

Midway-Jensen-Crane Transmission Line Certification
Martin and St. Lucie Counties
DER Case No. TA83-04

CONDITIONS OF CERTIFICATION

GENERAL CONDITIONS

I. Definitions

The meaning of terms used herein shall be governed by the definitions contained in Chapters 403, 373, and 253, Florida Statutes, and any regulation adopted pursuant thereto and the statutes and regulations of any agency. In the event of any dispute over the meaning of a term used in these general or special 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 law. As used herein:

"DER" shall mean the Florida Department of Environmental Regulation.

"The permittee" shall mean Florida Power & Light Company or its duly authorized representatives.

"ROW" shall mean the transmission line Right-of-Way to be selected by the permittee within the corridor in accordance with the conditions of certification.

II. Performance Criteria

Certification, including conditions of certification, is predicated upon design and performance criteria indicated in the application as modified on May 6, 1983 and as further detailed in a letter from the permittee to DER dated February 24, 1983 regarding the sufficiency of the application. Thus, conformance to those criteria, unless specifically amended,

modified, or as DER and parties are otherwise notified, is binding upon the applicant in the preparation, construction and maintenance of the certified project. In those instances where a conflict occurs between the application's design criteria and the conditions of certification, the conditions shall prevail.

III. Property Rights

Except as otherwise provided herein and under the Transmission Line Siting Act and rules thereunder, the issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privileges, nor 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. The permittee must obtain title, lease or right of use from the State of Florida to any sovereign lands submerged or otherwise, as required by section 403.531, Florida Statutes. Any license or 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.

IV. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact resulting from the construction, operation, and maintenance of the transmission line in complying with any limitation specified in this certification.

V. Right of Entry

The permittee shall allow authorized representatives of the DER, upon the presentation of credentials:

A. To enter upon the right-of-way, or during business hours to enter the permittee's premises in which records are required to be kept under the terms and conditions of this permit; and

B. To have access to and copy all records required to be kept under the conditions of this certification.

VI. Civil and Criminal Liability

This certification does not relieve the permittee from civil or criminal responsibility or liability for noncompliance with any conditions of this certification, applicable rules or regulations in accordance with Chapter 403, F.S.

VII. 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 circumstances is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

VIII. Revocation or Suspension

This certification may be suspended or revoked in accordance with section 403.532, F.S.

IX. Compliance

Except as otherwise provided herein, construction and maintenance shall comply with the applicable nonprocedural rules and regulations of any state, regional, or local agency.

X. Modification of Conditions

A. Notwithstanding Section General Condition X.B. herein, the DER Secretary is delegated the authority pursuant to section 403.5315(1), F.S., to modify conditions of certification relating to:

1. A modification of the project that would not cause any significant adverse environmental impact.

2. Modifications necessary to meet licensing conditions or requirements imposed on the permittee by any federal regulatory agency. The permittee shall notify DER at least 30 days prior to the issuance of the federal license that would require such a modification.

3. Reconstruction of the ROW or transmission line necessary to avoid or mitigate an emergency involving the loss of human life or property resulting from any natural or man-made cause, including hurricane, tornado, fire, flood, explosion, windstorm or other calamitous accident when new right-of-way or access facilities are necessary.

B. Unless objected to by a party to these proceedings 20 days after notification by DER or the permittee, the DER Secretary is delegated the authority pursuant to section 403.5315(1), F.S., to modify these General and Specific Conditions of Certification. It is recognized that the post-certification site-specific review information may indicate the need for stricter or less strict requirements.

C. DER is not delegated the authority to modify the location of the certified corridor; such modifications must be made by the Siting Board.

XI. Emergency Reporting

Emergency replacement of previously existing right-of-way or transmission lines shall not be considered a modification pursuant to section 403.5315, F.S. A verbal report of the emergency shall be made to DER as soon as possible. Within fourteen (14) calendar days after correction of an emergency which would require the permittee to perform an activity not in accordance with the conditions of certification, a report to the DER shall be made outlining the details of the emergency and the steps taken for its tem-

porary 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.

SPECIFIC CONDITIONS

I. Certified Corridor

The corridor for which certification is granted is generally depicted in Attachment I.

The specific location of the corridor includes the following segments as the segments are identified in Figure 2.2-1 of the application and the full extent of which are delineated in red, including the property covered by the red lines, on the application's Appendix A aerial photographs, as clarified on May 6, 1983, except that segments TJ-3 and TJ-7 are deleted and in their place segment TJ-2 is added. An aerial photograph delineating Segment TJ-2 is attached as Attachment II.

- MT-4 (parallels Midway-Indiantown transmission line)
- MT-5 (parallels Midway-St. Lucie transmission line)
- MT-7,
- MT-8 (includes Sunshine State Parkway)
- MT-13,
- MT-14 (includes Sunshine State Parkway)
- TC-1,
- TC-2 (includes Sunshine State Parkway)
- TJ-2 (includes Port St. Lucie Boulevard)
- TJ-8 (includes Port St. Lucie Boulevard)
- TJ-12 (includes Port St. Lucie Boulevard)
- TJ-13 (includes Port St. Lucie Boulevard)
- TJ-16 (includes Port St. Lucie Boulevard)
- TJ-17 (includes Port St. Lucie Boulevard)
- TJ-19 (includes Port St. Lucie Boulevard)
- TJ-27 (includes Port St. Lucie Boulevard)
- TJ-28 (includes U.S. Highway 1)

II. Restriction of Right-of-Way Location Within Certified Corridor

The right-of-way location in the following areas shall be restricted as described below:

A. North Fork of the St. Lucie River

The Midway-Jensen-Crane 230 kV transmission line right-of-way shall not be located north of a line 50 feet north of the east-west canal which is north of the existing Port St. Lucie Boulevard bridge across the North Fork of the St. Lucie River. The area restricted to right-of-way location is generally depicted on Attachment III. Only guying structures may be located in the area between the east-west canal and the line 50 feet north of the canal.

B. Vicinity of U.S. 1

1. The Midway-Jensen-Crane 230 kV transmission line right-of-way shall proceed in an easterly direction along Port St. Lucie Boulevard east of the North Fork of the St. Lucie River to at least a point 20 feet west of the present boundary of the City of Port St. Lucie just west of the Port St. Lucie Boulevard -- U.S. 1 intersection (Point A).

2. The portion of the Midway-Jensen-Crane 230 kV transmission line right-of-way in the vicinity of U.S. 1 which proceeds in a southerly direction from Port St. Lucie Boulevard shall not be located west of a line which proceeds due south from Point A for 300 feet, more or less, to Point B.

