STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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

TA 07-15A

CONDITIONS OF CERTIFICATION

Modified 09/10/09

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I. SCOPE

A. Under the control of these Conditions of Certification and pursuant to 403.520-5365, Florida Statutes (F.S.), the Transmission Line Siting Act (TLSA), Tampa Electric Company (TECO) will construct and operate a 230-kilovolt (kV) transmission line consisting of an approximately 30 mile transmission line connecting a substation (Willow Oak) west of Mulberry in Polk County to the Tampa Electric Davis substation located in Temple Terrace, Hillsborough County. The line will also connect with the intermediate and existing Tampa Electric Wheeler substation located along Wheeler Road northeast of Brandon in Hillsborough County and a planned substation (Thonotosassa) located along County Road (CR) 579.

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

C. Within 60 days after obtaining easements for Right-of Way (ROW) following original certification of the corridor, the Licensee shall provide: a survey map signed by a professional land surveyor, or acceptable equivalent documentation such as an official legal description, delineating the boundaries of the ROW; and an aerial photograph delineating the boundaries of the ROW which shall be known and attached as Attachment A. The Licensee shall notify the Department of any change to the ROW boundary. The notification shall be accompanied by an updated land survey (or legal description), aerial photograph delineating the new boundaries of the ROW and appropriate documentation for a modification as any changes to the ROW will automatically be consider a modification.

I. Citation: Section 403.531, F.S. 62-4.160(8), F.A.C.

II. APPLICABLE RULES

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

(Uniform Mitigation Assessment Method) and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

II. Citation: Section 403.531, F.S.

III. DEFINITIONS

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

A. “Application” shall mean the Application for Corridor Certification for the Tampa Electric Company Willow Oak-Wheeler-Davis transmission line.

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

C. "DCA" shall mean the Florida Department of Community Affairs.

D. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

F. “DOT” shall mean the Florida Department of Transportation.

G. “EPC” shall mean the Hillsborough County Environmental Protection Commission.

H. “Emergency conditions” shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement transmission line components or access facilities.

I. "Facility" or "Project" shall mean the Willow Oak-Wheeler-Davis 230-kV electrical “transmission line” as defined in Section 403.522(21), F.S.

J "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

K. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.

L. "Licensee" shall mean TECO, which has obtained a certification order for the subject electrical transmission line.

M. “Listed species” shall mean the species listed in Table 2.3-3 or Table 2.3-2 of the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

N. “Post-certification submittal” shall mean a submittal made by TECO pursuant to a Condition of Certification.

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

P. “SWFWMD” shall mean the Southwest Florida Water Management District.

Q. “State water quality standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C., as revised December 7, 2006.

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

S. “Transmission line” shall mean the Tampa Electric Company Willow Oak-Wheeler-Davis230-kV transmission line.

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

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

IV. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the range described in the Application and explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section

403.5315, Florida Statutes, and Rule 62-17.680, F.A.C., is binding upon TECO in the design, construction, operation and maintenance of the certified transmission line. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

IV. Citation: Section 403.531, F.S.

V. RIGHT OF ENTRY/MONITORING

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

1. At reasonable times, to enter upon the ROW in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or
2. During business hours, to enter TECO's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by DEP, on its own behalf or on behalf of another agency with regulatory jurisdiction, TECO shall within 10 working days or such longer period as may be mutually agreed upon by DEP and the Licensee furnish any information required by law, which is needed to determine compliance with the certification. If TECO becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be corrected promptly.

V. Citation: Section 403.531, F.S.

VI. EMERGENCY REPLACEMENT

Emergency replacement of transmission lines certified under the Act requiring deviation from any condition of certification shall not be considered a modification pursuant to Section 403.5315, F.S. A verbal report of the emergency shall be made to DEP as soon as possible. Within 30 days after correction of the emergency a report to DEP shall be made outlining the details of the emergency 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.

