

**CRANE-BRIDGE-PLUMOSUS 230-kV TRANSMISSION LINE
FLORIDA POWER & LIGHT COMPANY
CONDITIONS OF CERTIFICATION: TA 88-06A**

Modified 12/12/2006

Table of Contents

GENERAL CONDITIONS	1
G-1 Definitions.....	1
G-2 Performance Criteria.....	1
G-3 Property Rights.....	2
G-4 Adverse Impacts.....	2
G-5 Right of Entry.....	2
G-6 Civil and Criminal Liability.....	3
G-7 Severability	3
G-8 Revocation or Suspension.....	3
G-9 Compliance.....	3
G-10 Emergency Reporting.....	3
G-11 Certified Corridor	4
G-12 ROW Delineation and Compliance Verification	4
G-13 Modification of Certification.....	4
G-14 Dispute Resolution.....	5
G-15 Post-Certification Submittals.....	6
SPECIFIC CONDITIONS	6
S-1 Construction and Maintenance Activities.....	6
S-2 ROW Location	9
S-3 Activities Within Waters of the State.....	9
S-4 Activities Within SFWMD	10
A. General	10
B. Construction Conditions	12
C. Informational Requirements	12
S-5 Wetlands.....	15
A. Minimization of Impacts.....	15
B. Mitigation.....	15
S-6 Endangered Species	17
S-7 Exotic Species	17
S-8 Multiple Use.....	17
S-9 Archaeological Sites	17
S-10 Annexation of Enclaves	18
S-11 Potential Effects on Bee Hives	18
S-12 Noise	18
S-13 Radio and Television Interference	18
S-14 Electric and Magnetic Fields.....	18
S-15 Herbicides.....	19
Attachment A – Relocation Map.....	20

GENERAL CONDITIONS

G-1 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 agency-specific 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:

- A. DEP" shall mean the Florida Department of Environmental Protection.
- B. Licensee" shall mean Florida Power & Light Company.
- C. SFWMD" shall mean the South Florida Water Management District.
- D. TCRPC" shall mean the Treasure Coast Regional Planning Council.
- E. FFWCC" shall mean the Florida Fish and Wildlife Conservation Commission.
- F. DHR" shall mean the Florida Department of State, Division of Historical Resources.
- G. ROW" shall mean the transmission line right-of way to be selected by the Licensee within the certified corridor in accordance with the conditions of certification.
- H. Application" shall mean the Application for Corridor Certification for the Crane-Bridge-Plumosus 230 kV transmission line, as supplemented by the Sufficiency Response appendix.
- I. Feasible" or "practicable," as used in these conditions shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

G-1 Citations: Section 403.531, F.S.

G-2 Performance Criteria

Certification, including conditions of certification, is predicated upon design and performance criteria indicated in the Application. Thus, conformance to those criteria,

unless specifically modified in accordance with Florida Administrative Code Rule 17-17.680, is binding upon the Licensee 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.

G-2 Citations: Section 403.531, F.S.

G-3 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 Licensee 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.

G-3 Citations: Section 403.531, F.S.

G-4 Adverse Impacts

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

G-4 Citations: Sections 403.529 and 403.531, F.S.

G-5 Right of Entry

The Licensee shall allow authorized representatives of the DEP or other appropriate jurisdictional agencies, upon the presentation of credentials:

A. To enter upon the ROW, or during business hours to enter the Licensee's premises in which records are required to be kept under the terms and conditions of this Certification.

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

G-5 Citations: Sections 403.091 and 403.531, F.S.

G-6 Civil and Criminal Liability

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

G-6 Citations: Section 403.533, F.S.

G-7 Severability

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

G-7 Citations: Section 403.529, F.S.

G-8 Revocation or Suspension

This certification may be suspended or revoked in accordance with Section 403 .532, Florida Statutes.

G-8 Citations: Section 403.532, F.S.

G-9 Compliance

Except as otherwise provided herein and in the certification order, construction and maintenance shall comply with the applicable nonprocedural rules and regulations of any state, regional, or local agency, unless a variance or waiver was obtained by the Licensee pursuant to Section 403 .531(2), Florida Statutes.

G-9 Citations: Sections 403.531 and 403.533, F.S.