3. The portion of the Midway-Jensen-Crane 230 kV transmission line right-of-way in the vicinity of U.S. 1 which proceeds in a southerly direction from a line beginning at Point B and proceeding due east to the eastern boundary of the preferred corridor as set forth in the Application for Corridor Certification shall not be located west of a line 200 feet west of, and parallel to, the western boundary of the U.S. 1 right-of-way. In this portion of the Midway-

Jensen-Crane 230 kV transmission line right-of-way, transmission line structures may be located no further west than 50 feet west of the western boundary of the U.S. 1 right-of-way, and guying structures may be located no further west than 200 feet west of the western boundary of the U.S. 1 right-of-way.

4. The area restricted to right-of-way location is generally depicted on Attachments III, IV and V.

III. Transmission Line Structure Placement

A. Structure Placement Criteria at Designated Intersections

1. Intersection of Bayshore and Port St. Lucie Boulevard. Structures shall be located a minimum of 150 feet east from the centerline of existing Bayshore right-of-way, a minimum of 225 feet west from the centerline of existing Bayshore right-of-way, a minimum of 200 feet north from the centerline of existing Port St. Lucie Boulevard right-of-way on the west side of Bayshore, and a minimum of 75 feet south from the centerline of existing Port St. Lucie Boulevard right-of-way.

2. Intersection of Airoso and Port St. Lucie Boulevard. The structures shall be located a minimum of 150 feet from the centerline of existing Airoso right-of-way. This shall apply to the east and west sides of Airoso.

3. Intersection of Floresta and Port St. Lucie Boulevard. The structures shall be located a minimum of 135 feet from the centerline of existing Floresta right-of-way. This places the structure close to the lot line between Lots 1 and 2 of Block 782 on the east and close to the lot line between Lots 17 and 18 of Block 700 on the west.

4. Intersection of Midport/Westmoreland and Port St. Lucie Boulevard. The structures shall be located a minimum of 125 feet from the centerline of existing Midport/Westmoreland right-of-way. This shall apply to the east and west sides of Midport/Westmoreland.

5. Intersection of Morningside and Port St. Lucie Boulevard. The structures shall be located a minimum of 140 feet from the centerline of existing Morningside right-of-way. This shall apply to the east and west sides of Morningside.

6. Intersection of U.S. 1 and Port St. Lucie Boulevard. The structures located on the west side of U.S. 1 shall be located a minimum of 125 feet west of the centerline of existing U.S. 1 right-of-way. Any structures on the east side of U.S. 1 shall be located no further west than the existing structures on the east side of U.S. 1.

B. Consistency of Structure Placement with Site Plans

1. For purposes of sections B., C. and D. of this condition of certification, the terms below shall have the following definitions:

a. "Approved Site Plan" means the City Council has taken final action to approve or approve with conditions the site plan, as defined below, by resolution, ordinance, or plat, as appropriate.

b. "City" means the City of Port St. Lucie.

c. "Pending Site Plan" means the site plan, as defined below, has been formally submitted to the City for review, but the City Council has not taken final action to approve, approve with conditions, or disapprove the site plan.

d. "Site Plan" means a site plan or PUD conceptual plan submitted to the City pursuant to Appendix A of the City Code (the Zoning Ordinance), or a subdivision plat submitted to the City pursuant to Section 18 of the City Code.

e. "Structure" means the poles on which the transmission line conductors are strung and guys to such poles for the portion of the Midway-Jensen-Crane 230 kV transmission line between the Midway and Jensen substations from the east edge of the Turnpike right-of-way south of the intersection of Macedo Boulevard and Thornhill Drive to the west edge of the U.S. 1 right-of-way.

2. At least 30 days prior to the commencement of construction of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations from the east edge of the Turnpike right-of-way south of the intersection of Macedo Boulevard and Thornhill Drive to the west edge of the U.S. 1 right-of-way, permittee shall submit the proposed location of all transmission line structures to the City Planner.

3. Within ten (10) working days after the permittee's submittal pursuant to paragraph "2." above, the City Planner shall notify permittee in writing if any of the proposed structure locations conflict with the driveway or road locations on any approved or pending site plans as of the date of permittee's submittal pursuant to paragraph "2." above.

4. Permittee shall relocate the proposed structure locations to avoid conflict with the driveway and road locations on approved site plans as of the date of permittee's submittal pursuant to paragraph "2." above.

5. Permittee shall relocate a proposed structure location which conflicts with the driveway and road locations on pending site plans as of the date of permittee's submittal pursuant to paragraph "2." above, but only if such a relocation can be accomplished consistent with good engineering practices.

6. The proposed location of structures need not avoid conflict with the proposed driveway and road locations on any site plan which is not a pending or approved site plan as of the date of permittee's submittal pursuant to paragraph "2." above. Permittee may relocate structure locations to avoid such conflict if terms acceptable to permittee can be negotiated with the developer of the site plan and if a structure location acceptable to the City can be identified.

C. Structure Placement Outside Road Right-of-Way

The centerline of structures shall not be located more than 2 feet within existing road right-of-way. In no instance shall the centerline of any structure be placed

within the 98 feet south of the existing northern boundary of the Port St. Lucie Boulevard right-of-way between the St. Lucie County-Fort Pierce Fire District Station No. 5 and Morningside Boulevard. In the event permittee locates structures within the existing Port St. Lucie Boulevard right-of-way, permittee shall take whatever steps are necessary, at permittee's expense, to comply with Florida Department of Transportation regulations related to roadside recovery areas, no later than the time at which the Port St. Lucie Boulevard is expanded to accommodate four lanes of traffic.

D. Structure Placement in Vicinity of the North Fork of the St. Lucie River

In the vicinity of the North Fork of the St. Lucie River between Allen Street and a point 900 feet west of the centerline of the existing Westmoreland Boulevard right-of-way, structures shall not be located within the 150 feet immediately south of the centerline of existing Port St. Lucie Boulevard road pavement. Within the area extending 900 feet west of the centerline of the existing Westmoreland Boulevard right-of-way, structures shall not be located within the 100 feet immediately south of the centerline of existing Port St. Lucie Boulevard road pavement.

IV. Zoning Ordinances

A. St. Lucie County

Pursuant to section 403.536(1), F.S., variances or special exceptions, as applicable, are expressly granted for the following St. Lucie County zoning ordinances for the limitations listed in those districts:

A-1; lot width restriction, minimum yard width restriction, height restriction.

PS-1; minimum yard restriction, height restriction, site plan requirements.

R-1AA; use restriction, lot width restriction,
minimum yard restriction, height restriction.

R-1A; same as above.

R-1B; same as above.

R-1C; same as above.

R-2; same as above.

R-4A; same as above.

R-4D; same as above.

R-4E; same as above.

R-5MH; same as above.

R-5RV; same as above.

P-1; same as above.

B-1; same as above.

B-2; same as above.

B-3; same as above.

B-4; same as above.

M-1; same as above.

M-2; same as above.

M-3; same as above.

PDP; same as above.

All Districts; base building lines.

B. City of Port St. Lucie

Pursuant to section 403.536(1), F.S., variances or special exceptions, as applicable, are expressly granted for the following City of Port St. Lucie zoning ordinances for the limitations listed in those districts:

PUD; underground installation requirement.