VI. Citation: Section 403.531, F.S. 62-17.695, F.A.C.

VII. CERTIFIED CORRIDOR

The certified corridor is attached hereto in Attachment 1.

VII. Citation: Section 403.531, F.S.

VIII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

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

B. Filings

1. All post-certification submittals of information by TECO are to be filed with the DEP Siting Coordination Office, the DEP Southwest District Office, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5317, F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis

2. The Licensee shall provide within 90 days after first modification final order approval a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the Licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office 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.

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

-	-	-	-

C. Completeness

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency(ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the right-of-way affected, and shall not delay further processing of the post-certification submittal for non-affected areas. TECO may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. TECO may continue to supplement the submittal with additional information through the 25th day.

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

D. Interagency Meetings

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

E. Reasonable Assurances of Compliance

DEP shall give written notice on an expedited and priority basis, but in any event within no more than 90 days of receipt of a complete post-certification submittal, to TECO and the other agency(ies) to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, TECO shall be notified with particularity of the deficiencies and possible

corrective measures suggested. Failure to notify TECO in writing within 90 days of receipt of a complete post-certification submittal shall constitute a compliance determination.

F. Commencement of Construction

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

G. Water Quality Certification

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

H. Coastal Zone Consistency

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

I. Revisions to Design Previously Reviewed for Compliance

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

J. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and TECO may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

K. Disputes

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

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

IX. DISPUTE RESOLUTION

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

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

X. SEVERABILITY

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

X. Citation: Section 403.531, F.S.

XI. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, and 403.533, F.S. Any noncompliance by TECO with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of this certified transmission line which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

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

XII. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.532, F.S.

XII. Citation: Section 403.532, F.S.

XIII. PROPERTY RIGHTS

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

XIII. Citation: Section 403.531, F.S.

XIV. PROCEDURAL RIGHTS

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

XIV. Citation: Chapter 120, F.S.

XV. MODIFICATION OF CERTIFICATION

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

1. The Secretary of DEP may modify any condition of this certification after notice and opportunity for hearing.

2. The Secretary of DEP may grant modifications necessary to meet licensing conditions or requirements imposed on TECO by any federal regulatory agency. TECO shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies TECO.

3. The Secretary of DEP may authorize the reconstruction of the ROW or transmission line necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement of a transmission line pursuant to Rule 62-17.695, F.A.C., is not required or when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

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

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

XVI. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these conditions at the following addresses, unless TECO and DEP are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection
Siting Coordination Office, MS 48
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

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

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

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

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

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

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

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

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

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

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

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

Tampa, FL. 33602

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

XVI. Citation: Section 403.531, F.S.

XVII. TRANSFER OF CERTIFICATION

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

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

XVIII. ROW LOCATION

A. TECO shall co-locate the transmission line ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, TECO's design shall reflect that new widened right-of-way.

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

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

XIX. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest District Office, SWFWMD, TBRPC, DOT, DCA, Hillsborough County, Hillsborough County EPC, the City of Temple Terrace and Polk County, delineating the certified corridor, and the selected transmission line ROW. In addition, TECO shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. TECO shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may

be submitted in segments. The agencies receiving the aerial photographs from TECO shall have an opportunity to review the photographs and to notify DEP, within 12 days of TECO's submittal of the aerial photographs to the agencies, of any apparent conflicts with the requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission line, access roads or pads within TECO's designated ROW cannot be accomplished in compliance with the Conditions of Certification, TECO shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of receipt of TECO's submittal of the aerial photographs to the agencies, TECO may proceed with design of the transmission line on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at TECO's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After TECO has acquired interest in the entire length of the transmission line ROW, TECO shall:

1. File a statement with the clerk of the circuit court for each county through which the corridor passes certifying that all lands required for the transmission line ROW within the corridor have been acquired. TECO shall also file with the county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, TECO shall file a statement with DEP Siting Coordination Office accordingly.