G-10 Emergency Reporting

Replacement of ROW access roads or transmission lines constructed under this certification necessitated by the emergency conditions described in Condition G-13 .A.3 below shall not be considered a modification pursuant to Section 403 .5315, Florida Statutes. A verbal report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency which would require the Licensee to perform an activity not in accordance with the conditions of certification, a report to the DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which

were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

G-10 Citations: Sections 403.529 and 403.531, F.S.

G-11 Certified Corridor

The corridor for which certification is granted is generally depicted in Attachment A as amended on October 27, 2006.

G-11 Citations: Section 403.531, F.S.

G-12 ROW Delineation and Compliance Verification

Three copies of blue-line reproductions of aerial photographs of at least 1:400 scale shall be submitted to DEP delineating the ROW route selected. The Licensee shall notify all parties of such filing. These photographs shall be submitted prior to commencement of construction on the various segments of the line; it is recommended that this information be submitted in segments rather than waiting until the entire ROW is acquired. DEP and any other party who requests to do so shall have 30 days from receipt of notice to review the photographs and to call any apparent conflicts with the requirements of the conditions of certification to the Licensee's attention.

If DEP or any substantially affected party has reason to believe that the construction of the transmission line and access roads within the Licensee's designated ROW cannot be accomplished in compliance with the conditions of certification, the Licensee shall be so notified in writing. Failure of such a notice to be served on Licensee within 30 days from the notice of the filing of the various segments in the aerial photographs with DEP constitutes acknowledgment that construction of the transmission line and access roads can be accomplished within the designated ROW or the various segments of ROW submitted for review.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the parties' review pursuant to this condition will be at the Licensee's risk, and no party will be estopped 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.

G-12 Citations: Section 403.531, F.S.

G-13 Modification of Certification

A. The Secretary of DEP is delegated the authority pursuant to Section 403.5315(1), Florida Statutes, to modify conditions of certification relating to:

1. A modification of the transmission line that would not cause any significant additional adverse environmental impact.

2. Modifications necessary to meet licensing conditions or requirements imposed on the applicant by any federal regulatory agency. Licensee 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 the Licensee.

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 manmade windstorm, or other calamitous accident when new transmission line structures or access facilities are necessary.

4. Unless objected to by a party to these proceedings or by any person whose substantial be affected by the modification, the/]Secretary of DEP is delegated the authority pursuant to Section 403.5315(2), Florida Statutes, to modify any General or Specific Condition of Certification with the exception of those specified in Condition G-13 .C. below.

5. DEP shall give written notice to the parties to the original certification of any requests for modification received pursuant to this section.

B. Since this certification is the only form of permit required from any agency, it is understood that the Licensee and the agency with regulatory jurisdiction shall strive to resolve disputes by mutual agreement. If such mutual agreement is reached, DEP is hereby delegated the authority to modify as necessary to reflect said mutual agreement.

C. DEP is not delegated the authority to modify the location of the certified corridor.

G-13 Citations: Section 403.5315, F.S.; F.A.C. Rule17-17.680.

G-14 Dispute Resolution

If a situation arises in which mutual agreement cannot be reached between the Licensee and an agency with regulatory jurisdiction, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, Florida Statutes. A hearing under Section 120.57, Florida Statutes, shall be held within 30 days after its referral to DOAH. The hearing officer shall issue the decision 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 10 days of the

issuance of such order. The Governor and Cabinet shall issue a decision within 30 days of the filing of the exception.

G-14 Citations: Sections 403.5315 and 120.57, F.S.; F.A.C. Rule 17-17 .680.

G-15 Post-Certification Submittals

Conditions of certification which provide for the post-certification submittal of information to agencies by the Licensee are to allow the agencies to monitor the effects arising from the location of the transmission line right-of-way and the construction and maintenance of the transmission line to assure continued compliance with state water quality requirements, other agency nonprocedural rules and standards, or the conditions of certification, without any further government action.

G-15 Citations: Section 403.531, F.S.; F.A.C. Rule 17-17 .600(5).

SPECIFIC CONDITIONS

S-1 Construction and Maintenance Activities

A. Licensee shall design and construct the transmission line in the vicinity of the proposed North Palm Beach County General Aviation Airport so as to comply with all applicable federal, state, and local government regulations restricting the height of structures in the vicinity of the airport.