MF-1; height limitation.

All districts except A-1, C-1, P-1; river setback requirement.

All districts; yard requirements.

C. Martin County

Pursuant to section 403.536(1), F.S., variances or special exceptions, as applicable, are expressly granted for the following Martin County zoning ordinances for the limitations listed in those districts:

PUD(MH); underground utilities.

PUD (general); final development plan restrictions.

All districts; design and construction standard in the zoning code's site plan review section.

Any district; height restrictions, minimum size of structure, minimum lot width, minimum yard requirement, buffer requirement, screening requirement.

V. Road Crossings

A. For all locations where the transmission line will cross state highways, the applicant shall submit the data requested pursuant to the Department of Transportation's (DOT) "Utility Accommodation Guide" to DOT's Fourth District Office within 30 days prior to starting construction for a particular crossing. The permittee shall comply with the criteria in the Utility Accommodation Guide and with all applicable regulations pertaining to roadway crossings by transmission lines, including these conditions of certification, unless the DOT and the permittee agree to change those requirements for good cause shown.

B. All crossings of state highways shall be as nearly perpendicular to and all towers as far from state, county and city road rights-of-way as practicable while still maintaining proper road clearance, in order to allow future widening and expansion of those roads.

C. The transmission line shall not be constructed upon any state, county, or city bridge which is supported by pilings.

D. For all locations where permits to cross, connect to, or obtain access to county or city roads are required generally for transmission lines and access roads, the applicant shall submit the applicable approval information 30 days prior to construction to the county engineer. The permittee shall comply with all applicable non-procedural county or city regulations pertaining to roadway crossings or connections by transmission lines and access roads.

VI. North Fork, St. Lucie Aquatic Preserve

In accordance with General Condition III, the permittee must obtain an easement for the crossing of the North Fork, St. Lucie River Aquatic Preserve. In order to obtain the easement, the permittee must submit to the Department of Natural Resources, acting as staff to the Board of Trustees of the Internal Improvement Trust Fund, specific details on the final location for the transmission line, the techniques for the installation of the line, and the location of the transmission line poles.

VII. Archaeological and Historic Sites

Any archaeological sites discovered during construction of the transmission line shall be disturbed as little as possible and such discovery shall be communicated to the Department of State, Division of Archives, History and Record Management (DAHRM). Areas crossed by the ROW deemed likely to contain archaeological or historic sites as identified by DAHRM shall be investigated by a professional and systematic pedestrian survey prior to the initiation of land clearing/ground disturbing activities, and if a significant site is located, the site shall be protected and reported to DAHRM.

VIII. Activities in Waters of the State

Waters of the state which may be directly affected are: North Fork St. Lucie River, Howard Creek and any tributaries thereto, Canal C-23, and Canal C-24.

A. Construction in Waters of the State

1. No new access/maintenance roads shall be constructed in waters of the state except for temporary access/maintenance in the landward extent of the North Fork of the St. Lucie River as restricted in the following. However, existing roads may be improved such that the crown width is no greater than 14 feet with side-slopes of no greater than a 1:2 ratio. Permittee shall use a matting procedure, as

necessary, to access structure locations within the landward extent of the North Fork of the St. Lucie River. Permittee may place fill and culverts temporarily in the landward extent of waters of the state when necessary to access structure locations through matting during the construction of the transmission line within the landward extent of waters of the state. Such fill, culverts and matting shall be removed. The permittee shall return the area to its essentially natural state unless ^{technically it is not reasonably feasible to do so or the financial obligation would clearly outweigh any adverse water quality impacts.} ~~technical or financial it is not reasonably feasible to do so.~~ This shall be performed immediately after construction or maintenance. All such restoration work shall be subject to a post-construction site inspection to determine its sufficiency. CAA for FPSL
QPM for DEC

2. Permittee may place structures and sufficient concrete to assure a stable and safe foundation within the landward extent of waters of the state, provided that no such construction occurs within the channel area delineated in the aerial photograph attached hereto as Attachment VI.

3. No more than three tubular steel structures, one concrete structure, and necessary guying structures shall be placed within the landward extent of the North Fork of the St. Lucie River. One tubular steel structure may be placed in the center of the island between the St. Lucie River and Long Creek, and the span lengths between that structure and the tubular steel structure to its west shall be at least 900 feet. Span lengths between the west tubular steel structure and such a concrete structure shall be at least 400 feet. Any guy wires across the open water of the canal north of, and parallel to, the Port St. Lucie Boulevard bridge across the North Fork of the St. Lucie River shall provide at least the same navigational clearance as the bridge.

B. Turbidity, Erosion Control, and Vegetation Clearing

1. Control measures, including but not limited to hay bales, sodding, mulching and seeding, or turbidity screens, shall be employed as needed to prevent turbidity in excess of water quality standards.

2. Where the transmission line crosses the North Fork of the St. Lucie River, existing vegetation under 15 feet in height shall be left undisturbed within the landward extent of the water body, except where matting or temporary fill must be placed. All reasonable efforts shall be made to avoid any filing in the mixed sawgrass (*Cladium jamaicensis*) and cordgrass (*Spartina bakeri*) marshes on the west side of the river. However, in the event limited temporary fill must be placed in these areas, the permittee shall return the area to its essentially natural state unless technically ~~or financially~~ it is not reasonably feasible to do so ~~or the financial obligation would clearly outweigh any adverse water quality impacts.~~ If it is necessary to remove trees, the root mat shall be left undisturbed. If it is necessary to remove trees for the construction of structures, the root mat may be removed.

CA for FPE
JH for DER

3. The slope of new access/maintenance roads built adjacent to waters of the state or improved roads in waters of the state shall be seeded or planted immediately after construction and stabilized to prevent potential erosion and subsequent water quality degradation.

C. Site-Specific Dredge and Fill Information and Compliance Verification

1. Prior to any construction activities being conducted within the landward extent of waters of the state [as defined in Fla. Admin. Code Rules 17-4.02(17) and 17-4.28], the permittee shall file five copies of the Dredge/Fill Joint Application, Department of Army/Florida Department of Environmental Regulation for Activities in Waters of the State, DER Form 17-1.203(1) [November 30, 1982] with the DER, Bureau of Permitting, Power Plant Siting Section. The application form shall also be forwarded by DER to the Corps of Engineers, identifying that certification has already been granted by the state.

2. DER shall promptly review the submittal for completeness. If found to be incomplete, the permittee shall be so notified within 30 days of receipt; failure to notify the permittee accordingly shall constitute a finding of completeness.

3. Within 45 days of filing of complete information, DER shall determine whether there is reasonable assurance that the conditions of certification and substantive agency regulations will be complied with. If it is determined that reasonable assurance has not been provided, the permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify the permittee in writing within 45 days of receipt shall constitute a compliance verification.