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

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

XX. ROW SURVEYS

A. Wildlife Protection

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

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

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

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

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

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

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

c. This survey shall identify locations of breeding locations, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, the FWC prefers that a protection radius surrounding nest sites and burrows be included, rather than individual nests and burrows, and be physically marked so that clearing and construction will avoid impacting them.

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

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

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

b. *Listed Vegetation Species*: If listed vegetation species are found on public land or water, their presence shall be reported to the DEP Siting Coordination Office and the Florida Department of Agriculture and Consumer Services. Listed wildlife species and listed vegetation species on public land or water shall not be disturbed, if practicable. If avoidance is not practicable, TECO shall consult with DEP, FFWCC, and, if necessary, the U. S. Fish and Wildlife Service for listed wildlife species, and with the Florida Department of Agriculture and Consumer Services for listed vegetation species on public land or water, to determine the steps appropriate for the species involved which are to be taken to avoid, minimize, mitigate, or otherwise appropriately address impacts within each agency's respective jurisdiction. For wildlife species, these steps shall be memorialized in a Wildlife Management Plan and submitted to DEP, FFWCC, SWFWMD, and Hillsborough and Polk Counties.

B. Archaeological Survey

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

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

XXI. ACTIVITIES IN WETLANDS

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

1. Prior to the projected commencement of construction of any portion of the transmission line in wetlands or other surface waters, TECO shall submit to DEP's Southwest District Environmental Resource Permitting Section and the U.S. Army Corps of Engineers all documentation comparable to a *Joint Environmental Resource Permit Application*, DEP Form No. 62-343.900(1), with copies to the Tampa Bay Regional Planning Council, Hillsborough County Environmental Protection Commission, Hillsborough County and SWFWMD for informational purposes. Information may be submitted by discrete sections of the ROW; TECO shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed application for each section shall be reviewed pursuant to Condition VIII. “Construction” in this context shall include land clearing, excavation, placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

2. TECO shall provide reasonable assurance that the construction, operation and maintenance of the proposed facilities, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive requirements.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-approved wetland and surface water verifications within the boundaries of the TECO ROW may be used and reproduced for this delineation consideration.

4. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302 .530(70) and 62-4.242 Florida Administrative Code (FAC) in accordance with Condition XXIII B.3.

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

B. Consultation with Wetland Agencies

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

XXI.B. Citation: Section 403.523, F.S.

C. Reduction and Elimination of Impacts

1. Access Roads, Culverts, and Structures

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

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

c. Where practicable, TECO shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the certified corridor except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. The length of the span between transmission line structures shall be varied as appropriate and other design changes, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

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

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

2. Wetland Clearing

a. TECO shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office in the post-certification review process. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 50 feet on each side of the centerline of the pole and in the structure pad areas (approximately 75 feet by 75 feet). Structure pad size in wetlands shall be minimized where feasible. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas, beyond 50 feet on either side of the centerline of the poles and the structure pads, shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

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

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

XXII. MITIGATION

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

1. All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

2. The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

3. Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

4. Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and

5. The proposed construction and clearing shall not adversely affect threatened and endangered species; and

6. The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.

7. Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.

8. Clearing or fill must not occur within 550 feet from the shoreline of a named water body designated as an Outstanding Florida Water.

B. If the project does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, TECO shall propose a mitigation plan as a post-certification submittal under Condition VIII. The following information shall be provided to the DEP Southwest District Environmental Resource Permitting Section for review and to Hillsborough County Environmental Protection Commission, for portions of the line located in Hillsborough County, for informational purposes:

1. detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;

2. acreage of the type and quality of wetland being impacted at each such site;

3. narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;

4. detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;

5. acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;

6. if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and

7. an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.

8. To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

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

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

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

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

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

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

XXIII. DRAINAGE AND EROSION CONTROL

A. Maintenance of Drainage/Hydroperiod

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

2. Access roads and other nonexempt surface water management system facilities to be constructed in upland areas shall be included in the Environmental Resource Permit Application information submitted by TECO as provided in Condition XXI.A.1. TECO shall provide reasonable assurance that the construction, operation and maintenance of such facilities shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Manual, including but not limited to Section 4.4.