S-I.A. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; Regional Comprehensive Policy Plan (RCPP) 6.11.1 .2.

B. Licensee shall employ construction techniques and proper culverting to comply with the applicable regulations of the SFWMD, the DEP and the appropriate local government in order to maintain historical drainage patterns and sheet flow along the transmission line ROW. If impacted, wetland control elevations shall be established with the intent to maintain or improve preconstruction hydroperiods within all affected wetland areas.

S-I.B. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8 .3.1.1, 10.1.1.4.

C. Where the proposed transmission line ROW is dominated by native upland vegetation, clear-cutting shall only occur where necessary for access road and structure pad construction. In all other areas within the ROW dominated by native upland vegetation, Licensee shall use selective clearing practices during the construction and

maintenance activities. The intent of this condition is to maintain within the ROW native groundcover and understory vegetation such that the ROW will also function to the maximum extent possible as a corridor for native wildlife. Licensee may trim and maintain slash pine trees within the ROW to the extent necessary to prevent a hazard to the transmission line, but should not eliminate or prevent the regeneration of slash pine trees within the ROW except where necessary for access roads and structure pads.

S-I.C. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 10.3.1.6.

D. The Licensee shall perform the work authorized under the certification in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The Licensee shall institute necessary measures during the construction period, including necessary compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

S-1.D. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(a).

E. Offsite discharges during construction and development shall be made only through the discharge structures authorized by this certification.

S-1.E. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(g).

F. The Licensee shall be responsible for the correction of any sedimentation, turbidity, erosion, and/or shoaling problems that result from the construction, operation and/or maintenance of the works authorized under this certification.

S-1.F. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

G. The Licensee shall be responsible for the correction of any water quality problems that result from the construction, operation and/or maintenance of works authorized under this certification.

S-1.G. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.019(1)(a), 40E-4.301, and 40E-4.381.

H. The Licensee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary.

S-1.H. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

I. It is the responsibility of the Licensee to provide reasonable assurances that adverse offsite water resource related impacts do not occur during construction.

S-1.I. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Section 373.413(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

J. The Licensee shall, wherever available, utilize adjacent existing public roads for access to the transmission line ROW for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to onsite and adjacent wetlands.

S-1.J. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

K. No fill materials shall be obtained from excavated wetlands within the transmission line ROW, unless in accordance with a mitigation plan submitted in compliance with the conditions of this certification.

S-1.K. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.1, 14.3.1.1.

L. Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

S-1.L. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

M. No dewatering operation shall be allowed unless the Licensee can provide reasonable assurances that no adverse water resource impacts will occur as a result of the operation.

S-1.M. Citations: Section 403.531, F.S. SFWMD: Section 373.223, F.S.; F.A.C. Rules 40E-2.091(1)(a), 40E-2.301, and 40E-2.381; F.A.C. Rule 40E-20.

N. If hazardous materials are used in the construction, operation and/or maintenance of the transmission line, the Licensee shall provide reasonable assurances to the SFWMD that such hazardous materials will not enter the surface water management system for the transmission line.

S-1.N. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1), 373.413(2), and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.381.

S-2 ROW Location

A. To the extent feasible, Licensee shall locate the transmission line ROW so as to avoid the taking of homes.

S-2.A. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5.

B. In the vicinity of the proposed Hansen Substation, the Licensee shall not locate the proposed ROW within the SFWMD's Save Our Rivers lands adjacent to the west bank of the South Fork of the St Lucie River.

S-2B. Citations: Sections 403.531, F.S. SFWMD: Sections 373 .085, 373 .413.(1), 373 .414, 373 .416(1), and 373 .59(3), F.S.; F.A.C . Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

C. The Licensee shall consult with DEP's wetland resource permitting staff prior to finalization of the access road locations, including those which will not be located on the ROW, and also consult with DEP on tower locations and establishment of construction techniques which are to be reflected on any post certification review information submittals. This may be done prior to, or in conjunction with, the ROW delineation requirement of Condition G-12.

S-2.C. Citations: DER: Section 403.531, F.S.: F.A.C. Rule 17-17 .600(4)(d).

D. On the Florida Atlantic University property the Licensee shall locate the ROW as depicted in Attachment A as amended on October 27, 2006.

