response no. MD(3)-04) regarding the NFC.

2. Within the Kings Highway Pineland NFC, FPL shall avoid and/or minimize the temporary impacts of the proposed transmission lines, including the following measures, to the extent practicable:

a. FPL shall place any new access road outside the designated NFC boundary.

b. FPL shall maintain the substrate and understory within the NFC, utilizing best management practices such as mats and rubber tired vehicles for construction access.

c. FPL shall minimize clearing, grubbing and substrate disturbance within the NFC.

d. FPL shall not stage any equipment, materials, mulch, or debris within the NFC.

e. FPL shall only conduct minimum trimming, pruning or topping of native trees as necessary to maintain the minimum safety and electrical clearances in accordance with the most recent ANSI A-300 Standard Practices of Tree Care Operations.

f. All vegetative debris that is cut, trimmed, topped, or otherwise removed shall be removed by FPL from the NFC for proper disposal.

g. FPL shall install high-visibility barriers during construction to mark for protection any trees and vegetation within the NFC that are outside of the work areas within the ROW during construction. These barriers shall be sufficient to prevent construction impacts, including but not limited to, encroachment of fill, sediment, or debris that may result in adverse impacts to NFC, and shall be maintained in good condition and remain in place for the duration of the construction project.

h. FPL shall not construct roads or install fill for roads and pads within the Kings Highway Pineland Natural Forest Community, although FPL shall be allowed to place the back-fill needed for the installation of the poles required within that parcel.

i. FPL shall utilize low-impact methods for conductor stringing within the Kings Highway Pineland Natural Forest Community.

3. FPL shall eradicate or remove prohibited and controlled plant species and shall manage the transmission line ROW within the NFC to facilitate the regeneration of pine rockland plant species and discourage the growth and introduction of non-pine rockland plant species including hardwood hammock species and exotic species to the extent practicable, as specified in the Miami-Dade County Natural Areas Management Plan for Pine Rocklands.

4. Permanent and temporary impacts to the NFC outside FPL's transmission line ROW are prohibited.

[FPL Stipulation –6/19/13; Section 24-49, MDC Code.]

G. Flowage Easement

Prior to the construction of the TP 6 & 7 Project. FPL shall execute the Flowage Easement, attached hereto as Attachment J (May 2013).

[FPL – Stipulation 6/20/13]

H. Placement of Transmission Facilities within Transit Right-of-Way

1. FPL shall attach no facilities associated with the Davis-Miami transmission line to the Metrorail structure or guideway.

2. FPL shall place the Davis-Miami transmission line at a minimum of 30 ft from the Metrorail dripline or at the maximum practicable distance from the Metrorail structures, and shall in all instances place the transmission line to ensure the minimum clearances required by the National Electrical Safety Code (NESC) or Occupational Safety and Health Administration (OSHA). FPL poles must meet all federal, State and County requirements, including the MDT design criteria and roadway clear zones.

3. Within the East Preferred Corridor, to the extent practicable, FPL shall place transmission line facilities to maintain a minimum two-foot (2') clear zone from the M-Path edge. FPL shall relocate the M-Path if necessary, at FPL's expense, to facilitate this placement.

4. To the extent that FPL proposes to place or replace vegetation or trees within Miami-Dade Transit (MDT) right-of-way (ROW) associated with the Davis-Miami transmission line, FPL shall coordinate with MDT regarding the selection and placement of the vegetation or trees within MDT ROW. Such placement of vegetation or trees within MDT ROW shall be designed to be compatible with MDTs' operational and maintenance needs and as

described in the MDT Manual of Landscaping Standards. The issue of maintenance of any vegetation to be placed within MDT ROW shall be resolved prior to any such placement of vegetation within MDT ROW.

5. FPL shall provide MDT for review the preliminary design, the 50% design drawings and the 100% final design plans showing the pole locations along the Metrorail and Busway corridors, to the MDT to demonstrate compliance with these conditions of certification, as a post-certification submittal, and MDT shall review these plans.

6. A License Agreement shall be developed between FPL and MDT to address the technical issues (including but not limited to, electro-magnetic interference, pole placement, and pole inspection) and legal issues (including but not limited to liability and indemnification) relating to the placement of transmission facilities within MDT ROW, generally in accordance with the License Agreement for the 138-kV Transmission Line at Brickell Station (Miami-Simpson transmission line), with appropriate revisions to address the increased voltage of the new transmission line. Neither party shall unreasonably withhold agreement on the development and implementation of such Agreement. The License Agreement shall be executed by the parties upon final plans acceptable to MDT.

7. FPL's placement of the Davis-Miami transmission line within MDT right-of-way shall be subject to approval of the Federal Transit Administration and Florida Department of Transportation, as appropriate.

8. During the preliminary design, 50% design and the 100% final design of the Davis-Miami transmission line to be placed within MDT right-of-way, FPL shall coordinate with MDT, FDOT and Miami Dade Expressway (MDX) regarding any potential future expansions of MDT, FDOT or MDX facilities. FPL's design shall incorporate the best-available information at the time of final design regarding any future expansion of MDT, FDOT or MDX facilities within the MDT ROW currently being used as the Busway. In the event that MDT, FDOT or MDX may expand or develop new facilities within the MDT ROW in the future, FPL's placement of the Davis-Miami transmission line within the MDT ROW is at risk to FPL of relocation at FPL's expense, pursuant to Section 337.403, F.S.

9. During construction within proximity to Metrorail facilities, FPL shall be required to comply with the applicable non-procedural requirements of the MDT Adjacent Construction Manual, such as having a MDT spotter on-site, at FPL's cost, to coordinate FPL's activities with MDT to ensure safety of mass transit patrons and the MDT system and facilities.

10. FPL work shall not interrupt MDT passenger train service. Any FPL work anticipated to impact MDT passenger train service must be performed during non-service hours.

11. FPL and MDT shall coordinate to identify a transmission line alignment in proximity to the Douglas Road Metrorail Station parcel. FPL shall develop a technically feasible alignment and design, acceptable to MDT, in the Douglas Road Metrorail Station area.

12. All cost to perform any work as stipulated above relating to the Davis-Miami 230kv transmission line, except as may be applicable to paragraph 4, shall be borne by FPL.

[FPL Stipulation –6/20/13; MDC Code Chapter 30-B - Transit Agency Rules and Regulations; Landscape Manual, Chapter 18A; Chapter 24]

I. Mitigation for Mangrove, Wetland and Upland Tree Impacts

1. Prior to any construction within wetlands along the transmission rights-of-way, wetlands impact shall be mitigated in accordance with the Mitigation Plan Rev. 2 (July 2011) (hereinafter "Mitigation Plan").

2. For mitigation proposed at the Hole in the Donut (HID) Mitigation Bank, FPL will utilize the approved functional assessment methodology for the HID at the time of mitigation credit purchase. If the HID has not adopted the Uniform Mitigation Assessment Methodology or a HID-specific functional assessment methodology, FPL will calculate the amount of mitigation credits required based upon ratios for wetland restoration in accordance with the FDEP/SFWMD ERP Basis of Review (B.O.R.) ranging from 1.5:1 to 4:1 [B.O.R. section 3.3.2.1.1(b)]. Mitigation ratios will be determined based upon the quality of impacted wetlands in consultation with FDEP and Miami-Dade County upon final transmission design.

3. Mitigation for impacts to forested wetlands or tree islands shall be mitigated through in-kind mitigation at a mitigation bank or with a project.

4. In FPL's transmission line rights-of-way, FPL must remove cut vegetation from wetland areas. Cut vegetation shall not be dumped in wetlands, should be transported for disposal to an approved facility; all handling shall be in accordance with solid waste disposal regulations.

5. In the final design of the transmission lines, FPL shall avoid and minimize impacts to mangroves and wetlands to the extent practicable. For unavoidable impacts to wetlands, FPL shall provide mitigation by implementing the Mitigation Plan Rev 2 (July 2011) and consistent with the conditions herein. Prior to the commencement of construction of the transmission lines, FPL shall provide a post-certification submittal to MDC demonstrating compliance with this requirement.

6. In the area of the Wink Eye Slough, transmission construction work must maintain an equivalent level of sheet flow to that which currently exists in the slough. FPL shall identify access road design and construction techniques to meet that objective and to accommodate the increased flowage anticipated from the 50cfs pump proposed to be constructed linking the Florida City Canal with Wink Eye Slough under the CERP BBCW Alternative O. In selecting designs to meet these objectives, FPL shall assess the practicability of each option assessed (considering a balance of environmental impacts, land use impacts, engineering constraints and costs).

7. For the transmission lines, FPL shall preserve specimen trees (trunk > 18 inch diameter at breast height) to the extent practicable. Should upland construction damage or require removal of any upland trees, FPL shall replace upland tree canopy in accordance with the requirements of Article IV of Chapter 24, MDC Code. This requirement applies to trees within any newly established FPL transmission line rights-of-way.

8. Prior to commencement of work within each segment of transmission line within uplands on newly established transmission line right-of-way (including site clearing or tree removal), FPL shall submit to Miami-Dade County (or applicable municipalities) for review as a post-certification submittal a tree survey for that segment showing all upland trees proposed to be removed, as well as a tree planting plan to mitigate for the tree canopy to be removed for that segment as required by Section 24-49 of Miami-Dade County Code. Miami-Dade County

(or applicable municipalities) will review the survey and plan for compliance with these conditions of certification. Removal of trees from botanic gardens or state approved nurseries is not subject to the tree or canopy replacement requirements contained herein. For purposes of this condition, state approved nurseries shall mean those nurseries with a valid certificate of registration from the Division of Plant Industry. Mangrove and wetland mitigation requirements are described in other conditions of certification, mangroves and trees located within wetlands are not subject to these tree or canopy replacement requirements.