4. Since certification is the only form of permit required by the state, it is understood that the permittee and DER shall strive to resolve such matters by mutual agreement. If mutual agreement cannot be reached, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The hearing pursuant to section 120.57, F.S., shall be held within 30 days after its referral to DOAH. The Hearing Officer shall issue the decision 15 days after termination of such hearing. Referral of an issue to DOAH pursuant to this condition shall neither affect other conditions nor operate as a stay on any other portion of the transmission line.

D. Water Quality Certifications

Upon certification by the Siting Board, DER shall provide to the Corps of Engineers a letter indicating that corridor certification constitutes water quality certification for the purposes of 33 USC 1341.

E. Outstanding Florida Waters

Pursuant to Fla. Admin. Code Rule 17-3.041(4)(f), the North Fork, St. Lucie Aquatic Preserve has been designated an Outstanding Florida Water. In accordance with Fla. Admin. Code Rule 17-4.242, the permittee shall affirmatively demonstrate that any construction in the river will not lower ambient water quality for a period not to exceed 30 days. This demonstration must be made as part of the site-specific dredge/fill information to be submitted.

IX. Activities Within the South Florida Water Management District

A. Informational Requirements

The permittee shall file, at least sixty (60) days prior to commencement of construction in the South Florida Water Management District (SFWMD) the information specified below. SFWMD and the permittee may jointly agree to vary these informational requirements.

1. Surface Water Management Information.

Construction activities which may obstruct, divert, control, impound, or cross waters in the state are subject to review under this condition. "Construction activities" associated with transmission lines include the placement of structures, i.e. access/maintenance roads, culverts and fill materials. For each construction activity, the following information shall be submitted:

- a. A centerline profile of existing topographic features along proposed access road(s).
- b. Preliminary design of proposed access road(s) with elevation marked.
- c. Typical cross-section of access road(s).
- d. Cross-section of each stream or creek at points to be crossed by access road(s) or other construction.
- e. Specifications showing size and type of water control structure (pipe, culvert, etc.) to be employed with proposed flowline elevation marked, and design capacity and drainage area indicated.
- f. Specifications showing the location of each transmission tower and access road to be constructed.
- g. The acreage of the various types of wetland habitat to be impacted or if the permittee chooses, the DER/Corps dredge/fill form. The specific information requested in this paragraph must be included with the DER/Corps dredge/fill form.

2. Works of the District Information.

The transmission line may involve three types of uses of works of the District as follows: Powerline crossings (aerial, subaqueous, pile supported, or bridge supported), access/maintenance road crossings (bridge, culvert, etc.), and use of right-of-way for access temporary or permanent. "Works of the District" means the following works of the SFWMD to the limits of District ownership or control:

Canal 23 and Canal 24

For each use, the following information shall be submitted:

- a. The project location relative to County, Section, Township and Range; Lot, Block and Subdivision; or a metes and bounds description.
- b. Whether the proposed use is a modification of an existing use, or is a new use.
- c. A description of the proposed use of or encroachment on works of the District.
- d. A description of the portion of the works of the District to be used.
- e. Three copies of a scaled or fully dimensioned 8-1/2" x 14" drawing reflecting the proposed use in plan and elevation views and as related to the applicable work of the District tied to a known reference point in the immediate area of the proposed use.
- f. Information sufficient to demonstrate that the proposed use meets the criteria established in the District's "Criteria Manual for Use of Works of the District-June 1981."

B. Review Criteria

The information submitted pursuant to paragraph A. above shall be reviewed using the criteria and standards and subject to the limiting conditions specified in Chapters 40E-4 and 40E-6, Florida Administrative Code.

C. Procedures

1. Within forty-five (45) days of filing all the information required herein, SFWMD shall determine, and notify the permittee in writing, whether the data submitted provides reasonable assurances that the conditions in 40E-4.301 and 40E-6.301 have been met. If SFWMD determines that the conditions in 40E-4.301 and 40E-6.301 have not been met, SFWMD shall notify the permittee in writing of the probable violations specified with particularity, as well as specify corrective measures. Failure to notify the permittee in writing within forty-five (45) days shall constitute compliance verification.

2. Since this certification is the only form of permit required by any agency, it is understood that the permittee and the SFWMD shall strive to resolve disputes by mutual agreement. If such mutual agreement is reached, DER is hereby delegated the authority to modify the conditions of certification as necessary to reflect said mutual agreement.

3. If mutual agreement cannot be reached, 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. A hearing under section 120.57, F.S., shall be held within thirty (30) days after its referral to DOAH. The Hearing Officer shall issue the decision thirty (30) days after the termination of such hearing. All exceptions to the Hearing Officer's order shall be filed with the Governor and Cabinet within ten (10) days of the issuance of such order. The Governor and Cabinet shall issue a decision within thirty (30) days of the filing of the exception.

D. Construction

Construction activities which impact works of the District or which have surface water management impacts shall not commence until the SFWMD has determined, either in

writing or by failure to notify the applicant in writing, that the applicant has provided reasonable assurances that the conditions in 40E-4.301 and 40E-6.301 have been met, as applicable, or the Governor and Cabinet render a final decision pursuant to paragraph C.3. above.

E. Other Construction

Neither the necessity to submit the information specified in this condition to the SFWMD nor referral of an issue to DOAH pursuant to this condition shall affect other conditions or operate as a stay on the construction or other activities which do not have surface water management impacts or which do not impact works of the District or which the SFWMD has previously approved pursuant to this condition.

X. Open Burning and Tree Removal

A. Open burning in connection with land clearing shall be in accordance with the applicable rules of the Department of Agriculture and Consumer Services.

B. The Midway-Jensen-Crane 230 kV transmission line may be constructed to the east of the Sunshine State Parkway (Turnpike) right-of-way north and south of the proposed Turnpike Substation No. 3. Should this occur and should the Australian pines in the vicinity between the North Macedo Boulevard -- Archer Avenue intersection and the C-24 Canal present the potential for interfering with the continuous and safe operation of the transmission line, the permittee shall trim and maintain the Australian pines at a height of 15-30 feet and, except where necessary for the placement of structures, the permittee shall not remove the Australian pines or other existing vegetation within the buffer strip which can be trimmed and maintained at a height of 15-30 feet.

XI. Maintenance

If chemicals or herbicides are to be used for vegetation control, the type, proposed use, locations, and manner

of application shall be in accordance with state and federal regulations. None shall be applied to waters of the state.

XII. National Electric Safety Code

Compliance with the 1981 version of the National Electric Safety Code is required. Conductors shall be allowed a mid-span sag no closer than 25 feet to the ground.