S-3 Activities Within Waters of the State

A. For all construction activities in waters of the state where DEP has wetland resource protection jurisdiction pursuant to Chapter 403, Florida Statutes, which are preliminarily identified in the agency report, the Licensee shall file with DEP, Siting Coordination Section, the information requested in Florida Administrative Code Rules 17-17 .665 and 17-1 .212(1), Section 3 .2 .2.

B. DEP shall promptly review the submittal for completeness; for the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness.

C. Within 90 days of filing of complete information, DEP shall determine whether there is reasonable assurance of compliance with applicable substantive agency regulations as required by the conditions of certification if the plans are executed as filed. If it is determined that reasonable assurance has not been provided, Licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

D. If DEP does not object within the time period specified, Licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details and the DEP shall provide to the Corps of Engineers a letter indicating that the full requirements of this condition have been met and that water quality certification for the purposes of 33 USC 1341 is hereby conveyed.

E. Any information submittal after Board certification required by this section shall be solely for the purpose of facilitating DEP's monitoring of Licensee's compliance with the conditions of certification.

F. Licensee, at its option, may submit information for different wetlands modification activities at different time intervals. Each submittal by Licensee shall be processed by DEP separately.

S-3 Citations: Sections 403.531 and 403.918, F.S.; F.A.C. Rules 17-17.665, 17-3, 17-1.212(1).

S-4 Activities Within SFWMD

A. General

1. Professional Engineer Certificate. The operational phases of the surface water management system authorized under this certification shall not become effective until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d), Florida Statutes, and with the appropriate experience in surface water management design, certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by SFWMD. Within 30 days after completion of construction of each phase of the surface water management system, the Licensee shall submit the engineer's certification and notify the SFWMD that the facilities are ready for inspection and approval.

S-4.A.I. Citations: Section 403.531, F.S. SFWMD: Sections 373.117 and 373.419, F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301(2), and 40E-4.381(2)(d).

2. Minimum Standards. This certification is based on Licensee's submitted information to the SFWMD which reasonably demonstrates that adverse offsite

water resource related impacts will not be caused by the authorized activities. The plans, drawings and design specifications submitted by Licensee shall be considered the minimum standards for compliance.

S-4.A.2. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4 .301(1), and 40E-4 .381.

3. Post Certification Information Submittals

Information submitted to the SFWMD subsequent to certification, in compliance with the conditions of this certification, shall be for the purpose of the SFWMD monitoring Licensee 's compliance with the certification conditions and the permitting requirements contained in Chapters 40E-2 (Consumptive Use), 40E-4 (Surface Water Management), and 40E-6 (Utilization of District Works), Florida Administrative Code, prior to the commencement of the subject construction, operation and/or maintenance activity.

S-4.A.3. Citations: Section 403.531, F.S. SFWMD: F.A.C. Rules 17-17 .665(11) and 17-17 .750(4).

4. Liability

a. Licensee shall hold and save SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this certification, to the extent allowed under Florida law.

b. Licensee shall hold and save SFWMD harmless from any and all damages, claims, or liabilities caused by Licensee 's negligence which may arise by reason of the construction, operation, maintenance and/or use of any facility authorized by this certification, to the extent allowed under Florida law .

S-4.A.4. Citations: Section 403.531, F.S. SFWMD: Section 373.443, F.S. ; F.A.C. Rules 40E-4.091(1)(a) and 40E-4 .381(j).

5. Enforcement. Authorized representatives of the SFWMD shall be allowed access to the transmission line ROW and any authorized offsite mitigation areas to inspect and observe any activities associated with the construction of the transmission line and any required mitigation areas and/or the operation and/or maintenance of the surface water management system in order to determine compliance with the conditions of this certification.

S-4.A.5. Citations: Section 403.531, F.S. SFWMD: Sections 373.423 and 373. 603, F.S.; F.A.C. Rules 40E-4.091(1)(a) and 40E-4.301.

6. Water Quality Monitoring. If water quality data is required by this certification for any water discharged from Licensee's property or into surface waters of the state, it shall be submitted to SFWMD and the DEP Southeast District office.

Parameters to be monitored may include those listed in Chapter 17-3, Florida Administrative Code, Licensee shall provide such data to SFWMD as volumes of water discharged, including total volume discharged during the days of sampling and total discharges from the property or into surface waters of the state.