[FPL Stipulation –6/20/13; Section 24-48(4) and 24-49 MDC Code, CDMP Objective TC-6, Policy TC-6C, and Policy CON-7A; Condition #9 of Z-56-07.]

J. Exotic Vegetation

1. Within FPL's transmission line rights-of-way, FPL shall not plant, import, or propagate, or permit any third party to plant, import, or propagate, prohibited species of exotic vegetation listed in Attachment L (Attachment 2 of MDC's TL Agency Report – the list of 57 Prohibited Species in MDC CDMP).

2. Within FPL's transmission line rights-of-way, during initial construction, FPL shall use best management practices to eliminate the prohibited species of exotic vegetation listed in the Attachment L, such as mechanical methods and selective application of herbicides.

3. Within FPL's transmission line rights-of-way, FPL shall perform periodic maintenance (at least once each three years), or more often as required by current control technology for invasive species such as Lygodium, and use best management practices to control prohibited species of exotic vegetation listed in Attachment L.

4. Within FPL's transmission line rights-of-way, FPL shall not plant the controlled species of exotic vegetation listed in Attachment K (list that currently appears on page IV-15 of the CDMP).

5. Prior to construction, FPL shall provide the County with its Vegetation Management Prescription for the proposed transmission lines, or any other such equivalent documentation relating to use of pesticide, decontamination, and management of exotic vegetation, and shall inform the County when such documentation is updated.

[FPL Stipulation –6/19/13; Section 24-49.9(1), Section 18A-12, MDC Code]

K. Prescribed Burns

1. FPL shall allow MDC or its agents or designees to perform prescribed burns, as approved by the Florida Fire Service (FFS), within the FPL ROW as specified below:

a. Prior to facility construction, in areas where MDC owns or manages property immediately adjacent to or within the FPL ROW, and where the FPL ROW is currently unimproved (i.e. no FPL facilities) FPL shall allow a prescribed maintenance burn within the FPL ROW, except where it would be incompatible due to existing mangrove vegetation or agricultural uses.

b. Following construction, when compatible with electrical clearances required for the lines and if fuel load has been reduced to minimize potential fire intensity and smoke, and upon MDC notice and coordination with FPL, FPL shall allow prescribed maintenance burns at appropriate intervals, within the FPL ROW where MDC owns

or manages property except where it would be incompatible due to existing mangrove vegetation or agricultural uses;

c. If at any time a prescribed burn conducted by MDC results in a line outage, the conditions in this paragraph to allow burning in the FPL ROW shall no longer apply. Any requests for prescribed burning by MDC shall thereafter be considered by FPL on a case by case basis, and permission shall not unreasonably be withheld.

2. Upon request by MDC, FPL shall meet with MDC staff to discuss controlled burn plans adjacent to the FPL ROW to resolve any issues regarding details of those burn plans, including the timing and schedule for proposed controlled burning and reduction of fuel load to reduce fire intensity and smoke. Where the burn plans involve property not owned by MDC or FPL, MDC shall be responsible for obtaining approval from affected property owners as necessary.

[FPL Stipulation –6/19/13; Sections 14-27, 24-41.4, 24-41.5, and Chapter 24, Article IV, Division 3, MDC Code]

L. Within the Proposed Transmission Line ROW in Simpson Park

1. Within the Simpson Park Natural Forest Community (NFC), as defined in Section 24-5 of MDC Code, FPL shall avoid and minimize impacts.

2. To the extent practicable and unless an engineering or safety concern arises, FPL will use best efforts to avoid placement of any transmission facilities within the Simpson Park NFC boundaries.

3. If placement of transmission line facilities within the Simpson Park NFC is unavoidable, FPL shall avoid and/or minimize the temporary as well as permanent impacts of the proposed transmission line to the portion of Simpson Park that is designated a Natural Forest Community (NFC), including the following measures, to the extent practicable:

a. FPL shall place no access road in the portions of Simpson Park that is designated a NFC.

b. FPL shall not stage any equipment, materials, mulch, or debris within the Simpson Park NFC.

c. FPL shall only conduct minimum trimming, pruning or topping of trees as necessary to maintain the minimum safety and electrical clearances in accordance with the most recent ANSI A-300 Standard Practices of Tree Care Operations.

d. All vegetative debris that is cut, trimmed, topped, or otherwise removed shall be removed by FPL from the Simpson Park NFC for proper disposal.

e. FPL shall install high-visibility barriers during construction to mark for protection any trees and vegetation within Simpson Park that are outside of the work areas within the ROW. These barriers shall be sufficient to prevent construction impacts, including but not limited to, encroachment of fill, sediment, or debris that may result in adverse impacts to the Simpson Park NFC, and shall be maintained in good condition and remain in place for the duration of the construction project.

f. FPL shall eradicate or remove prohibited and controlled plant species within the acquired transmission line ROW within Simpson Park NFC and shall manage the transmission line ROW to control those species to the extent practicable.

g. Permanent and temporary impacts to NFC and to Simpson Park outside FPL's transmission line ROW are prohibited unless the impacts are consistent with the requirements of the Section 24-49.

[FPL Stipulation –6/20/13; Resolution Z-56-07, Condition 20; Section 24-49, MDC Code; CDMP Policy CON-8C]

M. Homestead Bayfront Park

1. Within Homestead Bayfront Park, FPL will minimize impacts to the park facilities and uses to the extent practicable by:

a. Locating the new transmission line to be parallel and immediately adjacent to the existing transmission facilities within the existing easement located within the Park;

b. Maintaining, for the new transmission line, the similar span lengths and pole locations as the existing transmission facilities within the existing easement located within the Park; and

c. Using, for the new transmission lines, the same access facilities as the existing transmission facilities within the existing easement located within the Park.

2. FPL shall provide as a post-certification submittal to MDC drawings demonstrating compliance with this condition, including as-built conditions and easement boundaries.

[FPL Stipulation –6/20/13; CDMP Objective LU-3, Policy LU-3B]

N. Rare, Threatened, and Endangered Species

1. FPL shall conduct listed faunal species surveys of the transmission line rights-of-way, report locations of evidence of presence of listed species and suitable habitat found, and implement practicable protection measures to avoid, minimize, mitigate, or otherwise address listed species issues. Listed faunal species protection measures shall be in accordance with FWC regulations and FWC conditions of certification. FPL shall provide MDC with a copy of the listed faunal species survey results along the transmission line rights-of-way and confer with MDC on the proposed protection measures.

2. In areas within or immediately adjacent to natural areas including wetlands pinelands or hammocks that are anticipated to be impacted by transmission line construction, FPL shall conduct federal and state listed floral species surveys of the transmission line rights-of-way and report locations of evidence of presence of listed floral species to MDC. Where practicable FPL shall implement protection measures to avoid and minimize impacts to listed floral species. Where impacts cannot be avoided, FPL shall provide MDC notice and opportunity to salvage or remove any such listed floral species identified in the surveys prior to construction.

[FPL Stipulation –6/20/13; Zoning Resolution No. Z-56-07, Chapter 24 of MDC Code]

O. East Corridor

1. Placement in Established Right-Of-Way in Areas under Miami-Dade County Jurisdiction:

a. The construction, operation and maintenance of the proposed transmission lines in areas under Miami-Dade County's jurisdiction in either the FPL East Preferred Corridor or Pinecrest/ Coral Gables Alternate Corridor ("East Corridor") shall be in a currently existing right of way (ROW), to the extent practicable. The currently existing ROW shall be existing MDC road or MDT ROW, or other previously existing easement or ROW.

b. Where the transmission line will not be located in currently existing ROW, FPL shall establish a ROW prior to construction of the transmission line. Where new ROW is established on private property in the East Corridor under Miami-Dade County's jurisdiction, to the extent practicable, FPL shall not:

i. reduce parking below the minimum required for the use on the subject property (this condition shall not apply if current requirements for parking are not met with current conditions);

ii. adversely impact traffic flow relating to owners or patrons of the subject property;

iii. modify existing signage without owner consent and appropriate approvals (which shall not be unreasonably withheld);

iv. permanently eliminate required landscaping on the subject property without providing for replacement; or

v. modify existing structures without owner consent and appropriate approvals (which shall not be unreasonably withheld).

2. MDC-Approved Development in Corridor:

Upon request by FPL, MDC shall identify for FPL the location of approved but not-yet constructed development within Miami-Dade County's jurisdiction within the East Corridor so that in the design of the 230-kV transmission line within the East Corridor, FPL can plan to avoid or minimize conflicts with any approved but not-yet built development within the transmission line alignment. If no information is provided within 60 days of request by FPL, FPL shall proceed with preliminary design of the transmission line within the East Corridor.