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

B. Erosion/Runoff Control

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

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

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

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

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

XXIV. CONSTRUCTION PRACTICES

A. Open Burning

Open burning in connection with initial land clearing shall be conducted in accordance with the non-procedural requirements of Chapter 1-4, Rules of the EPC, specifically with the requirements of Section 1-4.09, which pertain both to pile burning or burning by air curtain incinerator for initial land clearing. TECO shall not burn any materials specifically prohibited by Section 1-4.04. TECO shall provide notice to EPC prior to commencing open burning for initial land clearing and shall indicate in the notice how it intends to comply with the provisions of Chapter 1-4. Burning shall not occur if not approved by the EPC or if the EPC or Division of Forestry has issued a ban on burning due to air pollution conditions or due to fire safety.

XXIV.A. Citations: Chapter 1-4, Rules of the EPC

B. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times are subject to the sound levels of Chapter 1-1 0.

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

C. Unconfined Particulate Matter Emissions

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

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

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

ii) Curtail operations during high wind conditions, if necessary.

iii) Application of water or other dust suppressants to control emissions from such activities as land clearing, grading roads, spreading of excess soils on right-of-ways, and construction.

iv) Application of water or other dust suppressants to unpaved roads, open stock piles, excess soils spread on right-of-ways, and similar activities.

v) Seeding and mulching access road surfaces as shown in Figure 1.3-11 of this project's TLSA application (October 2007).

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

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

D. Historic Solid Waste Disposal Areas/Old Landfills

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

2. If the right-of-way is proposed to be located on a historic solid waste disposal area/old landfill, TECO shall submit to EPC the information required by Rule 1-7.203, Rules of the EPC. Within 30 days after receipt of the submittal, EPC shall notify TECO whether any additional information is required to render the submittal complete. EPC shall provide written notice no more than 90 days from receipt of a completed submittal as to whether the submittal complies with the provisions of Rule 1-7.203. TECO shall be notified with particularity of any deficiencies and possible corrective measures suggested. Failure to notify TECO in writing within 90 days of receipt of a complete submittal shall constitute a compliance determination. The post certification submittal required pursuant to Condition XIX shall be utilized by EPC as the site plan

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

E. Solid Wastes

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

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

F. Hazardous Substances and Spills

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

2. Fuel and other petroleum product spills that enter stormwater drains or water bodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to Water Resources (ph: 813-632-7600; fax: 813-632-7662). Smaller ground surface spills shall be cleaned up as soon as practical.

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

G. Asbestos

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

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

XXV. ELECTRIC AND MAGNETIC FIELD EFFECTS

A. Bee Hives

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

XXV.A. Citation: Section 403.531, F.S.

B. Radio and Television Interference

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

XXV.B. Citation: Section 403.531, F.S.

C. Electric and Magnetic Fields

The Willow Oak-Wheeler-Davis230-kV transmission line shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

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

XXVI. HERBICIDES

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

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

XXVII. OPERATION AND MAINTENANCE OF FACILITIES

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

XXVII. Citation: Section 403.531, F.S.

XXVIII. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)

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

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

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

D. Prior to the commencement of activities on SWFWMD lands, TECO shall submit for review and approval an independent appraisal of the land described by the right-of-way survey. TECO shall provide funds to SWFWMD in an amount agreed upon by TECO and SWFWMD sufficient to compensate for the loss of intended use of the land within any right-of-way located on SWFWMD lands. Any property rights obtained

to secure the right-of-way will be issued by SWFWMD as a ministerial act, and the terms and conditions will be negotiated by TECO and SWFWMD.