S-4.A.6. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.4.16(1), F.S.; F.A.C. Rules 40E-4.091 (I) (a) and 40E-4 .381.

7. Construction, Operation and Maintenance Responsibilities. Licensee shall be responsible for the construction, operation, and maintenance of the surface water management system installed for the transmission line.

S-4.A.7. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091 (1) (a), 40E-4.301, and 40E-4.381(2)(h).

B. Construction Conditions

1. This project must be constructed in compliance with and meet all requirements set forth in Chapter 373, Florida Statutes, and Chapters 40E-2, 40E-4, and 40E-6, Florida Administrative Code.

S-4.B.1. Citations: Section 403.531, F.S. SFWMD: Chapter 373, F.S.; F.A.C. Rules 40E-2, 40E-4, 40E-6.

2. Vertical clearances for any aerial crossings over SFWMD canals and rights-of-way shall conform to SFWMD criteria as required by Chapter 40E-6, Florida Administrative Code, Appendices G and G-1.

S-4.B.2. Citations: Section 403.531, F.S. SFWMD: Sections 373.085(1) and 373.086(1), F.S.

C. Informational Requirements

1. General

a. At least 90 days prior to the commencement of construction of any portion of the transmission line, the Licensee shall provide the SFWMD with the ROW location within the certified corridor for that portion of the transmission line proposed for construction.

S-4.C.I.a. Citations: Section 403.531, F.S. SFWMD: Section 373.413(2), F.S.

b. At least 90 days prior to the commencement of construction of any portion of the transmission line, the Licensee shall submit to SFWMD staff, for a

completeness and sufficiency review, any pertinent additional information required under the SFWMD's site specific standards and the conditions of certification for that portion proposed for construction. If SFWMD staff do not issue a written request for additional information within 30 days, the information will be presumed to be complete and sufficient.

S-4.C.I.b. Citations: Section 403.531, F.S. SFWMD: Section 373.413(2), F.S. .

c. Within 60 days of the determination by SFWMD staff that the additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD criteria, as required by Chapters 40E-2, 40E-4, and 40E-6, Florida Administrative Code, and the conditions of the certification. If necessary, the SFWMD shall identify what items remain to be addressed. Construction activities which impact works of the SFWMD or have surface water management impacts shall not begin until the SFWMD has determined, either in writing or by failure to notify the Licensee in writing, that the activities are in compliance with the applicable SFWMD criteria.

S-4.C.I.c. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.413(2), F.S.

d. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged offsite shall also be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-4, and 40E-6, Florida Administrative Code, prior to the commencement of construction pursuant to S-4.C.I.b. and S-4.C.I.c. above.

S-4.C.I.d. Citations: Section 403.531, F.S. SFWMD: Section 403.5315, F.S.; F.A.C. Rules 17-17.680, 40E-2, 40E-4, 40E-6.

e. SFWMD and the Licensee may jointly agree to vary the information requirements.

S-4.C.I.e. Citations: Section 403.531, F.S. SFWMD: Section 373.413(2), F.S.; F.A.C. Rule 40E-4.101(1).

2. Surface Water Management

Prior to the commencement of construction of any portion of the transmission line, all construction activities for that portion of the transmission line which may obstruct, divert control impound or cross waters of the state must be reviewed by the SFWMD for a determination of compliance with Chapters 40E-2 and 40E-4, Florida Administrative Code. "Construction activities" in this situation shall include the placement of structure pads, access/maintenance roads, culverts, fill materials, and related activities. For all construction activities, the following information shall be submitted:

- a. A centerline profile of existing topographic features along the proposed access/maintenance road(s);
- b. A preliminary design of the proposed access/maintenance and finger road(s) with elevations marked;
- c. A typical cross-section of the proposed access/maintenance and finger roads;
- d. A cross-section of each stream or creek at the points to be crossed by the access/maintenance and finger road(s) or other construction;
- e. Specifications showing the location of each transmission tower, finger and access/maintenance road, and culvert to be constructed, including all areas to be filled or excavated;
- f. Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;
- g. A cross-section of all proposed excavation areas showing the proposed depth of excavation;
- h. Calculations and the supporting documentation which demonstrate that all applicable C-18 Basin criteria, particularly as they relate to floodplain management, have been met.

