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CONDITIONS OF CERTIFICATION
FOR LEVEE-MIDWAY 500 kV TRANSMISSION LINE

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GENERAL CONDITIONS

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. "Application" shall mean the Application for Corridor Certification for the Levee-Midway 500 kV Transmission Line, as amended and as supplemented by the Sufficiency Response appendix and the amendments.

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

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

D. "FAA" shall mean the Federal Aviation Administration.

E. "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.

F. "FGFWFC" shall mean the Florida Game and Fresh Water Fish Commission.

G. "Permittee" shall mean Florida Power & Light Company.

H. "ROW" shall mean the transmission line right-of-way to be selected by the Permittee within the certified corridor in accordance with the conditions of certification.

I. "SFWMD" shall mean the South Florida Water Management District.

J. "TCRPC" shall mean the Treasure Coast Regional Planning Council.

K. "WMA" shall mean a Wildlife Management Area under jurisdiction of the Florida Game and Fresh Water Fish — Commission.

Citations: Section 403.531, F.S.

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 Permittee in the preparation, construction, and maintenance of the project. In those instances where a conflict occurs between the Application's design criteria and the conditions of certification, the conditions shall prevail.

Citations: Section 403.531, F.S.

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 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.

Citations: Section 403.531, F.S.

4. Adverse Impacts. The Permittee 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.

Citations: Sections 403.529 and 403.531, F.S.

5. Right of Entry. Upon the presentation of credentials, the Permittee shall allow authorized representatives of DER, SFWMD, or other agencies with jurisdiction over a portion of the ROW:

A. To enter upon the ROW or associated mitigation areas in order to monitor activities within their respective jurisdictions for purposes of determining compliance with this certification; or

B. During business hours, to enter the Permittee's premises in which records are required to be kept under this certification and to have access to and copy all records required to be kept under this certification.

Citations: DER: Sections 403.091 and 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. 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, Florida

Statutes.

Citations: Section 403.533, F.S.

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.

Citations: Section 403.529, F.S.

8. Revocation or Suspension. This certification may be suspended or revoked in accordance with Section 403.532, Florida Statutes.

Citations: Section 403.532, F.S.

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 Permittee pursuant to Section 403.531(2), Florida Statutes.

Citations: Sections 403.531 and 403.533, F.S.

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 DER as soon as possible. Within 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 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.

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Citations: Sections 403.529 and 403.531, F.S.

11. Certified Corridor. The corridor for which certification is granted is generally depicted in — Attachment A.

Citations: Section 403.531, F.S.

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 DER, SFWMD, and TCRPC delineating the ROW route selected. The Permittee shall notify all parties of such filing. These photographs shall be submitted at least 90 days 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. DER, SFWMD, and any other party who requests in writing 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 Permittee's attention.

If DER, SFWMD, or any substantially affected party has reason to believe that the construction of the transmission line and access roads within the Permittee's designated ROW cannot be accomplished in compliance with the conditions of certification, the Permittee shall be so notified in writing. Failure of such a notice to be served on Permittee within 30 days from the notice of the filing of the various segments in the aerial photographs with the agencies specified above shall constitute 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 Permittee'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.

Citations: Section 403.531, F.S.

13. Modification of Certification.

A. The Secretary of DER 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 Permittee by any federal-regulatory agency. Permittee shall notify DER 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 Permittee.

(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) DER shall give written notice to the parties to the original certification of any requests for modification received pursuant to this section.

(5) Unless objected to by a party to these proceedings or by any other person whose substantial interests would be affected by the modification, the Secretary of DER 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.

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

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

Citations: Section 403.5315, F.S.; F.A.C. Rule 17-17.680.

14. Dispute Resolution. If a situation arises in which mutual agreement cannot be reached between the Permittee and an agency with regulatory jurisdiction, then the matter

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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(1), 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 exceptions. The time requirements under this condition may be altered by agreement of the parties to the dispute.

Citations: Sections 403.5315 and 120.57, F.S.; F.A.C. Rule 17-17.680.

15. Post-Certification Submittals. Conditions of certification which provide for the post-certification submittal of information to agencies by the Permittee are to allow the agencies to monitor the effects arising from the location of the ROW 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.

Citations: Section 403.531, F.S.; F.A.C. Rule 17-17.600(5).

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SPECIFIC CONDITIONS

I. PROJECT DESIGN

A. RIGHT-OF-WAY LOCATION

1. Adjacent Land Uses

1. Minimize Impacts. Consistent with sound transmission line design and ROW location practices, access roads, transmission towers and accessory structures shall be located and constructed in a manner that minimizes impacts on adjacent land uses.

Citations: DER: Section 403.918(2)(a), F.S.; F.A.C. Rule 17-4.070(1)(3). PBC: PBC Comp. Plan 80, Traf. Circ. Elem. SFWMD: Sections 373.085 and 373.086, F.S.