XIII. Special Conditions Regarding Radio Communication Facilities of St. Lucie County, City of Port St. Lucie and Martin County

A. For purposes of this condition of certification, the terms below have the following definitions:

1. "Communication facility" means:

a. The St. Lucie County Disaster Preparedness command net repeater located in the vicinity of the Turnpike interchange at Port St. Lucie Boulevard which services the emergency operations centers for St. Lucie County and Martin County;

b. The 911 satellite receiver, including the St. Lucie County-Fort Pierce fire district radio communication system, at the St. Lucie County fire station on Port St. Lucie Boulevard;

c. The City of Port St. Lucie radio communications system transmitter and the City of Port St. Lucie police department transmitter and the located in the vicinity of the Turnpike interchange at Port St. Lucie Boulevard; and

d. The City of Port St. Lucie radio communications system backup transmitter and the City of Port St. Lucie police department backup transmitter located at the Port St. Lucie City Hall, if such facilities are in service at the time of energization of the portion of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations.

2. "Director" means the person with authority to manage and supervise the use and maintenance of a communication facility.

3. "Heavy rainfall" means rainfall at a rate of .1 inch per hour for at least five minutes' duration in the immediate vicinity of the portion of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations.

4. "Local government" means the City of Port St. Lucie, St. Lucie County and Martin County.

5. "Offending interference" means voice communications transmitted or received from the communication facility are less than completely understandable.

B. The permittee shall give at least fifteen days' notice to the Directors of the date the portion of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations is to be energized.

C. Each Director shall determine as described in this paragraph whether the Midway-Jensen-Crane transmission line is causing offending interference to the Director's communication facility under dry and wet weather conditions. Within two weeks after the portion of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations is energized, each Director shall notify the permittee in writing if the transmission line is causing offending interference at the Director's communication facility. If a heavy rainfall does not occur during the two weeks after energization of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations, each Director shall notify the permittee in writing if the transmission line is causing offending interference at the Director's communication facility within one week after commencement of the first heavy rainfall after energization of the portion of the Midway-Jensen-Crane transmission line between the Midway and Jensen substations. Failure to so notify the permittee within two weeks after energization or one week after the first heavy rainfall, whichever occurs later, shall constitute acknowledgment on the part of the local government(s) which use the Director's communication facility that the Midway-Jensen-Crane transmission line does not present an electromagnetic interference problem to the Director's communication facility.

D. If permittee receives written notice from a Director pursuant to paragraph C above, the following testing program shall be initiated at the Director's communication facility within two weeks of receipt of such notice and completed no later than six weeks thereafter unless weather conditions do not allow for appropriate testing:

1. One testing participant shall be designated by the permittee, one by the Director, and one by the two testers selected by the permittee and the Director.

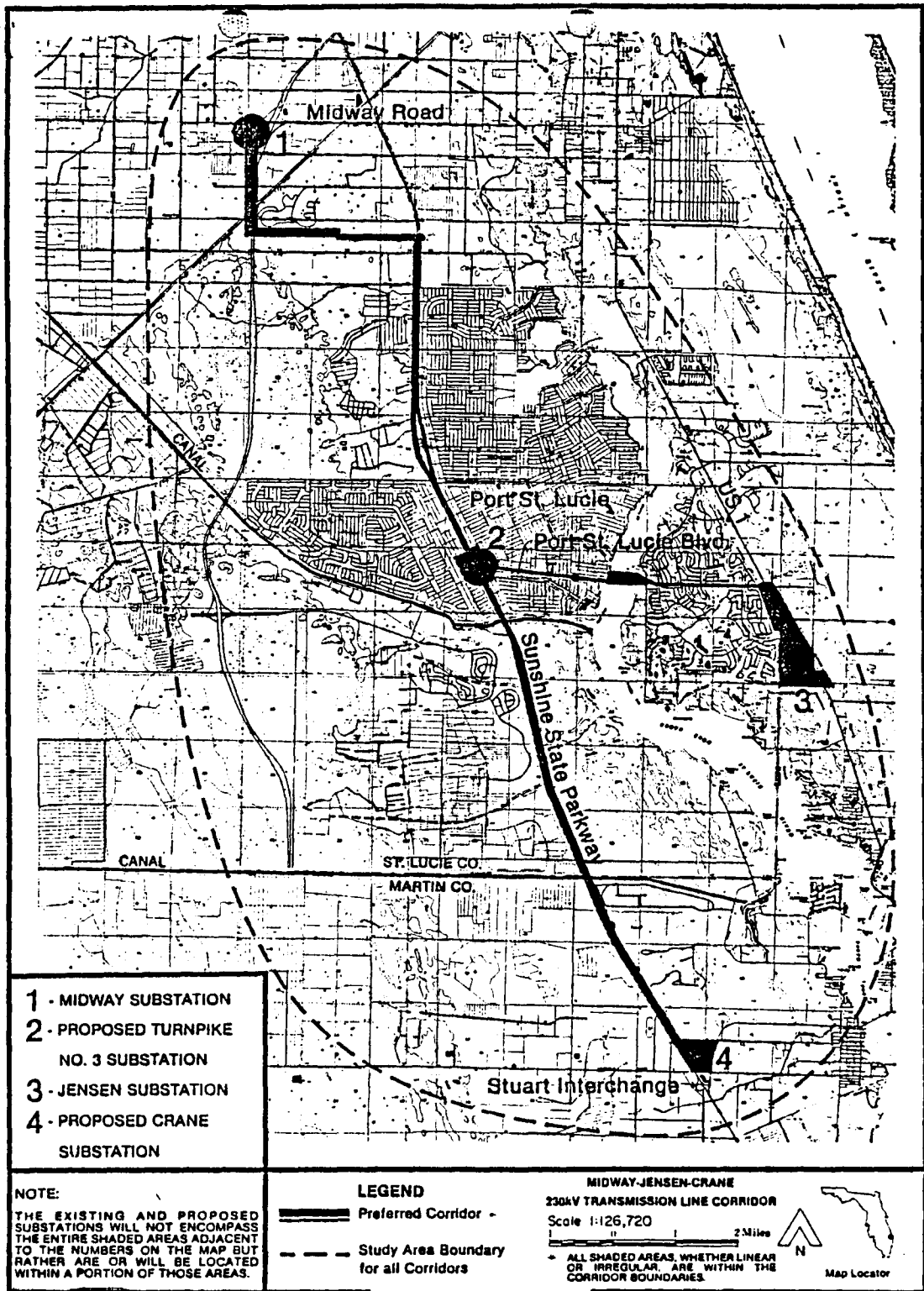
2. The three testers shall monitor the communications facility at which interference from the Midway-Jensen-Crane transmission line is believed to exist during the weather conditions that offending interference is believed to occur. The transmission line shall be de-energized and re-energized. The testers shall determine from this monitoring by majority vote whether the interference ceases when the transmission line is de-energized and commences again when the transmission line is re-energized.