S-4.C.2. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1), 373.413(2), and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4. 301, and 40E-4. 381.

3. SFWMD Right-of-Way

- a. Prior to the commencement of construction of any portion of the transmission line which will cross over, on, under, or otherwise use the SFWMD' s right-of-way, complete drawings showing the proposed facilities must be submitted to the SFWMD for documentation of compliance with Chapter 40E-6, Florida Administrative Code These drawings shall depict the proposed crossing in both plan and profile views and shall show, as a minimum:
 - (1) The canal right-of-way lines;
 - (2) The top of the canal bank and its elevation;
 - (3) The centerline of the levee and its elevation;
 - (4) The canal maintenance berm and its elevation at its highest point;
 - (5) The location of any poles, towers, and/or access roads located within the SFWMD's right-of way;
 - (6) The location of any anchors, down-guys or span-guys within the SFWMD's right-of-way;
 - (7) The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;

(8) The location and elevation of any buried facilities installed as part of this transmission line project;

(9) The location of the facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities may be located in the field.

b. Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the transmission line and/or for inspection and maintenance after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used, and frequency of such use. Prior to the use of any portion of the SFWMD right-of-way, the Licensee shall post any necessary bond up to the amount of \$5,000 per half mile, or any portion thereof, of right-of-way to be used and shall obtain liability insurance covering the Licensee use of that portion of the right-of-way. All use of the SFWMD's right-of-way by Licensee shall be in accordance with Chapter 40E-6, Florida Administrative Code.

S-4.C.3. Citations: Section 403.531, F.S. SFWMD: Sections 373.085, 373.086, F.S.; F.A.C. Rule 40E-6.

S-5 Wetlands

A. Minimization of Impacts

1. Clearing

Licensee shall use restrictive clearing practices as defined on page 3-1 of the Application during construction and maintenance where the transmission line crosses forested wetlands dominated by native trees.

S-5.A.1. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1 .1, 10.1.1.4.

2. Structure Location

Licensee shall avoid impacting wetlands within the certified corridor wherever practicable. When necessary and feasible, the location of and span between power poles shall be varied to eliminate or reduce wetland impacts.

S-5.A.2. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1), 373.414, and 373.416(1); F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381 . DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.1.

B. Mitigation

1. Licensee shall provide mitigation for any wetland or deep water habitat which is degraded or destroyed during the construction of any portion of the proposed transmission line. Mitigation may include the creation of new wetland and deep-water habitat, the restoration of degraded habitat, the enhancement of functions and

values provided by existing habitats, or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Prior to the elimination or degradation of any such wetland habitat, Licensee shall submit mitigation plans to DEP, SFWMD, TCRPC, and appropriate local governments. These mitigation plans shall, at a minimum, include the following:

- a. Specific acreage figures and locations of all wetlands, both within the ROW as well as adjacent to it, which would be impacted by the construction activities, including an explanation of why no feasible alternative exists;
- b. A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced.
- c. A timetable for accomplishing the proposed mitigation activities (i.e., the time for commencement and completion of activities for each mitigation area) concurrently with the construction of the transmission line and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing prior to the commencement of construction.
- d. A monitoring and maintenance program to ensure the survival and success of any created, restored, or enhanced wetlands, which is predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation.

S-5.B.1. Citations: Section 403.531, F.S. DER: Section 403.918(2)(b), F.S. SFWMD: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

2. The mitigation plans must be found to fully compensate for the functions and values provided by wetlands that will be degraded or eliminated. TCRPC, SFWMD, DEP, and appropriate local governments will work with Licensee in the development of acceptable mitigation plans. The mitigation plans proposed by Licensee shall be submitted for review and compliance monitoring to the TCRPC, SFWMD, DEP, and appropriate local governments.

S-5.B.2. Citations: Section 403.531, F.S. DER: Section 403.918(2)(b), F.S. SFWMD: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40E 4.091(1)(a), 40E-4.301, and 40E-4 .381. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.2.