2. Residences. To the extent feasible, Permittee shall locate the ROW so as to avoid the taking of homes.

Citations Section 403.531, F.S.; DCA: Chapter 163, F.S.; F.A.C. Chapter 9J-5.

2. Environmentally Sensitive Areas

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

Citations: Section 403.531, F.S. SFWMD: Section 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 9J-5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP Policy 8.3.1.1. DER: Sections 403.531, 403.918(2)(a), F.S.; F.A.C. Rule 17-17.600(4)(d).

2. Hammocks. The ROW shall avoid cabbage palm hammocks, mature pine stands, cypress domes and sloughs where practicable.

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Citations: PBC: PCB Comp. Plan 80, Conserv. &
Coastal Zone Elem., Forest.; FGFWFC: Section
372.072, F.S.

3. Airports

ONLY APPLICABLE IF SFWMD ALTERNATE CORRIDOR IS
CERTIFIED:

1. Weston Airport.

(a) The Permittee's transmission structures shall be located north of the L-35 levee in Conservation Area 2B. H-frame structures shall be used, but the height of the structures shall be modified as required by the FAA to accommodate the Approach Zone of the proposed Weston Airport in Broward County to the extent provided by this condition. The Levee-Midway Transmission Line structures shall not exceed a total height of 73 feet for a continuous and uninterrupted distance of up to 2 miles (the "Approach Zone"), to be mutually agreed upon by the Permittee and Broward County. The transmission structures for the — Levee-Midway Transmission Line shall be maintained, located, and constructed to comply with the lighting and marking standards for towers and lines as may be recommended by the FAA and with the obstruction standards of the FAA effective on the date of the certification hearing for a nonprecision instrument approach for all

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affected runways. The Permittee agrees to consider and exercise reasonable good-faith efforts to comply with any future standards of the FAA relating to matters expressed herein. However, under no circumstances will the Permittee be responsible for relocating or lowering the height of existing structures or lines in connection with its obligations to exercise reasonable good-faith efforts as to any future FAA standards unless such expense is borne by Broward County. On the north approach for the proposed primary runway, the transmission structures shall be maintained, located, and constructed to comply with the lighting and marking standards for towers and lines of the FAA for a precision instrument approach on the date of the certification hearing, provided that the distance from the primary runway and nearest Interstate 75 to the centerline of the existing L-35 levee shall be no less than 3,850 feet.

(b) The Permittee and Broward County shall use their best efforts and cooperate fully with each other to cause the design, engineering, and construction of the east approach of the east-west runway to provide for a precision instrument approach allowing for a glide slope of at least

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50:1. On behalf of Broward County, such best efforts shall include, at a minimum, a review of the reasonable technical feasibility of raising the runway elevation by three feet above the natural ground level in the Conservation area and realignment of the runway towards a more southerly direction. Such construction and design activities shall be performed if reasonable technical feasibility is determined by Broward County. On behalf of the Permittee, such best efforts shall include, at a minimum, a review of the reasonable technical feasibility of lowering the ground wires a distance of one to two feet. Such a design change shall be implemented if reasonable technical feasibility is determined by the Permittee

(c) The Levee-Midway Transmission Line shall not interfere with the Microwave Landing System ("MLS") or Instrument Land System ("ILS") at the - proposed Weston Airport in Broward County, provided that (i) the centerline right-of-way line of Interstate 75 is 3,450 feet; (ii) the right-of-way width of Interstate 75 is 324 feet; and (iii) the distance from the north right-of-way line of Interstate 75 to the centerline of the existing L-35 levee is 300 feet. The transmission line shall

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not interfere with the VHF Terminal Omnidirectional Range system ("TVOR") or a VHF Omnidirectional Range ("VOR") system if located at least 1,500 feet from the transmission line. The carrier frequencies of the transmission line shall range from 300 to 535 kHz. The Permittee agrees to use reasonable efforts to examine and review in good faith and, where possible, implement engineering design and construction techniques that shall not interfere with communication or navigation equipment which may be installed in the future at the Airport. However, under no circumstance will the Permittee be responsible for relocating or lowering the height of existing structures or lines in connection with its obligations to exercise reasonable good-faith efforts as to any future communication or navigation equipment unless such expense is borne by Broward County. The Permittee further agrees - to cooperate and assist Broward County at such time as the County seeks FAA certification of the proposed Airport to demonstrate the Levee-Midway Transmission Line is in compliance with FAA standards, rules, and regulations.

(d) In the event that Broward County elects not to proceed with the development of the

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proposed Weston Airport, or fails to obtain a necessary approval from any regulatory agency having jurisdiction of this matter upon development of the proposed Weston Airport, or if Broward County determines that any of the conditions expressed in this Stipulation are no longer necessary in connection with the development of the Weston Airport, or if Broward County adopts a land use designation in either its comprehensive plan or zoning ordinances that prohibits the location of the Weston Airport in its proposed site, then, in such event, the Permittee shall be relieved of its obligations with regard to the Weston Airport in accordance with the terms of this section.