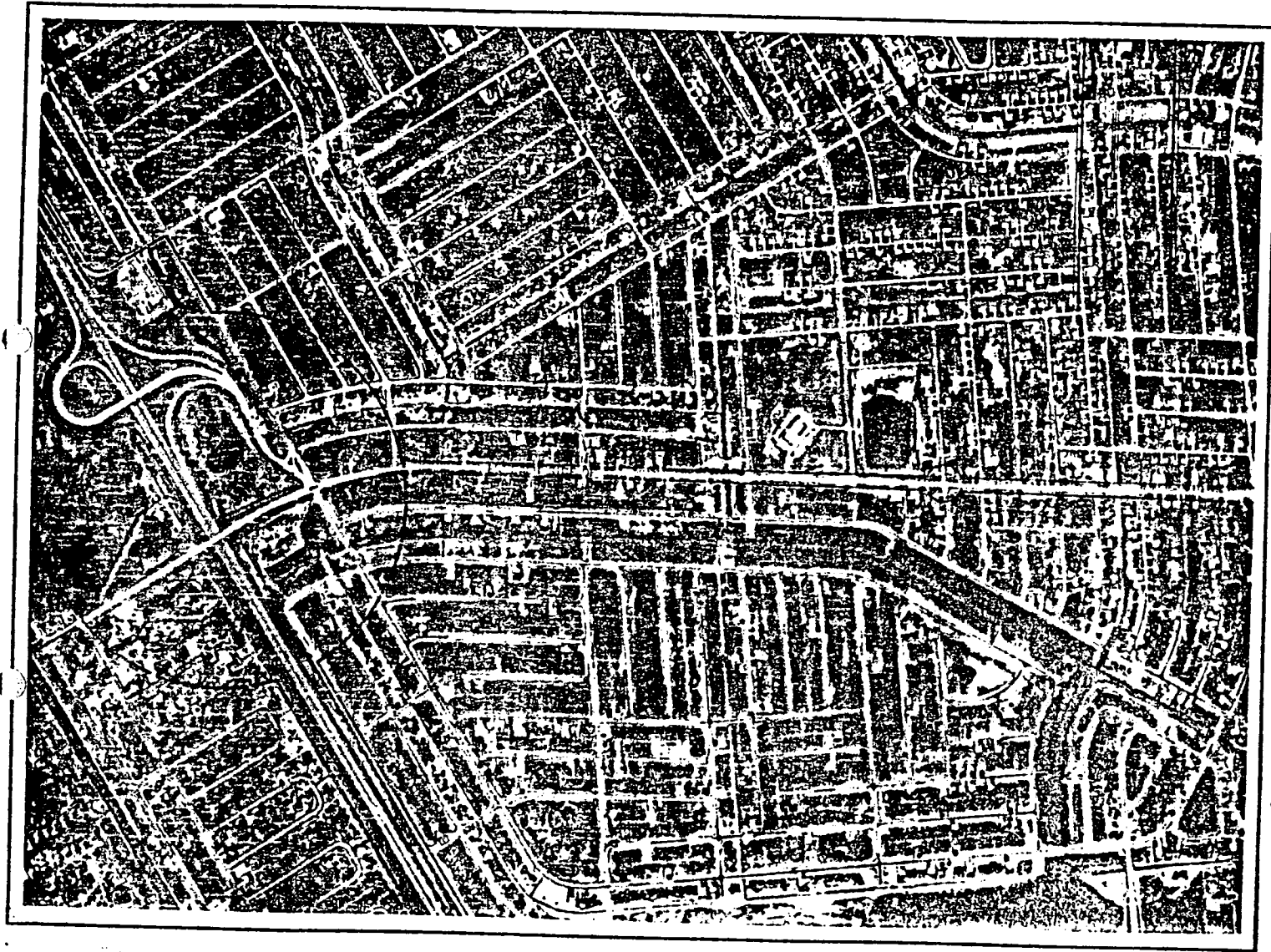
E. If offending interference is determined to be caused by the Midway-Jensen-Crane transmission line pursuant to paragraph D above, the permittee shall take appropriate mitigation measures, at the permittee's cost, to correct the offending interference, and shall reimburse the participating local government(s) for all costs associated with the testing program provided in paragraph D above. Upon completion of the mitigation measures, the three testers shall again monitor communications as provided in subparagraph D.2. above to determine if the offending interference has been eliminated. The monitoring and mitigating process shall continue until all offending interference is eliminated without the incursion by the participating local government(s) of any capital or operating expense attributable to such offending interference or mitigation.

XIV. Endangered Species

Any construction work in the North Fork St. Lucie River

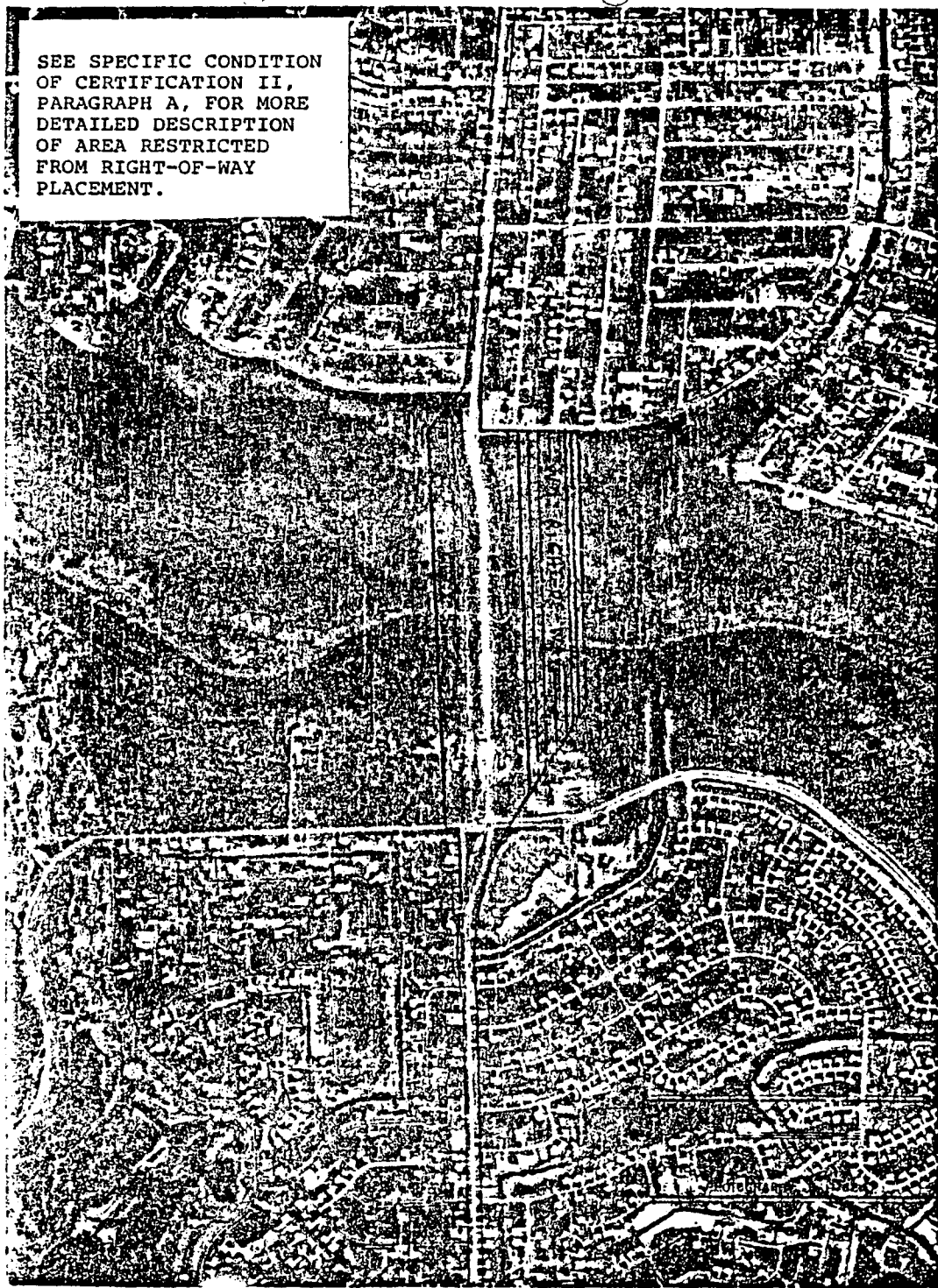
shall be timed such that adverse impact to West Indian Manatees will not occur. Timing shall be coordinated with the U.S. Fish and Wildlife Service.