3. All mitigation for wetlands impacted in Martin County shall be performed in Martin County, unless an alternative location is found acceptable by that county. All mitigation for wetlands impacted in Palm Beach County shall be performed in Palm Beach County, unless an alternate location is found acceptable by that county. All mitigation for wetlands impacted in the Loxahatchee River Drainage Basin shall be performed in the Loxahatchee River Drainage Basin, unless an alternate location is found acceptable by the Loxahatchee River Management Coordinating Council.

S-5.B.3. Citations: Section 403.531, F.S. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E 4;RCPP 8.3.1.2.

S-6 *Endangered Species*

Prior to any clearing activities within the proposed ROW, an ecological survey should be conducted to identify red-cockaded woodpecker colony sites and other endangered species as defined in Table 2.3-3 of the Application. This survey should also identify the location of any wading bird colonies. Results of this survey should be submitted to the TCRPC, GFWFC, and U. S. Fish and Wildlife Service for review. If it is determined that any of these species will be affected by the construction of the transmission line, Licensee shall consult with the TCRPC, GFWFC, and the U. S. Fish and Wildlife Service to determine the appropriate steps to be taken to minimize, and/or mitigate, for any adverse impacts.

5-6 Citations: Section 403.531, F.S. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 10.2.1.1 DCA: Chapter 163. , F.S.; F.A.C. Rule 9J5. GFWFC: Section 372 .072, F.S.; F.A.C. Rule 39-27.002.

S-7 *Exotic Species*

All Brazilian Pepper, Australian pine, and Melaleuca should be removed from the transmission line ROW in a manner that minimizes seed dispersal. The transmission line ROW maintenance shall include continual removal of these species.

5-7 Citations: Section 403.531, F.S. TCRPC: Chapter 186,F.S.; F.A.C. Rule 27E-4; RCPP 10.1.4.1.

S-8 *Multiple Use*

Upon approval of the landowner of any cleared land within the ROW, and to the extent consistent with Licensee's use of the ROW, Licensee shall allow responsible organizations such as the Florida Native Plant Society, Audubon Society, or a local government to establish native vegetation within the transmission line ROW by seeding, planting, or relocating native plant materials. All such activities shall be subject to approval by Licensee prior to any vegetation establishment within the ROW.

S-8 Citations: Section 403.531, F.S. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 10.3.1.6.

S-9 *Archaeological Sites*

After the transmission line ROW has been selected, following certification of the corridor, Licensee will conduct a survey of archaeologically sensitive areas where they are crossed by the ROW. This report will be submitted to DHR. If practicable, sites considered to be eligible for the National Register will be avoided during construction of the transmission line and, subsequently, during maintenance of those properties. For any other significant

site, Licensee will consult with DHR to determine appropriate action. If avoidance is not possible, impact will be mitigated through archaeological salvage excavation operation or by other methods acceptable to DHR.

S-9 Citations: Sections 403.531 and 267.061, F.S.

S-10 Annexation of Enclaves

Licensee shall pursue annexation of the existing Plumosus substation property into the Town of Jupiter in order to eliminate this enclave within the town.

S-10 Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5.

S-11 Potential Effects on Bee Hives

Licensee shall advise known beekeepers having bee hives within or near the transmission line ROW of the potential effect of the transmission line on bee hives.

S-11 Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5.

S-12 Noise

The transmission line shall meet all applicable local government noise ordinance standards.

S-12 Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5.

S-13 Radio and Television Interference

Licensee shall investigate all complaints and provide appropriate mitigation for all impacts to radio or television reception caused by the proposed transmission line.

S-13 Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP15.1 .1.3.

S-14 Electric and Magnetic Fields

The Crane-Bridge-Plumosus transmission line shall comply with the applicable electric and magnetic field standards adopted by the Environmental Regulation Commission.

S-14 Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S.

S-15 Herbicides

The use of herbicides tebuthiuron (Spike) and picloram (Tordon) is allowed on terrestrial sites provided all label directions are followed. The use of any herbicides in areas of the ROW that are waters of the state shall not be allowed without concurrence of DEP and review and approval by the permitting agency, The Department of Natural Resources (DNR) Bureau of Aquatic Plant Management, South Florida Regional Office.

S-15 Citations: Sections 403 .531, 403 .088, 403 .061, 487.021(41), F.S., F.A.C. Rules 17-3.051 and 17-3.061(p), DNR:16C-20 .002(.1).

Attachment A – Relocation Map

EXHIBIT A