3. Line Placement near Metrorail Stations:

In the design of the 230-kV transmission line within the East Corridor, to the extent practicable, the FPL transmission line alignment shall:

a. Within the Miami-Dade County Rapid Transit Zone (RTZ) boundaries of the Coconut Grove Metrorail Station, avoid placement of the line west of the Metrorail Guideway and avoid the MDT ROW from SW 29th Ave to SW 27th Ave; and

b. Within the RTZ boundaries of the Vizcaya and South Miami Metrorail Stations, avoid placement of the line west of the Metrorail Guideway; and.

c. Within the RTZ boundaries of University Metrorail Station, place the line as shown in the drawings dated 04/01/2010, except as amended herein or as mutually agreed between FPL and the City of Coral Gables; and

d. Within the RTZ boundaries of the Brickell Metrorail Station, avoid placement of the line along SW 1st Avenue or SE 1st Avenue; and

e. Avoid the private property outside the existing MDT ROW (area west of the existing MDT ROW), from SW 98th Street to SW 136th Street (only if MDT agrees to placement of the FPL transmission line alignment within MDT ROW in this location); and

f. Avoid the area shown on Attachment U as the Exclusion Area (from SW 98th Street to the Snapper Creek Expressway (SR 878); and to the extent practicable, place poles within an established ROW and/or co-locate with existing facilities outside of the Exclusion Area.

g. In the event that FPL identifies to MDC in the preliminary design for the transmission line that the avoidance or placement of the areas discussed above is not practicable, FPL and MDC shall work collaboratively to identify a mutually acceptable final design for the 230-kV transmission line in those areas.

4. Transmission Line Poles

a. Pole Design: To the extent practicable, in the East Corridor, FPL shall utilize single pole construction and minimize the use of guy wires, consistent with safe design of the transmission facilities.

b. Pole locations: At least ninety (90) days prior to any construction associated with any segment of the East Corridor, including removal of any vegetation, FPL shall submit a plan showing proposed pole locations to the County pursuant to DEP Condition No. A(XIX) for review for DEP to determine, in consultation with the County, whether the plan complies with these conditions of certification. Plans may be submitted on a segment-by-segment basis.

5. Collocation: For the East Corridor, FPL shall make best efforts to co-locate existing electrical utility facilities with the new transmission line in the East Corridor, where appropriate. As an example, FPL shall under-build distribution facilities on the new transmission line, where practicable.

6. Sidewalks: To the extent practicable, transmission line poles and support structures in the East Corridor shall not be located within existing sidewalks in areas within MDC's jurisdiction. If the poles cannot be located outside of the existing sidewalk, FPL shall either:

a. locate the poles in private easement to avoid the existing sidewalk; or

b. relocate the sidewalk at the same width as the existing sidewalk within the County ROW at FPL's expense to a location identified in consultation with MDC.

c. If neither section 6.1 nor 6.2 are practicable, FPL shall make adjustments to the existing sidewalk to comply with the Americans with Disabilities Act (ADA).

7. Canopy Vegetation:

To the extent practicable, FPL shall design the transmission line within the East Corridor to avoid or minimize impacts to significant existing canopy vegetation.

P. West Corridor and East Corridor

1. Post-Certification Review by Miami-Dade County for Transmission Line Placement:

a. Preliminary Design:

FPL shall identify the preliminary design and alignment for the transmission line alignment for review by MDC as a post-certification submittal pursuant to Section C. Condition I.A.1.

b. Final Design:

Prior to construction, FPL shall provide to MDC the proposed ROW locations as a post-certification submittal, pursuant to DEP Condition No. A(XIX), for review for compliance with these conditions of certification.

2. Public Works Manual Compliance:

In the design of the certified transmission line facilities, to the extent practicable, the FPL transmission line alignment shall:

a. In all locations where a new transmission line is installed in or along County ROW, poles shall be sited to ensure safe sight distance triangles for motorists at all appropriate intersections and along all roadways in the immediate vicinity, to the extent practicable, in accordance with Section G5.3 of the MDC Public Works Manual. FPL shall submit drawings to demonstrate compliance with this condition to the County prior to any construction on the East Corridor or West Corridor. (This requirement is not applicable where right turn on red is prohibited.) All plans shall be signed and sealed by P.E. registered in Florida. Installation of all Transmission poles shall comply with Stopping Sight Distance and Sight Triangle requirements as defined in The Florida Green Book and FDOT Index 546 as applicable.

b. FPL shall design transmission line and pole placements in accordance with the following provisions of the MDC Public Works Manual as applicable:

i. The utility's work, while in progress, shall be properly protected at all times with suitable barricades, flags, lights, flares or other devices as required by the Manual on Uniform Traffic Control Devices, FDOT Roadway and Traffic Design Standards and/or any requirements of the Public Works Department to protect all members of the public using the portion of the streets involved or adjacent property. The utility shall at all times employ due care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. All of the utility's structures and lines, equipment and connection in, over, and upon the public rights-of-way of the County wherever situated or located shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair. Particular

emphasis must be placed on safety devices for vehicular traffic. Any work that may create a hazard at night shall be well lighted from sunset to sunrise with lamps or lanterns visible from all approaches.

ii. Upon completion of the work, FPL shall restore the entire area disturbed or affected by this work (both public and private property) to the same or equal condition that existed prior to the work. The restoration of the area shall include, but is not limited to, the removal of surplus or unused materials, rubbish, and temporary structures. Disposal of such materials shall not be made in a manner that will violate any portion of the County Code.

iii. All transmission poles erected within the County's rights of way shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who may join any of the said street, alleys or other public ways and places.

iv. Transmission poles located within Miami-Dade County Rights-of-ways will not willfully, or otherwise, obstruct, damage, destroy or interfere in any way with the functioning of any drain or drainage system. Poles will not be installed within the drain field of a drainage system.

v. All poles shall be placed at the right-of-way line whenever possible.

vi. FPL shall furnish, install, and supervise the traffic control and warning devices, including use of Uniformed Police Officer when specified, without cost to County. When traffic detours are used, 24 hours advance notice shall be given to law enforcement and fire protection services. FPL shall provide to Public Works Department detour plans for review at least three (3) days in advance and variable message signs will be used to alert the public.

vii. Overhead crossings of power lines above Miami-Dade County canals must have a 40 ft. minimum clearance above ground surface, per Section D4.04, Part 2 – Public Works Manual.

viii. FPL shall demonstrate in a post-certification submittal that it meets the applicable requirements of Section D4.04, Part 2 – Public Works Manual, and Chapter 24 of the Code of Miami-Dade County (MDC), for work in or over Miami-Dade County canals by submitting drawings that depict the proposed crossing in both plan and profile views and the following information:

1) The canal right-of-way lines;
2) The top of the canal bank and its elevation;
3) The centerline of the levee and its elevation;
4) The canal maintenance berm and its elevations at its highest point;

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

6) The location of any anchors, downguys, or spanguys within the County's right-of-way;

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

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

ix.) Should FPL desire to utilize Miami-Dade County's canal rights-of-way for access during construction of the transmission lines and/or for inspection and maintenance after construction, FPL shall submit to the County a detailed plan identifying the proposed route, type and number of vehicles to be used on County canal rights-of-way, and frequency of such use.

[FPL Stipulation- 7/16/13]

Q. Aviation

1. FPL shall not construct any transmission line facilities whose height exceeds 200 ft in any location in Miami Dade County.

2. FPL shall not construct any transmission line facilities whose height exceeds the maximum permitted height as defined for each respective airport (Miami International Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Homestead Air Reserve Base) in Chapter 33, Art. XXXV (Homestead Air Force Base), Art. XXXVII (Miami International Airport) (Wilcox Field), Art. XXXIX (Homestead General Aviation Airport), and Art. XL (Kendall Tamiami Executive Airport) of the County Code.

3. For any transmission line facilities to be located or cranes to be used within any impacted Height Zoning Districts of Miami International Airport, Kendall-Tamiami Executive Airport or Homestead General Aviation Airport (Attachment Q provided for illustrative purposes only), prior to construction, FPL shall provide to Miami Dade County Aviation Department as a post-certification submittal, for purposes of assuring compliance with this condition of certification:

a. all information necessary and fees (in accordance with the Aviation Department Fee Schedule) for a complete “Airspace Letter of Determination” detailing latitude/ longitude locations for all relevant poles;

b. all information necessary for a complete “Permissible Crane Height Determination” application showing proposed crane heights and locations; and

c. a copy of any approvals or determinations from the Federal Aviation Administration (FAA).

4. Prior to construction, FPL shall coordinate with Homestead Air Reserve Base regarding any proposed facilities to be located inside the impacted Height Zoning District (Inner Horizontal Surface) of HARB (Attachment Q provided for illustrative purposes only)

which may include providing HARB with information and documentation equivalent to that described in paragraph 3.

[FPL Stipulation –7/16/13: MDC Resolution Z-56-07, MDC Code Sections 33-330 - 33-350, 33-388 - 33-403, 33-292 - 3-301, 33-372 - 33-387]

R. Trail Glades Park Specific Conditions

1. FPL shall comply with the applicable non-procedural requirements of Chapter 26, MDC Code relative to Trail Glades Range Park.

[MDC Code, Chapter 26]

S. Wellfields:

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

2. With the exception of herbicides as provided in the paragraph above, FPL, its agents and contractors shall not generate, transport, use, handle, dispose of, or store hazardous wastes or hazardous materials as defined pursuant to Section 24-5 of Miami-Dade County Code within any portion of the transmission lines located within a well field protection area in Miami-Dade County.

[FPL Stipulation –11/1/13; Section 24-43, MDC Code]

T. Access Controls:

1. In areas where new transmission access roads provide access to sensitive areas that were previously inaccessible to the public, FPL shall provide gates to manage access. Such newly accessible sensitive areas shall be identified by FPL in consultation with MDC.

2. FPL shall work with MDC to identify new or existing FPL transmission access roads for MDC staff or agents to access adjacent or nearby County-owned or –managed lands and will coordinate with MDC to provide access for MDC staff through such locked gates (double locks, master keys, etc.)