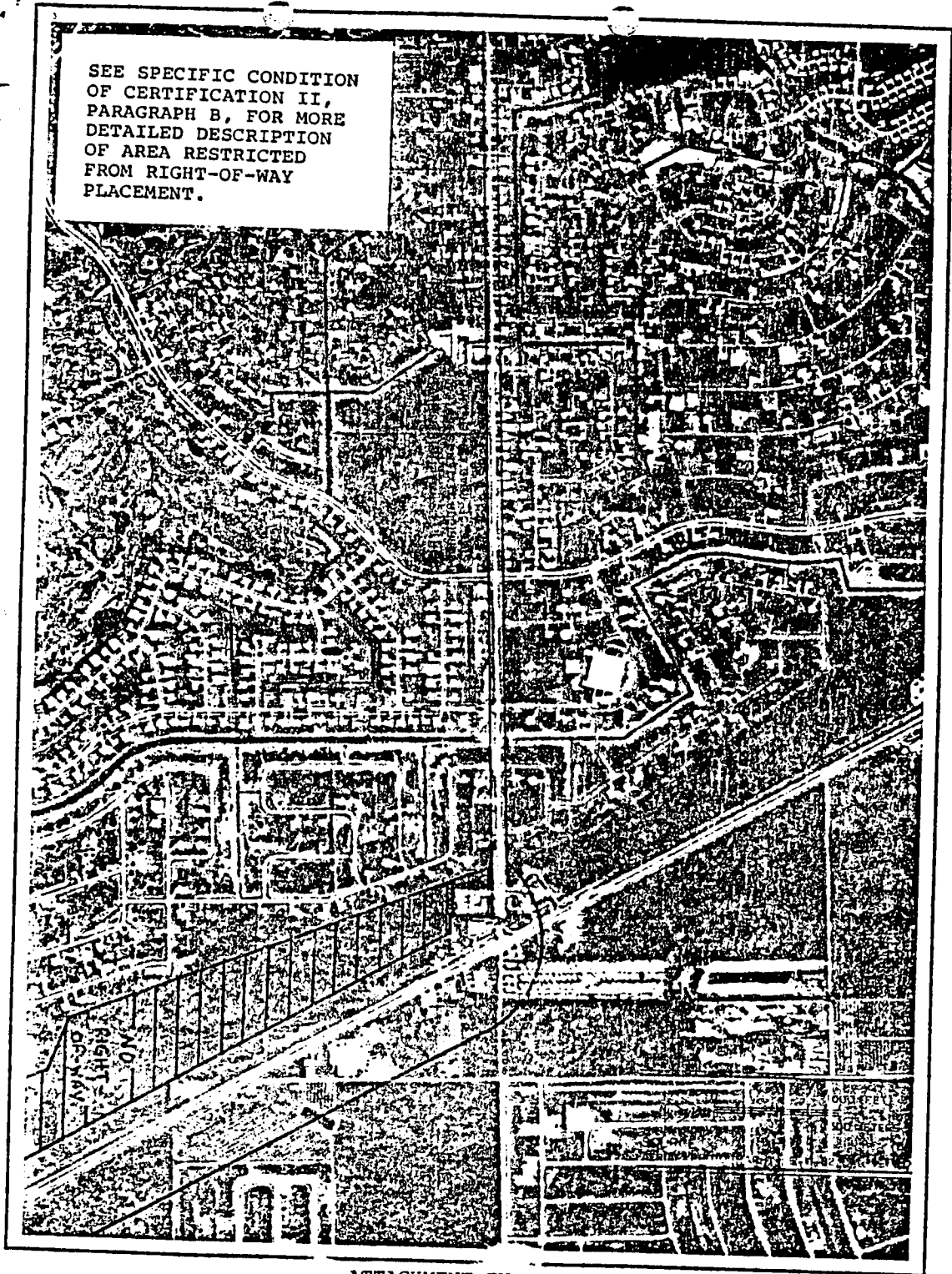
ATTACHMENT II

SEE SPECIFIC CONDITION
OF CERTIFICATION II,
PARAGRAPH A, FOR MORE
DETAILED DESCRIPTION
OF AREA RESTRICTED
FROM RIGHT-OF-WAY
PLACEMENT.