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

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

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

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

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

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

XXIX. FLORIDA DEPARTMENT OF TRANSPORTATION

A. Post-Certification Reviews of FDOT Matters

1. Access Management to the State Highway System:

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

2. Overweight or Overdimensional Loads:

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

3. Use of State of Florida Right-of-Way or Transportation Facilities:

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. Although there is no major widening of the facilities in the area of the project planned in the foreseeable future, State Road 60 has been identified as a Florida Intrastate Highway System (FIHS) and an emerging Strategic Intermodal System's (SIS) facility. The placement of the transmission line should take into consideration the possible widening of this facility to the extent practicable. If future widening should be required, the cost of relocating or reconstructing the transmission line will be borne by TECO to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. Standards:

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

5. Drainage:

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

6. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern

Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographic center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department of Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

B. Best Management Practices

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

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

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

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

3. If TECO uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, TECO should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

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

XXX. HILLSBOROUGH COUNTY

A. Crossing of Hillsborough County ROW or Other County Property

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

2. Where feasible and applicable, TECo will work with the School district to ensure that the transmission line will not adversely impact the safety and operations of any proposed schools within the certified right-of-way.

B. Traffic Operations

1. TECO shall minimize the impacts of the transmission lines on intersection improvement projects to the extent practicable. All transmission line poles should be located outside of the ultimate configuration for all currently designed and acquired future signalized intersections.

2. In the event that TECO anticipates closing any public road during the project, TECO shall contact the County's Right-of-way Management Office and coordinate the work and, if applicable, submit for review the information required for a Temporary Traffic Control Permit (TTC) whenever TECO plans to impede traffic in any manner whatsoever and/or when TECO is working within 15 feet of the edge of the pavement. TECO may also need to submit a signed, sealed, site specific Maintenance of Traffic (MOT) plan to the County for review and approval. TECO shall work with the County to develop a MOT plan for construction of entrances and exits. This plan will also include potential lane or road closures requests from TECO and which public roadways will be used for the transportation of the transmission poles, the type of carriers and wheel pressures that will be utilized, and the time of day for the transport of said poles. TECO shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations, and in the event of emergency evacuations.

C. Construction

1. A post-certification submittal of TECO’s final design plan including pole locations throughout the entire right-of-way within Hillsborough County shall be provided to the Hillsborough County Permitting and Inspection Services.

2. Hillsborough County Resource Protection shall, for informational purposes, receive copies of the Post Certification Submittals identified in Conditions XX(A) and XXI(A)(1) or the portions of the transmission line within Hillsborough County.

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

4. TECO must submit the information required by the "Aviation Authority Permit Application", as applicable to the Hillsborough County Aviation Authority and comply with all applicable FAA regulations.

5. TECO shall follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S.

6. TECO shall work with the Planning and Growth Management Department in identifying the possible collocation of trails and other compatible opportunities within the transmission line right-of-way in Hillsborough County.

7. TECO shall work with the Water Resources Service Department to ensure that no issues such as corrosion of existing water transmission lines caused by electrical currents will occur. Any such issues shall be resolved by TECO.

8. TECO shall comply with applicable nonprocedural requirements of Hillsborough County's polices of the Future Land Use Element of the County's Comprehensive Plan as they relate to the siting of electric transmission line corridors and facilities (Policy C-34).