3. Prior to construction of the transmission access roads, FPL will inspect the final ROW to identify where vandalism to FPL gates has occurred, and prepare and implement a plan to repair, improve, or maintain such gates.

4. Within 6 months of certification, FPL and MDC shall exchange appropriate contact information for notification and access coordination. The contact information will be updated as needed to address staffing changes. Coordination shall occur no less often than annually.

[FPL Stipulation –11/1/13]

U. Public Uses of Transmission Line Rights-of-Way:

Following construction of the transmission lines, FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the transmission line rights-of-way.

[FPL Stipulation –11/1/13]

F. Water and Sewer

1. During construction of the certified transmission lines, FPL shall maintain emergency and maintenance access to all MDC water and sewer facilities to the extent practicable. FPL shall notify MDWASD prior to construction in proximity to MDWASD facilities and shall, in accordance with DEP Condition A.XIX, submit a plan for DEP to determine, in consultation with MDC, that access to MDWASD facilities will be maintained should an emergency need arise during the course of construction.

2. Prior to final design, FPL will obtain mapping files of locations of MDWASD facilities and consider those locations in the final design of the certified transmission lines.

[FPL Stipulation –11/1/13; County Public Works Manual, Sections 24.02, 375 and 380.01]

W. Earthwork and Material Handling and Disposal

In the area not covered by the Conceptual Earthwork and Materials Disposal Plan (Rev 0 June 3, 2011), at least 90 days prior to beginning construction of the transmission lines or any associated features, including but not limited to maintenance roadways or structure pads, FPL shall provide to MDC a material management/disposal plan which shall include the following:

1. A Soil reuse proposal for any excavated material proposed to be transported off-site for reuse. The proposal shall be prepared in accordance with the Soil Reuse Guidance for MDC dated March 22, 2004 (http://www.miamidade.gov/environment/pollution-remediation.asp). FPL shall submit a soil reuse proposal to demonstrate, in a post-certification submittal to RER-DERM, compliance with the following standards for soil reuse. Materials to be reused will be inspected in accordance with Chapter 24, MDC Code, or Soil Reuse Guidance (referenced above), or the FPL Earthwork and Materials Disposal Plan, as applicable. Material that meets the MDC Soil Reuse Guidance limits may be stockpiled for future use, reused on- or off- site, or disposed of at an approved facility; material that does not meet the MDC Soil Reuse Guidance limits will be disposed of at an approved facility.

2. Provisions for proper handling and disposal of vegetative debris, including burning, generated during the construction of the transmission line infrastructure.

3. If undocumented contamination of regulated pollutants, contaminant, or hazardous substance as defined in F.S 376.301 or F.S 403.031, is discovered, or in the event of a discharge as defined in F.S 376.301 of regulated pollutants, contaminant, or hazardous substance as defined in F.S 376.301 or F.S 403.031, during project related activities, FPL is required to notify RER-DERM within 48 hours. The impacted material shall be segregated, characterized and managed in accordance with applicable state and local regulations or reused in accordance

with the Soil Reuse Guidance for MDC dated March 22,2004 http://www.miamidade.gov/environment/pollution-remediation.asp). Nothing herein releases FPL of its obligations to comply with all applicable federal, state, and local laws, rules and regulations

[FPL Stipulation –11/1/13]

X. Access to Transmission ROW

FPL shall utilize adjacent existing public roads for access to the transmission line ROW for construction, operation, and/or maintenance purposes, to the extent practicable.

[FPL Stipulation –11/1/13]

Y. Wetland Mitigation Protection Requirements:

Prior to final design, FPL shall request from MDC all records of permit documents and legal instruments including but not limited to Miami-Dade County Zoning Approvals and/or Permits relating to wetlands located in the certified corridor including Class IV Permits, Restrictive Covenants, wetland determinations and platting and zoning comments. Any information provided by MDC within thirty (30) days of FPL's request shall be used by FPL to inform the final design in order to avoid and to minimize impacts to wetlands and mitigation areas as required herein. To the extent required by law, FPL agrees to abide by the aforementioned approvals, permits and other legal instruments unless such are modified by Miami-Dade County.

[FPL Stipulation –11/1/13]

Z. Protected Tree and Vegetation

All tree islands shall be preserved within the Bird Drive Everglades and North Trail Wetland Basins.

[MDC Code Section 24-48.3(5)(b)]

AA. Incorporated Areas of MDC

Upon request by FPL, the local government shall identify for FPL the location of approved but not yet constructed development within the local government's jurisdiction, so FPL can plan to avoid or minimize conflicts with any approved but not-yet built development within the transmission line alignment; if no information is provided within 60 days of request by FPL, FPL shall proceed with preliminary design of the transmission line.

[Recommended Order, 12/15/13-Attachment 2]

VIII. CITY OF CORAL GABLES (CCG)

A. Transmission Line Project.

FPL shall construct the Transmission Project within the CCG only to the extent that it will be connected in time and electrical connection and similar in design to the transmission facilities in the City of South Miami and the City of Miami and along the FPL East Preferred Corridor as proposed in the Site Certification Application, immediately to the north and south of the CCG.

B. Transmission Line Design.

1. The location, number, height, and size of poles for this Transmission Project within the CCG shall be as shown in the drawings dated 04/01/2010, except as amended herein or as mutually agreed between FPL and the City.

2. FPL shall place no transmission poles with an above-ground height higher than the height shown in the permit drawings dated 04/01/2010, and no poles with an above-ground height greater than 98.0' within the CCG. The sway of the wires shall not exceed a range of 10-18.5’

3. FPL shall place no transmission poles with a ground·level diameter greater than the diameter shown in the permit drawings dated 04/01/2010, and no poles with a ground-level diameter greater than 4.1' within the CCG.

4. FPL shall place no more than forty-nine (49) to fifty-one (51) transmission poles within the CCG.

5. FPL shall place no appurtenances with the Transmission Project within the CCG.

6. The Transmission Project shall involve the removal of the existing transmission line poles and replacement of those poles with new poles, at FPL's expense, as set forth in B.1.above.

C. Tree Replacement and Vegetation Management

In accordance with FPL's drawings of 4/01/2010, the Transmission Project shall involve the removal of 7 royal palms (to be replanted elsewhere), 7 canary date palms (to be replanted in the same general location farther away from the transmission poles), and 1 Washingtonian palm.

1. Prior to construction, FPL shall provide a Compliance Plan identifying the planned replacement or replanting of trees by FPL at FPL's expense in the vicinity of the Transmission Project, or contribution to the City's Tree Fund, to demonstrate compliance with the CCG Code Chapter 82, Article II, unless FPL and the CCG reach agreement in writing on other measures to demonstrate compliance with these requirements. The Compliance Plan shall give due weight to canopy protection and maximum tree retention and tree replacement. FPL shall commit that FPL shall relocate trees as a first option as needed, and only when relocation is not feasible, FPL shall replace trees on at least a one-to-one basis.

2. Prior to construction, FPL shall conduct a field meeting with appropriate City staff to review the location of existing trees within the transmission line work area.

3. Within 60 days of completion of construction, FPL shall notify the CCG of same in order that the CCG may conduct an inspection to confirm FPL's compliance with these conditions, in accordance with Section 82-30(f) of the CCG Code.

4. In accordance with Section 82-32(a) of the CCG Code, to the extent practicable, FPL is responsible for any damage to trees caused by FPL during construction, and will restore or replace any damaged trees. In the unlikely event that any tree should need to be temporarily relocated during construction, FPL shall notify the CCG in advance of said relocation and its successful replanting.

5. All trees planted or transplanted by FPL pursuant to this condition shall be maintained alive and healthy in the site of planting or transplantation for a period of 24 months from planting or transplantation. Any of such trees that die or are effectively destroyed within such 24 months shall be replaced by FPL

6. During operation of the transmission line, FPL shall use best management practices to retain existing native vegetation where it does not interfere with the safe, reliable operation of the electrical facilities, in compliance with section 163.3209, Florida Statutes, which incorporates by reference National Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part 1)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. Prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within the transmission line right-of-way, FPL shall meet with the CCG to coordinate such activities. In accordance with the typical practice between FPL and the City, FPL shall coordinate with the CCG on transmission line vegetation management activities within the City.

D. Restoration and Use of City ROW Following Construction

1. FPL shall locate the Transmission Project within or adjacent to existing public ROW as set forth in B above.

2. FPL shall restore the areas of work, including City rights-of-way, to the conditions as good or better as those existing prior to FPL's construction activities. This provision applies to areas of excavation, sidewalks, pavement, curbs, sod or shrubs, and similar areas of work within the City, whether within or outside the transmission line right-of-way.

3. FPL shall repair or restore any bike trails or sidewalks that are damaged by FPL during its construction of the transmission line within the City. FPL shall coordinate with the CCG and Miami Dade County as to any work related to the Transmission Project and involving the M-Path immediately adjacent to City rights-of-way.

4. Upon request from the City, FPL shall coordinate with the CCG to allow shared or multiple uses of the transmission line area to the extent compatible with the safe, reliable operation of the Transmission Project and other electrical facilities.

E. Drainage

FPL shall cause no adverse impacts to drainage in the construction, operation, and maintenance of the transmission line within CCG.

F. Solid Waste

Prior to completion of construction within the City, FPL shall collect, remove, and dispose of debris and solid waste from FPL work areas.