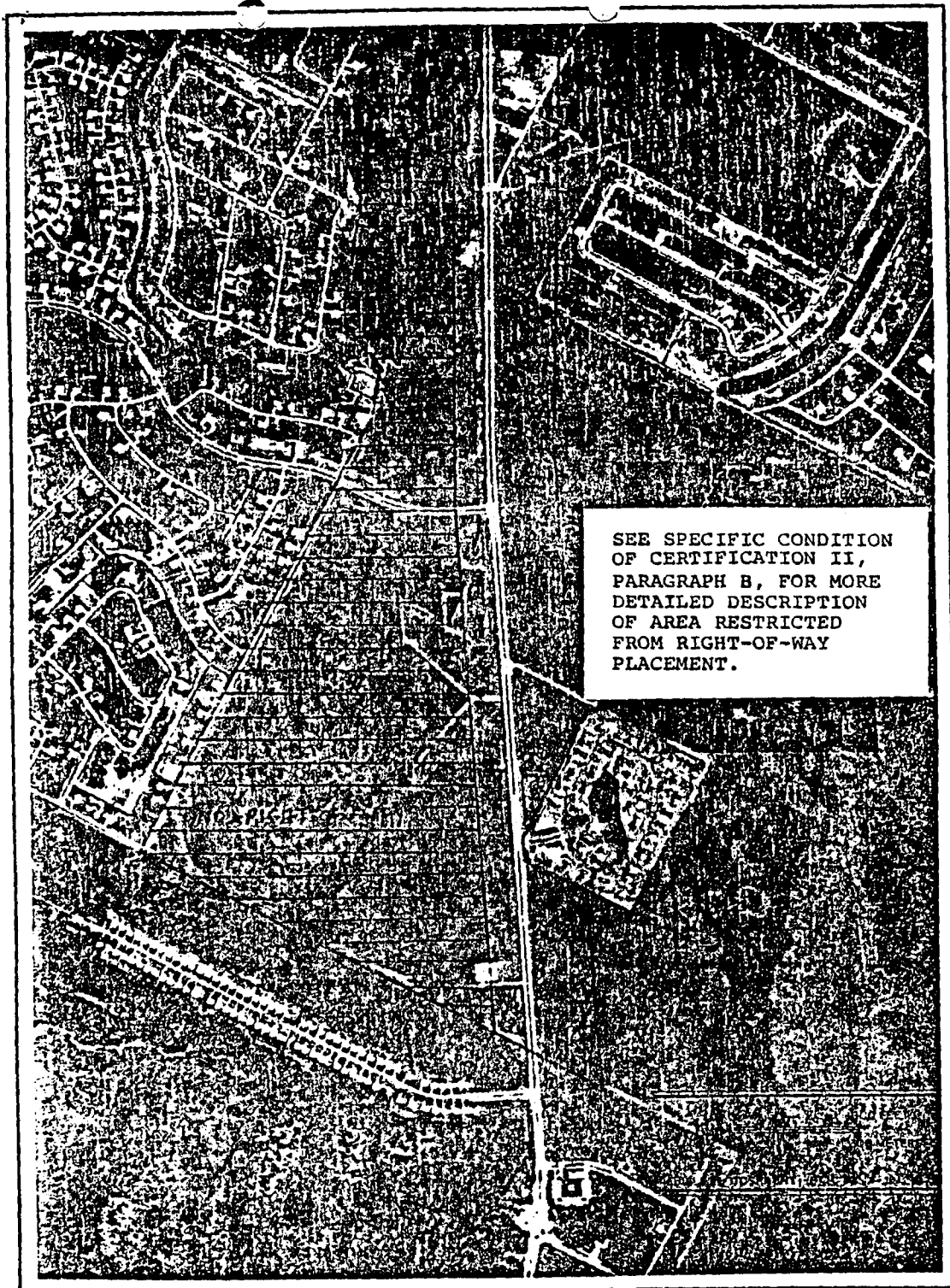


ATTACHMENT III

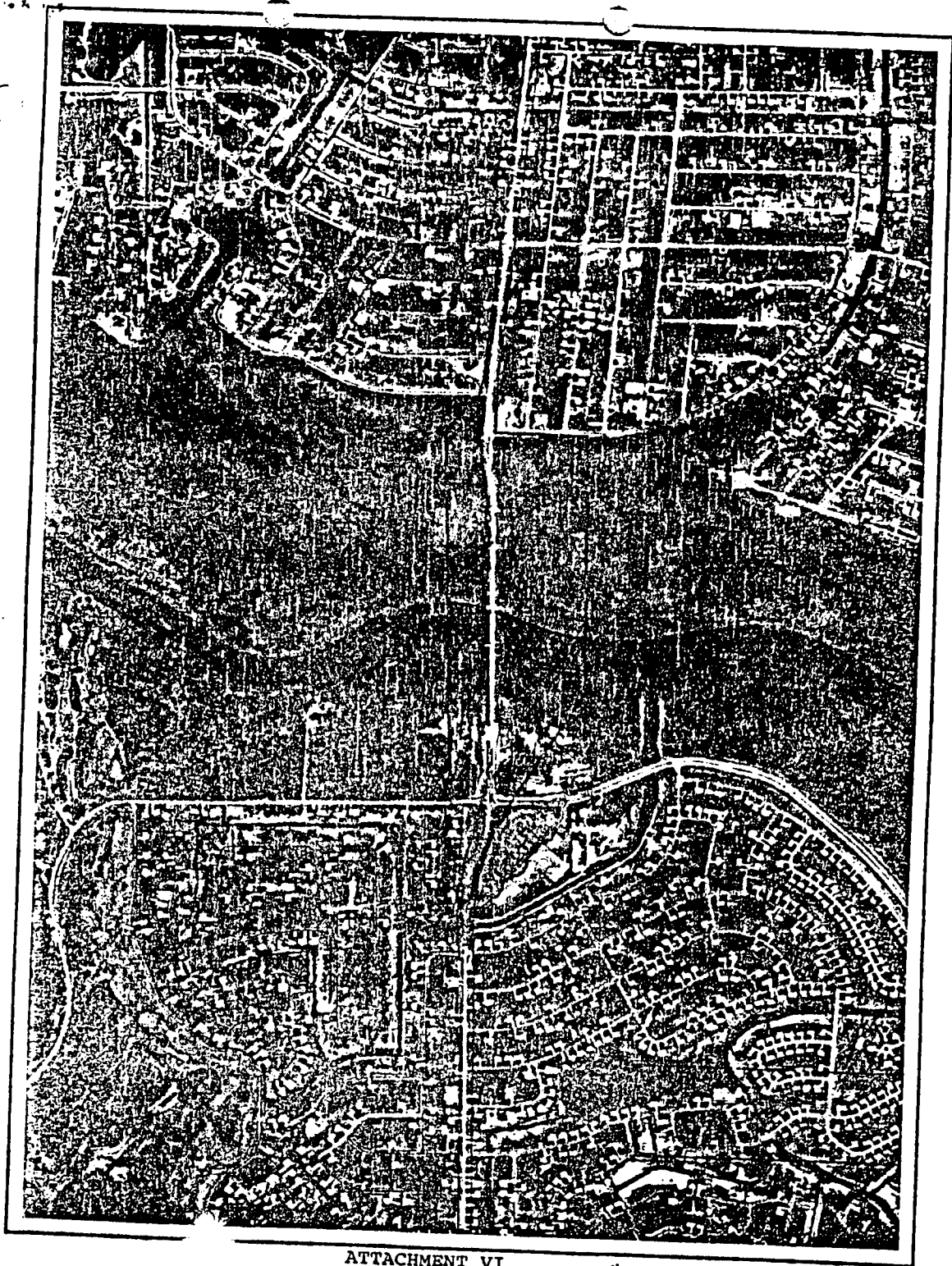
SEE SPECIFIC CONDITION
OF CERTIFICATION II,
PARAGRAPH B, FOR MORE
DETAILED DESCRIPTION
OF AREA RESTRICTED
FROM RIGHT-OF-WAY
PLACEMENT.



ATTACHMENT IV



ATTACHMENT V



ATTACHMENT VI