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

XXXI. CITY OF TEMPLE TERRACE

A. Final Design Submittal

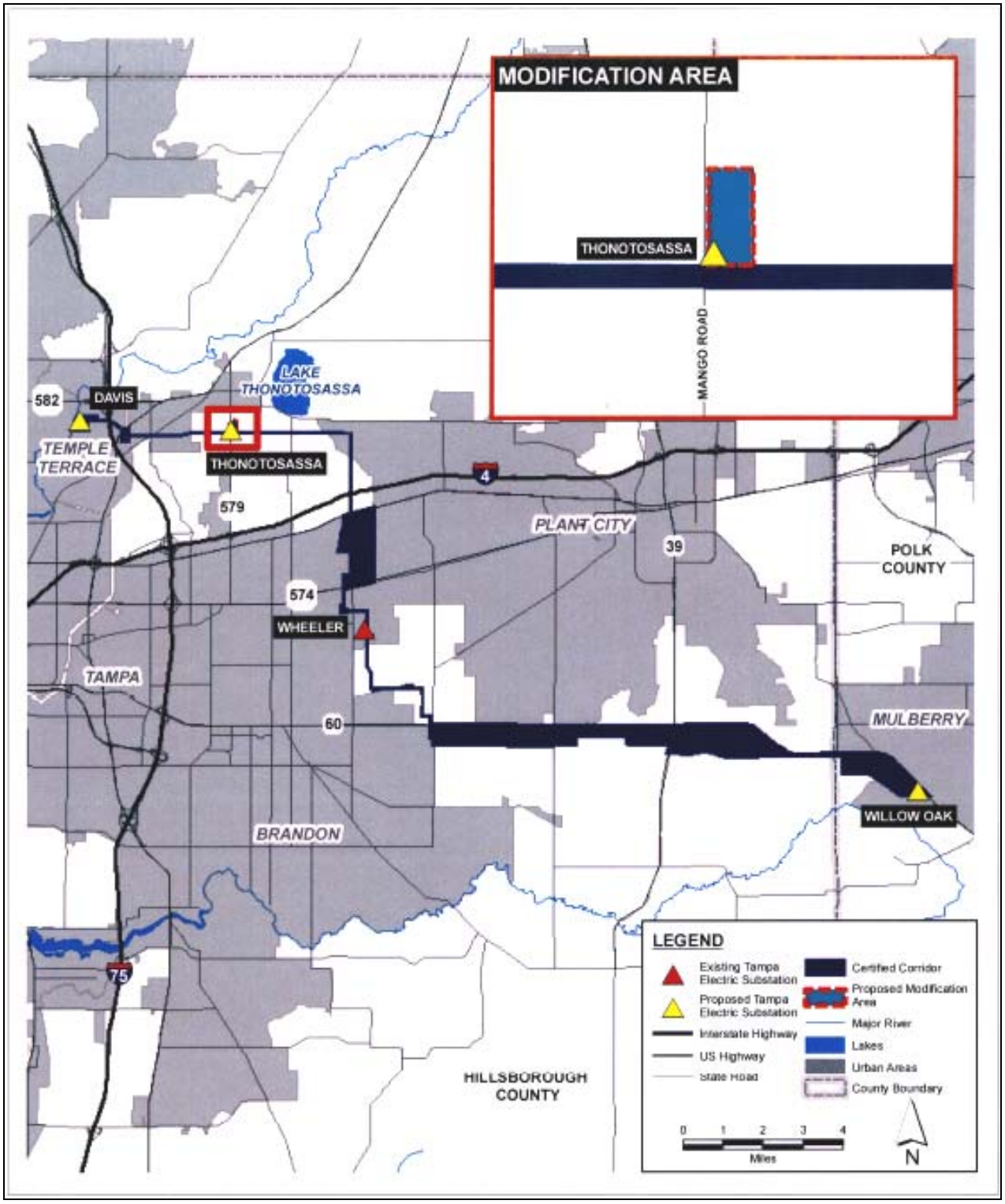
A post-certification submittal of TECO's final design plan including pole locations throughout the entire right-of-way of the area within Temple Terrace's city limits and from the Eastern border of such limits to Williams Road.

B. Youth Sports Complex

TECO shall make any requests for easements through, or use of, the SWFWMD property upon which the City's Youth Sports Complex is located in conjunction with the City. Where feasible, the transmission line and appurtenances will be located away from and not adversely impact the City's current uses on such property.

C. Public Recreational Uses.

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

XXXI. Citations: City of Temple Terrace Code Section 25.915(b)(2); 403.5317, F.S.

Attachment 1: Revised Certified Corridor Location Map