G. Historic Preservation:

1. In the final design of the certified transmission line, to the extent practicable, for the proposed transmission line to be located within the CCG, FPL shall avoid or minimize impacts to CCG-designated, known historic and archaeological sites and cultural resources that are identified by completion of a cultural resources survey. If any impact to a historic or archaeological site cannot be avoided completely, the Licensee shall conduct an Effects Analysis, and consult with DHR and the CCG to identify appropriate action and mitigation, if necessary.

2. FPL shall provide as a post-certification submittal final design drawings demonstrating compliance with these requirements.

3. FPL shall provide copies to the CCG of any surveys or reports made to the Division of Historical Resources (DHR).

H. Construction and Traffic Management

1. Prior to construction of the Transmission Project as a post-certification submittal FPL shall

a. provide all information necessary for a complete *Application for Permit for Construction In Public Right-of-Way,* including compliance with the applicable substantive requirements of the CCG Public Works Department Standard Details and Chapter 62 of the CCG Code, including detailed construction plans, dates for construction, timing of construction activities, and any work activities within CCG rights-of-way, and

b. pay the appropriate fees.

2. Prior to construction of the Transmission Project, FPL shall coordinate with the CCG:

a. FPL shall conduct a field meeting with appropriate City staff to review the proposed work areas within the transmission line right-of-way and adjacent thereto.

b. FPL shall coordinate with the CCG Manager regarding any additional notifications to be provided to CCG residents in the immediate vicinity of the construction work.

c. FPL shall comply with the Maintenance of·Traffic Plans submitted to the City on 4/28/2010 and 4/29/2010, or as amended by mutual agreement between FPL and the CCG, which provide:

i. Names of public roadways to be used in transportation of transmission poles;

ii. Period of time for construction work within City ROW; and

iii. Period of time for completion of construction within CCG ROW. The Maintenance-of-Traffic Plans shall be insubstantial accordance with the CCG's Standard Operating Procedure (SOP) #57.

iv. If construction of the Transmission Project Is not commenced within three years of July 2, 2013, FPL shall provide annual updates to and coordinate with the CCG regarding progress of construction.

I. Noise of Transmission Line Construction:

1. During construction of the Transmission Project, FPL proposes to mitigate and minimize the potential noise impacts of construction by scheduling activities to be completed during weekdays and during daylight hours (7:30 am to 6:00 pm) to the extent practicable.

2. To the extent that night-time construction of the Transmission Project is required, FPL will coordinate with the CCG at least seven (7) days in advance of such night time construction and will use best management practices to provide (at FPL 's cost) appropriate notification to adjacent landowners. Construction work in the vicinity of Ponce de Leon Boulevard and Red Road, for the installation of structure 82A12, may require night·time work for no more than two (2) nights, and FPL shall consult with the CCG Manager in advance of any night time work.

J. Noise of Transmission Line Operation

In the unlikely event that the normal operations of FPL's Transmission Project causes noise that can be heard within the CCG's Fire Station No.2 building and that is disruptive to the operations of the CCG's Fire Station No. 2 and/or CCG firefighters, FPL agrees

that it will, within twelve (12) hours of notice from the CCG of such audible noise, begin immediate, exhaustive and decisive measures to remedy the disruption caused by FPL's Transmission Project on a case-by-case basis, at no cost to the CCG. FPL shall at all times comply with the CCG's Noise Ordinance with respect to noise levels anticipated to be potentially audible to the adjacent residential neighborhoods including the mixed-use development district.

K. Maintenance of Pedestrian and Bicycle Traffic

During construction activities, FPL shall minimize impacts to pedestrian and bicycle traffic to the greatest extent practicable.

L. Emergency Management

FPL shall coordinate with the CCG regarding the Davis-Miami 230-kV transmission line during times of emergency.

M. Communications Systems

FPL's Transmission Project shall not result in harmful interference or other adverse impacts to the CCG Communications System and Facilities (CGCSF), as described below. The CGCSF are the collection of the microwave relay system, the 800 MHz city-wide communications system, and systems at other radio frequencies licensed and operated by the CCG.

1. Prior to initiation of detailed design of the Transmission Project, FPL shall request an updated list from Coral Gables identifying existing communication facilities within 500 feet of the certified transmission line corridor.

2. FPL shall take the CGCSF into consideration during its design to avoid harmful interference, as defined by the FCC, or adverse impacts to CGCSF. Adverse impacts to CGCSF shall be defined as any manifestation of performance degradation, misinterpretation, or loss of information beyond the range of normal variation in signal strength that would not otherwise happen in the absence of unwanted energy or physical obstructions.

3. The Consulting Engineer shall take the following CGCSF technical specifications into consideration in the proposed transmission line design.

i. For maintenance of microwave communications performance and reliability purposes, the design for the Transmission Project shall be consistent with GTE Lenkurt Inc., "Engineering Considerations for Microwave Systems", Sections C.5 "Terrain Effects" and C.7 "Clearance Criteria".

ii. For maintenance of land mobile radio voice communications base station and area coverage performance and reliability purposes, the design for the Transmission Project shall be such that the radio frequency (RF) noise floor, in either clear or rainy conditions, attributable to the Transmission Project, is not sufficient to cause harmful interference or other harmful impacts to CGCSF.

4. Coral Gables anticipates installing a new microwave link between its microwave antenna at Fire Station No.2 and a public safety facility at the University of Miami (UM Project). In designing the UM Project, Coral Gables shall use all normal measures to avoid and mitigate interference that could be caused by the Transmission Project. Coral Gables will advise FPL when final location and design of that UM Project is being identified, and FPL shall have the option to participate in identifying reasonable measures to avoid or mitigate any interference that could be caused by FPL's Transmission Project to that new microwave link.

5. In the event FPL chooses to conduct evaluations, including modeling and measurements for the UM Project, required or authorized by the conditions of certification, FPL in consultation with Coral Gables, shall identify and retain an independent Consulting Engineer(s) with demonstrated knowledge of and/or experience with RF and microwave communications systems such as the CGCSF for the purpose of conducting the evaluations. FPL shall be responsible for payment of fees charged by the Consulting Engineer(s).

6. If the Consulting Engineer determines that harmful interference or adverse impacts are likely to occur despite implementation of normal measures to avoid and mitigate interference with the CGCSF or the UM Project, FPL shall avoid or mitigate for such harmful interference or adverse impacts. All mitigation costs attributable to FPL-created harmful interference or adverse impacts shall be the responsibility of FPL. Such mitigation will be implemented on a mutually agreeable schedule upon determination that the transmission facilities will produce or are producing harmful interference or adverse impacts to CGCSF. Design and mitigation solutions to offset adverse impacts to the CGCSF or the UM Project shall be submitted to Coral Gables as a post-certification submittal pursuant to DEP General Condition XIX.

7. CCG Fire Station No.2 - Microwave Relay Station. As a baseline, the CCG will provide FPL, prior to FPL's commencement of construction, with the most recent copy of the maintenance document for CCG's Alcatel Microwave radio system that is currently in production at both ends of the link. This maintenance document will include the RSSI (received signal strength indication) and BER (bit error rate) for the link between the CCG Fire Station No.2 and 2800 Ponce de Leon Boulevard in order to allow for a comparison of radio configurations both before and after (a) the installation of FPL's Transmission Project, (b) after the energization at 138 kV of the Transmission Project, and (c) after the energization at 230 kV of the Transmission Project. The CCG will also provide FPL with circuit requirements and location endpoint information for both ends of the microwave relay path, to allow FPL to secure a Tl line temporarily required to serve CCG emergency communications needs, if needed, as a result of construction activities during FPL's installation of the Transmission Project. If necessary in order to ensure maintenance of uninterrupted operation of the CCG’s emergency communications system, FPL will provide the CCG with appropriate remedial measures including, but not limited to, larger antennas, taller transmission structures, raising or lowering the CCG's antenna, or a temporary T1 circuit during FPL's construction activities. If necessary, FPL will provide the CCG with a point-to-point path study of the microwave link for the current production system to confirm the measured RSSI.

8. City Wide Radio Network - As a baseline, the CCG will provide FPL, prior to FPL's commencement of construction, with a report of the most recent ”drive test” of their 800 MHz radio communications system. The “drive test" will be performed by an entity selected in advance and mutually agreed upon by the CCG's and FPL's respective RFI experts to have training and experience in identifying and locating sources of RFI; the “drive-test” will capture the current performance of the CCG's existing radio communications system. FPL acknowledges and agrees that the CCG's radio network serves a public safety/life safety function and cannot be interrupted. FPL agrees that it will not cause radio blocking or radio frequency interference (collectively, RFI) on any of the CCG's local, state, and/or federally-licensed radio frequencies. In the unlikely event that FPL's Transmission Project does cause RFI on CCG's federally-licensed radio frequencies, despite FPL's best efforts to avoid such RFI, FPL agrees that it will, within twelve (12) hours of notice from the CCG, begin immediate, exhaustive and

decisive measures to remedy the disruption caused by FPL's Transmission Project on a case-by-case basis, at no cost to the CCG.

9. Other Frequencies - FPL acknowledges there are other radio frequencies licensed and operated by the CCG, including VHF, UHF and 220 MHz frequencies. In the unlikely event that FPL's Transmission Project does cause RFI on the CCG's other local, state, and/or federally-licensed radio frequencies, despite FPL's best efforts to avoid such RFI, FPL agrees that it will, within twelve (12) hours of notice from the CCG, begin immediate measures to remedy the disruption caused by FPL's Transmission Project on a case-by-case basis, at no cost to the CCG.

10. Identifying RFI. FPL and CCG acknowledge and agree that each has the ability to identify RFI on CCG's facilities and the RFI source. In the event of a dispute between CCG and FPL as to the source of RFI on CCG's facilities, the Parties agree that a third party RFI expert, selected in advance and mutually agreed upon by the CCG's and FPL's respective RFI experts to have training and experience in identifying and locating sources of RFI, will investigate and identify the source of the RFI on CCG's facilities. In the event that FPL is determined by the third-party RFI expert to be the cause of the RFI on CCG's facilities, FPL will pay the costs and expenses associated with such third-party RFI expert; in all other instances, the CCG shall be responsible for all costs and expenses associated with the third-party RFI expert. CCG and FPL shall cooperate with one another in any efforts to identify the source of RFI on CCG's facilities and/or to remediate the effects of RFI on CCG's facilities.

11. In the unlikely event that FPL's Transmission Project does cause RFI on CGCSF, despite FPL's best efforts to avoid such RFI, FPL agrees that it will, within twelve (12) hours of notice from the CCG, begin immediate measures to remedy the disruption caused by FPL's Transmission Project on a case-by-case basis, at no cost to the CCG.

12. CCG and FPL Contact Information. For routine communications, City and FPL can be reached at the following numbers:

City Manager's Office (cc: CCG Attorney's Office, Chief of Police)
Emergency Contact: 305-442-1600, ask for on-call radio tech

FPL: FPL's Coral Gables Representative
Emergency Contact: 305-552-4357 or 305-442-5731

CCG and FPL shall verify this contact information in writing to the other Party on October 1 and April 1 of each calendar year.

13. Notices. All notices, requests, consents and other communications required or permitted under this Memorandum shall be in writing and hand delivered or sent by reliable overnight courier to the address for the recipient Party set forth at the top of page one of this Memorandum. Unless there is a disruption of Public Safety communications, then the most expedient method shall be used.

N. Detailed Construction Schedule

FPL shall meet with and coordinate with the CCG to provide a detailed timetable for the construction sequencing within the CCG's boundaries. The schedule shall be routinely updated and coordinated with the Office of the CCG Manager.

O. Monitoring

Monitoring reports providing the status and condition of the Transmission Project construction activities shall be provided to the CCG upon request until all on-site construction is completed.

P. Indemnification

The CCG shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by FPL of the Transmission Project hereunder, and the acceptance of this Memorandum shall be deemed an agreement on the part of FPL to indemnify, defend, and hold harmless the CCG against any and all liability, loss, cost, damage or expense which may accrue to the CCG by reason of the negligence, default or misconduct of FPL in the construction, operation or maintenance of the Transmission Project hereunder.

[FPL Stipulation –7/3/13]

Q. Settlement Agreement

Pole heights (and corresponding pole base diameters) for the poles to be located within the City will not exceed the values identified in Attachment X.

[Settlement Agreement – FPL and CCG filed 5/13/14]

IX. CITY OF DORAL (COD)

A. Noise

FPL shall comply with the applicable non-procedural noise requirements in the construction, operation, and maintenance of the proposed transmission line.

[COD, Chapter 26-128]

B. Open Burning

If any open burning is necessary for the construction, operation, and maintenance of the proposed transmission line, FPL shall consult with the city manager.

[COD Code, Chapter 20-3]

X. CITY OF MIAMI (COM)

A. Archaeological Resource Preservation

To the extent that any portion of the Davis-Miami 230-kV transmission line is located within the City of Miami, FPL shall comply with the following conditions:

1. In the final design of the transmission line, to the extent practicable, for the Davis-Miami transmission line, FPL shall avoid or minimize impacts to City-designated, known archaeological sites and cultural resources, within the final right-of-way, that are identified by completion of a cultural resources survey. If any impact to an archaeological site cannot be avoided completely, the Licensee shall conduct an Effects Analysis, and consult with DHR and the City to identify appropriate action and mitigation, if necessary.
2. FPL shall provide copies to the City as a post-certification submittal final design drawings demonstrating compliance with these requirements.

3. FPL shall provide copies to the City of any surveys or reports made to the Division of Historical Resources (DHR).

4. In Archaeological Conservation Areas within the final right-of-way in any certified corridor within the City of Miami, FPL shall conduct archaeological shovel testing if necessary and monitoring of any ground-disturbing activities during construction of the certified transmission line.

[COM Code, Chapter 23; FPL Stipulation – 10/25/13]

B. Scenic Transportation Corridor

Any work done along a "Scenic Transportation Corridor" (starting at SW 13th street and continuing along Coral Way) requires documentation that would meet the applicable non-procedural requirements of a certificate of approval pursuant to Chapter 17, Article II, Sec 17-33, City Code.

[COM Code, Chapter 17, Article II]

C. Maintenance of Pedestrian and Bicycle Traffic

1. During construction activities, FPL will minimize impacts to pedestrian and bicycle traffic to the greatest extent practicable.

2. Placement of the transmission line poles shall be located off sidewalks and bicycle lanes, to the extent practicable, and ADA access must be accommodated at all times during construction. Where portions of the transmission poles are along the M-path, those sections shall be refurbished after construction.

[FPL Stipulation – 10/25/13]

D. Informational Submittal of Final Design Plan

1. Prior to construction, FPL will submit as a post-certification submittal, pursuant to S. 403.5113, F.S., to the COM a final design plan of the Davis-Miami 230 kV transmission line within the City, as applicable, showing:

a. The proposed right-of-way location overlaid on aerial photographs depicting existing conditions;

b. Number and size of all proposed facilities within the proposed right-of-way;

c. Property boundary lines within the proposed right-of-way;

d. Construction timetables and schedules for work within the City; and

e. Plans to maintain traffic within the City to the extent practicable during construction activities.

[COM Code, Chapter 54; FPL Stipulation – 10/25/13]

2. Noise

FPL shall comply with the substantive requirements of the City of Miami's noise ordinance, Chapter 36, Code of the City of Miami, in the construction, operation and maintenance of the proposed transmission line. During construction of the proposed transmission

line, FPL will mitigate and minimize the potential noise impacts of construction by scheduling activities to be completed as much as practicable during daylight hours (8 am to 6 pm) in accordance with the substantive requirements of Chapter 36, Code of the City of Miami. To the extent that nighttime construction is required, FPL will notify the City in advance of such nighttime construction.

[COM Code, Chapter 36; FPL Stipulation – 10/25/13]

3. Construction Trailer

FPL shall comply with the applicable non-procedural requirements pursuant to Chapter 62 for construction trailers.

[COM Code, Chapter 62; FPL Stipulation – 10/25/13]E.

E. Emergency Management

FPL will coordinate with the COM Office of Emergency Management (or designee) regarding the Davis-Miami 230-kV transmission line during times of emergency.

[FPL Stipulation – 10/25/13]

F. Communication Systems

FPL's Transmission Project shall not result in harmful interference or other adverse impacts to the City of Miami Communications System and Facilities (CMCSF), as described below. The CMCSF are the collection of the microwave relay system, the 800 MHz city-wide communications system, and systems at other radio frequencies licensed and operated by the City.

1. Prior to initiation of detailed design of the Transmission Project, FPL shall request an updated list from the City identifying existing communication facilities within 500 feet of the certified transmission line corridor.

2. FPL shall take the CMCSF into consideration during its design to avoid harmful interference, as defined by the FCC, or adverse impacts to CMCSF. Adverse impacts to CMCSF shall be defined as any manifestation of performance degradation, misinterpretation, or loss of information beyond the range of normal variation in signal, strength that would not otherwise happen in the absence of unwanted energy or physical obstructions.

3. In the event FPL chooses to conduct evaluations, including modeling and measurements for the CMCSF, required or authorized by the conditions of certification, FPL in consultation with the City, shall identify and retain an independent Consulting Engineer(s) with demonstrated knowledge of and/or experience with RF and microwave communications systems such as the CMCSF for the purpose of conducting the evaluations. FPL shall be responsible for payment of fees charged by the Consulting Engineer(s). If the Consulting Engineer determines that harmful interference or adverse impacts are likely to occur despite implementation of normal measures to avoid and mitigate interference with the CMCSF, FPL shall avoid or mitigate for such harmful interference or adverse impacts. All mitigation costs attributable to FPL created harmful interference or adverse impacts shall be the responsibility of FPL. Such mitigation will be implemented on a mutually agreeable schedule upon determination that the transmission facilities will produce or are producing harmful interference or adverse impacts to CMCSF. Design and mitigation solutions to offset adverse impacts to the CMCSF shall be submitted to the City as a postcertification submittal pursuant to Section A. Condition XIX.

[FPL Stipulation – 10/25/13]

G. Restoration of Conditions in City ROW

Upon conclusion of construction activities, FPL shall restore any pavement, surfacing, grass, plantings, driveway curbs, walks, or other surface structures affected by the construction operations, together with all sod and shrubs, to their original conditions, whether within or outside the transmission line right-of-way.

[FPL Stipulation – 10/25/13]

H. Tree Preservation: Within the City of Miami

1. FPL shall comply with the applicable non-procedural requirements of Article I, Chapter 17, Code of the City of Miami, with respect to tree protection, removal, relocation and replacement.
2. If any replacement planting is proposed by FPL, FPL shall provide a postcertification submittal to the City demonstrating compliance with Article I, Chapter 17, Code of the City of Miami.
3. Transmission poles shall be installed so as to avoid the removal of any large or existing specimen trees, defined as trees having a minimum 18-inch diameter trunk at breast height measured 4.5 feet above grade, to the extent practicable.
4. FPL shall provide an inventory of specimen trees prior to any work on the certified Davis-Miami transmission line within the City of Miami.
5. In the final design of the Davis-Miami transmission line, FPL shall preserve significant existing canopy vegetation within the City of Miami to the extent practicable.

[Article I. Chapter 17, COM Code – included from Recommended Order, 12/15/13 – Attachment 2]

I. Historic Resource Preservation

1. In the final design of the transmission line, to the extent practicable, for the Davis-Miami transmission line, FPL shall avoid or minimize impacts to City-designated, known historic sites and cultural resources, within the final right-of-way, that are identified by completion of a cultural resources survey. If any impact to a historic site cannot be avoided completely, the Licensee shall conduct an Effects Analysis, and consult with DHR and the City to identify appropriate action and mitigation, if necessary.
2. FPL shall provide copies to the City as a post-certification submittal final design drawings demonstrating compliance with these requirements.
3. FPL shall provide copies to the City of any surveys or reports made to the Division of Historical Resources (DHR).

[Chapler 23. COM Code – included from Recommended Order, 12/15/13 – Attachment 2]

XI. CITY OF SOUTH MIAMI (CSM)

A. ROW Location Conditions:

1. FPL shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the Certified Transmission ROW.

[CSM Code, Chapter 10A,]

2. FPL shall not block streets or close streets without notice to the CSM for police supervision and protection.

[CSM Code, Chapter 17]

3. FPL shall notify the CSM of any road closures.

[CSM Code, Chapter 17-8.1]

4. FPL shall comply with the CSM's hours of work.

[CSM Code, Chapter 15-91]

B. Solid Waste

FPL shall collect, convey, and dispose of all garbage, refuse and solid waste accumulated within the city limits by and through the public works department of CSM or a private franchised refuse collection firm. No person, firm or corporation shall, for a fee, collect and dispose of or transport over the city streets any garbage, refuse and solid waste except as provided in Chapter 11.

[CSM Code, Chapter 11]

C. Emergency Management

1. FPL shall coordinate with CSM City Manager during times of an emergency or evacuation.

2. FPL shall submit an emergency response plans to assist the CSM should an emergency arise relating to local contacts for FPL, and local plan of action to ensure the safety to the community, including evacuation of the area, and/or diligent repair of downed lines and/or plants, amongst other criteria.

[CSM Code, Chapter 14]

D. Noise and Demolition

FPL shall comply with the applicable non-procedural requirements noise ordinance and noise reduction program. No building operations or demolition activity shall be conducted on Mondays-Fridays between the hours of 6:00pm and 7:00am, Saturdays before 9:00am and after 5:00pm and all day on Sundays except with consultation with city manager and only in case of emergency.

[CSM Code, Chapters 15-91 and 7-15.2]

XII. VILLAGE OF PINECREST (VOP)

A. Nuisances

1. Unlawful accumulations of materials; disposal and storage of goods.

FPL shall not place, sweep, scatter, throw or dump or cause to be placed, swept, scattered, thrown or dumped for any purpose whatsoever, any refuse, rubbish, or trash of any kind, any commercial trash, industrial waste, tree trimmings, or similar material in or upon:

a. Any road, street, parkway, sidewalk, park, lake or bank of any river, stream, lake, watercourse or pool, or any portion thereof, within the limits of VOP, or upon

any VOP owned real property, except under the rules and regulations promulgated for the handling of such material, at a designated place, and with the consent of VOP or its designated agents or employees. Garbage shall be placed in secured containers (i.e. garbage cans) in order to prevent disturbance of contents by animals.

b. Private property not owned or controlled by FPL, within VOP limits, without the consent of the owner of said private property.

2. Commercial vehicles/equipment in residential districts.

a. FPL shall refrain from the outside storage of any commercial equipment, steel storage containers, supplies, or materials within the Village.

b. FPL shall refrain from storing tractor-trailers, tractor-trucks, semitrailers, mobile homes, trailers, and portable dwelling units on any parcel of land within the village. Tractor-trailers may be permitted for purposes of loading and unloading. Port-a-potties shall not be placed on swales and must be located 15 feet from the property line. The use of a construction trailer is prohibited within the Village.

c. Litter/waste.

i. *Waste liquid or refuse upon public ways.* FPL shall not permit waste water, oil, grease or other waste liquids to drain from its East Preferred Corridor work site upon and across, or permit or cause waste matter or refuse of any nature whatsoever to rest or accumulate upon the sidewalks, streets or other public ways of VOP, except in alleys in receptacles approved by the enforcement official.

ii. *Litter in public places.* FPL shall not throw or deposit litter in or upon any street, sidewalk or other public place within VOP except in public receptacles, in authorized private receptacles for collection, or in official trash stations.

iii. *Placement of litter in receptacles.* FPL, when placing litter in public receptacles or in authorized private receptacles, shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

iv. *Sweeping litter into public ways.* FPL shall not sweep into or deposit in any gutter, street or other public place within VOP the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. During periods of construction, maintenance, and operation of the transmission facilities, FPL shall keep the sidewalk adjacent to the transmission right-of-way free of litter.

v. Litter in parks. FPL shall not throw or deposit litter in any park within VOP except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

vi. Posting notices prohibited. FPL shall not post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

vii. Litter on occupied private property. FPL shall not throw or deposit litter on any occupied private property within VOP, unless FPL is in control of said private property for the purposes of constructing maintaining, or operating the transmission facilities, in which case, FPL may maintain thereon private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

viii. Owner to maintain premises free of litter. In the event that FPL is in control of any private property for the purpose of constructing, maintaining, or operating the transmission facilities, whether said property is occupied or vacant, FPL shall at all times maintain the premises free of litter. FPL shall, however, be permitted to store litter on such private property in authorized private receptacles for collection.

ix. Litter on vacant lots. FPL shall not throw or deposit litter on any open or vacant private property within VOP whether owned or controlled by FPL or not.

[VOP Code, Chapter 15, Article 1]

B. Emergency Management.

FPL shall comply with applicable VOP ordinances concerning emergency management.

[VOP Code, Chapter 12, Article 3]

C. Solid Waste

1. FPL will collect, remove, and dispose of debris and solid wastes in compliance with state, county, and local regulations.

2. During construction, FPL shall not place, scatter, throw, dump, or cause to be placed, scattered, thrown or dumped, any refuse, rubbish or trash in or upon any road or sidewalk or other person's property within Pinecrest, and shall properly dispose of any waste.

[VOP Code, Chapter 15, Article I – included from Recommended Order, 12/15/13 – Attachment 2]

D. Noise

FPL shall comply with the Village's noise ordinance in the construction, operation, and maintenance of the proposed transmission line. During construction of the proposed transmission line, FPL proposes to mitigate and minimize the potentiaJ noise impacts of construction by scheduling activities to be completed as much as practicable during daylight hours (7am to 6:30pm) in accordance with Chapter 15 of the Village Code of Ordinances. To the extent that nighttime construction is required, FPL will notify the Village in advance of such nighttime construction.

[VOP Code, Chapter 15 – included from Recommended Order, 12/15/13 – Attachment 2]

E. Location of Transmission Line

1. To the extent practicable, it is FPL's intent to locate the proposed new transmission line in the same alignment and, if possible, same pole locations as the distribution line.

2. To the extent practicable, it is FPL's intent to be on the west side of the U.S. 1 right-of-way and the east side of the Busway, and thus outside the Village of Pinecrest.

[FPL Agreement, Completeness Response, No. VOP·04 (August 2009) – included from Recommended Order, 12/15/13 – Attachment 2]

F. Tree Relocation and Replacement

1. To the extent practicable, it is FPL's intent to locate the proposed new transmission line in the same alignment and, if possible, pole locations as the distribution line.

2. Prior to construction, FPL will inventory the transmission line route to identify vegetation to be trimmed or removed to provide required electrical clearances to the transmission line in accordance with the North American Electric Reliability Corporation (NERC) reliability standards.

3. FPL will provide replacements for any significant trees within the Village of Pinecrest that are removed as a result of the transmission line construction, including provisions for mitigation with approved replacement trees andlor tree fund contributions.

4. FPL shall be responsible for any damage to trees caused by FPL during construction, and will restore or replace any damaged trees. During operation of the transmission line, FPL shall use best management practices to retain existing native vegetation where it does not interfere with the safe, reliable operation of the electrical facilities, in compliance with section 163.3209, Florida Statutes (2009), which incorporates by reference National Eleclrical Reliability Corporation (NERC) standard FAC-003- I, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z 133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

[VOP Code, Chapter 30, Article 6, Divisions 6.1 and 6.2. – included from Recommended Order, 12/15/13 – Attachment 2]

G. Obstructions of Visibility

In the placement of structures in right-of-way located within the Village, FPL shall comply with all applicable Village regulations concerning obstructions of visibility at intersections.

[VOP Code, Clmpler 30, Anicle 5, Division 5.16 – included from Recommended Order, 12/15/13 – Attachment 2]

H. ROW Management and Restoration of ROW

FPL shall comply with all applicable state laws and rules and all applicable Village ordinances and regulations concerning repair of damaged public roads and rights-of-way caused by its construction, maintenance, and operation of the proposed transmission facilities. FPL shall comply with all applicable state laws and rules and all Village ordinances and regulations concerning restoration of public rights-of-way.

[VOP Code, Chapter 30, Article 6, Division 6.12 – included from Recommended Order, 12/15/13 – Attachment 2]

XIII. VILLAGE OF PALMETTO BAY (VPB)

To the extent that any portion of the Davis-Miami 230kV transmission line is located

within the Village of Palmetto Bay, FPL shall comply with the following conditions:

A. Informational Submittal of Final Design Plan

Prior to construction, FPL will submit as a post-certification submittal to the Village a final design plan of the Davis-Miami 230-kV transmission line within the Village as applicable, showing:

1. The proposed right-of-way location overlaid on aerial photographs depicting existing conditions;
2. Number and size of all proposed facilities within the proposed right-of way
3. Property boundary lines within the proposed right-of-way;
4. Locations of known above-ground and under-ground utilities within the proposed right-of-way;
5. Construction timetables and schedules for the work within the Village;
6. Plans to maintain traffic within the Village to the extent practicable during construction activities.

B. Drainage:

Prior to construction, FPL will submit as a post-certification submittal to the Village information showing replacement of existing facilities within the FPL easement east of and immediately adjacent to US 1. There will be no changes to existing grade as part of the construction, operation or maintenance of the certified transmission line.

C. Use of Village Rights of Way:

The Davis-Miami 230kV transmission line right-of-way wi1l not be located on Village rights-of-way.

D. Stormwater:

The Davis-Miami 230-kv transmission line right-of-way will involve no stormwater management facilities within the Village.

E. Construction Activities within the Village:

No long-term staging areas for the Davis-Miami 230-kV transmission line construction will be located within the Village.

F. Maintenance of Pedestrian and Bicycle Traffic:

During construction activities, FPL will minimize impacts to pedestrian and bicycle traffic to the greatest extent practicable.

G. Emergency Management:

FPL shall coordinate with the Village of Palmetto Bay Emergency Management Department regarding the Davis-Miami 230-kV transmission line during times of emergency.

H. Noise

FPL shall comply, with the Village's noise ordinance in the construction, operation and maintenance of the proposed transmission line. During construction of the proposed transmission line, FPL will mitigate and minimize the potential noise impacts of construction by

scheduling activities to be completed as much as practicable during the daylight hours (7am to 6pm) in accordance with Chapter 15 of the Village Code of Ordinances. To the extent that nighttime construction is required, FPL will notify the Village in advance of such nighttime construction.

I. Vegetation Tree Trimming:

FPL shall comply with Chapter 29 of the Village's Code of Ordinances with respect to vegetation trimming within the Village, as applicable. For any replacement planting by FPL, FPL will provide a post-certification submittal to the Village demonstrating compliance with the Village's landscaping plans and "Right Tree-Right Place Guidelines".

J. Restoration of Conditions:

Upon conclusion of construction activities, FPL shall restore any pavement, surfacing, driveway curbs, walks, or other surface structures affected by the construction operations, together with all sod and shrubs, to their original conditions, whether within or outside the transmission line right-of-way.

[VPB Code, Chapter 14, Article III, Section 14-84; Chapter 15, Section 15-54, Article III; and Chapter 29, Article II, Section 29-53; FPL Stipulation 5/30/13]

XIV. BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

A. Submerged Land Easement for Transmission Line Crossing of the Miami River

1. Upon its execution and thereafter, the Licensee shall comply with any Sovereign Submerged Land Easement for Transmission Line Crossing of the Miami River directed to be issued by the Order of Certification for this facility (Attachment H-b). After the submerged transmission line crossing of the Miami River is constructed, FPL shall submit an as-built survey of the transmission line and its location to the Division of State Lands, and the area subject to this easement shall be adjusted to include only the land within 50 feet on either side of the transmission line conduit. Any renewals of the easement shall be submitted by the Licensee to the Siting Coordination Office.

2. Prior to the issuance of any Sovereign Submerged Land Easement for Transmission Line Crossing of the Miami River directed to be issued by the Order of Certification for this facility, FPL must provide the Division of State Lands written consent or other appropriate evidence of consent or acquisition of the rights of any existing legal users.

B. Upland Easement

1. Upon its execution and thereafter, the Licensee shall comply with any Upland Easement for Transmission Line Right of Way directed to be issued by the Order of Certification for this facility (Attachment H-c, to be provided). Any renewals of the easement shall be submitted by the Licensee to the Siting Coordination Office.

a. Prior to the issuance of the upland easement, FPL must pay to the Division of State Lands an easement fee in accordance with the provisions of Section 253.02(2) of the Florida Statutes and Chapter 18-2, F.A.C.

b. Prior to the issuance of the upland easement, FPL must provide to the Division of State Lands written consent or appropriate evidence that Vecellio & Grogan, Inc., has either consented to the easement over lands which it currently leases from the State of

Florida, or that FPL has acquired the portion of Vecellio & Grogan, Inc's. leasehold proposed to be encumbered by the requested easement by purchase, assignment or condemnation.

[Section 258.397, F.S. and Rule 18-18, F.A.C.]

XV. MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)

A. Occupancy License

When a final alignment is determined by FPL, and the requisite approvals are obtained for implementation of that alignment, MDX will negotiate with FPL conditions upon which MDX will grant a license to FPL to occupy a portion of MDX right-of-way or right-of-way air space, which must also comply with the Florida Department of Transportation Utility Accommodation Manual, as may be amended.

[FPL Stipulation –7/1/13]

B. Impacts to MDX Right-of-Way

Any license granted by MDX to FPL shall not negatively impact the MDX right-of-way limited access lines or transportation facilities; or interfere with the associated tolling equipment, specifically but not limited to the electronic data monitors and sensory equipment.

[FPL Stipulation – 7/1/13]

C. Property Interest

Any license granted by MDX to FPL shall not create a property interest and therefore cannot be transferred by FPL to any other party including heirs, subsidiaries or assigns without the written prior consent of MDX.

[FPL Stipulation – 7/1/13]

XVI. SITING BOARD

A. For the West Consensus Corridor/MDLPA No. 2, FPL shall build and maintain all structures to the east of the L-31 N canal (outside Everglades National Park) if the following commitments are made by MDLPA and SFWMD within one year from the date that a final Site Certification Order can no longer be appealed, or within one year from the date FPL requests such commitment in writing, whichever is later:

1. The affected MDLPA member companies will allow access to and placement of transmission line structures in the affected member-company-owned or company-controlled property within the West Consensus Corridor/MDLPA No. 2 east of L-31 N as provided in the Agreement between the MDLPA and FPL regarding the Western Transmission Corridor Portion of the FPL's Turkey Point 6 & 7 Power Plant Site Certification Application dated August 30, 2013; and
2. SFWMD will allow placement of structures (and use of its property for access) on its property in Segment 1 of Attachment W within the West Consensus Corridor/MDLPA No. 2, adjacent to Everglades National Park, and property necessary to transition the transmission facilities to or from MDLPA member company-owned or company-controlled property, in addition to any other conditions of certification, including those made a part of the FPL/SFWMD Alternate Corridor Stipulation dated October 25, 2013 (included as Specific Conditions C.Vl.F.3.f.ii and iii.

B. Should MDLPA make the commitment set forth in Specific Condition C.XVI.A.1., but SFWMD be unable or unwilling to approve the commitment set forth in paragraph Specific Condition C.XVI.A..2., FPL shall build and maintain all structures to the· east of the L-31 N canal (outside of Everglades National Park) in accordance with Specific Conditions C.VI.F.3.f.ii and iii, recognizing the need for accommodating canal crossings.

C. Should SFWMD make the commitment set forth in Specific Condition C.XVI.A.2., but MDLPA be unable or unwilling to make the commitment set forth in Specific Condition C.XVI.A.1., FPL shall build and maintain all structures to the east of the L-31 N canal (outside of Everglades National Park) upon receiving the written agreement of SFWMD for the construction, operation and maintenance of transmission structures and the need for accommodating canal crossings.

D. Any use by FPL of SFWMD right-of-way in these areas described above will be subject to necessary accommodations by FPL for SFWMD's operation and maintenance of the Central and Southern Flood Control System ("C&SF System"), as determined by SFWMD, and as generally reflected in the Specific Conditions C.VI.A through C.VI.F. FPL shall comply with Specific Condition C.VI.B regarding the maintenance of, and avoidance of harmful interference with or adverse impacts to, the South Florida Water Management District Communication System and Facilities ("WMDCSF").

E. In areas where FPL is unable to build and maintain its structures east of the L-31 N canal (outside of Everglades National Park), FPL shall only use the minimum amount of land west of the L-31 N canal (inside the current boundaries of Everglades National Park) that is necessary to build and maintain the structures, and FPL shall return to installing structures to the east side of the L-31 N canal at the first available and practicable location.

F. In the event of any conflict between Specific Condition C.XVI.A-F. and any other conditions of certification for the Turkey Point 6 and 7 Project, FPL and SFWMD shall work to resolve such conflicts through mutual agreement with the intent to minimize the transmission facilities to be placed within Everglades National Park and minimize impacts to SFWMD's L-31 N property interests. If the transmission facilities cannot be located pursuant to Specific Condition C.XVI.A-F., the transmission facilities shall be constructed, operated and maintained in accordance with Specific Conditions C.VI.F.3.f.ii and iii.

G. FPL will not build its Davis-Miami transmission line as specified for the Turkey Point 6 & 7 project or any portion of it under this Power Plant Siting Act certification issued by the Siting Board unless all other regulatory approvals for the Turkey Point 6 & 7 project are issued.

[Final Order – 5/19/14]

History

Certification issued 05/19/14 by Siting Board, signed by Governor Scott