Citations: Section 403.531, F.S.

ONLY APPLICABLE IF FPL PRIMARY CORRIDOR IS CERTIFIED FROM MIDWAY TO CORBETT SUBSTATION:

2. Indiantown Airport. Permittee shall design and construct the transmission line in the vicinity of the Circle T Ranch Airport at Indiantown so as to comply with all applicable federal, state, and local government regulations restricting the height of structures in the vicinity of the airport, and to not interfere with proposed expansion of this site into a regional airport facility.

Citations: TCRPC. RCPP Policy 16.1.2.3.

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B. ACCESS ROADS

1. Use of Public Roads. The Permittee shall, wherever practicable, utilize adjacent existing public roads for access to the ROW for construction, operation and/or maintenance purposes.

Citations: Section 403.531, F.S. DER: Section 403.918(2)(a), F.S.; F.A.C. Rule 17-17.600(4)(d); 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.

2. Consultation Regarding Final Location. The Permittee shall consult with DER's wetlands resource permitting staff and a designed representative of the SFWMD prior to finalization of the access road locations (including those not located on the ROW), tower locations, and construction techniques which are to be reflected on any post-certification review information submittals. At DER or SFWMD request, the Permittee shall conduct field inspections with staff of these agencies.

Citations: DER: Section 403.531, F.S.; F.A.C. Rule 17-17.600-(4)(d). SFWMD: Sections 373.085, 373.086, 373.414, 373.423, F.S.; F.A.C. Rules 40E-4.381 and 40E-6.301.

3. Compatibility with Utilities/Roads. Within Palm Beach County, whenever construction and maintenance calls for use of existing or planned roadways or canals, as identified in the agency

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report, or will be within easements and rights-of-way, it shall not create a conflict between utility provision and road plans. Coordination of the specific location of the transmission line shall occur between the Palm Beach County Engineering Department, private and public utilities, water control and improvement districts, and any other private or public agency directly affected by the transmission line to ensure co-existence.

Citations: PBC: PBC Comp. Plan 80, Traf. Cir. Elem.

ONLY APPLICABLE IF FPL PRIMARY AND/OR SECONDARY CORRIDORS ARE CERTIFIED SOUTH OF THE CORBETT SUBSTATION:

4. Wildlife Refuge/Conservation Areas. For those portions of the Primary and Secondary Corridors that fall within the boundaries of the Arthur R. Marshall Loxahatchee National Wildlife Refuge and the Conservation areas, the existing levee roads shall be utilized for access to the ROW for construction and maintenance of the transmission lines. All structure pads shall utilize fingerpad construction techniques and shall be oriented perpendicular to the existing levee roads and outside of the National Wildlife Refuge and Conservation area boundaries.

Citations: DER: Sections 403.918(2), 403.918(2)(a), F.S. TCRPC: RCPP Policy 10.1.1.1, 10.1.1.4, 10.2.1.3, 10.3.1.4.

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C. NATURAL RESOURCE PROTECTION

1. Wildlife

1. Endangered Species Survey and Consultation.

Prior to clearing activities within the ROW, an ecological survey shall be conducted to identify the presence of endangered species as defined in the application, including Red-cockaded Woodpecker colony sites, likely to occur in the ROW based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to the SFWMD, TCRPC, FGFWFC, and U.S. Fish and Wildlife Service. If it is determined that any of these species will be affected by the construction of the transmission line, Permittee shall consult with the FGFWFC 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 within each agency's respective jurisdiction. Depending upon the results of listed species surveys, all requirements of the federal Endangered Species Act, including Section 7 consultation and obtaining any necessary approvals from the U.S. Fish and Wildlife Service, shall be met before the Permittee may begin construction in any area where

species protected by the Endangered Species Act
are identified.

Citations: FGFWFC: Endangered Species Act of
1973, 16 U.S.C. §§ 1531-1543; 50 C.F.R. Part 17.
Section 372.072, F.S. TCRPC: RCPP Policy
10.2.1.1.

2. Archaeological Resources

1. Archaeological Survey and Consultation. After the ROW has been selected, the Permittee shall conduct a survey of archaeological sensitive areas, as determined in consultation with DHR, where they are crossed by the ROW. This report shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and, subsequently, during maintenance of those properties. For any other significant site, Permittee shall consult with DHR to determine appropriate action. If avoidance is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR.

Citations: TCRPC: RCPP Policy 18.1.1.1,
18.1.1.2. DER: Section 403.918(2)(a), F.S.

ONLY APPLICABLE IF FPL PRIMARY CORRIDOR IS
CERTIFIED IN PALM BEACH COUNTY:

2. Palm Beach County Sites. There shall be no disturbance or destruction of the Indian Mounds Regional Park site and the Boynton Mounds historic site in Palm Beach County. If any landscape

changes in the archaeological or historic resources are necessary, the Permittee shall cooperate with the County and qualified archaeologists at these sites to undertake all possible mitigation measures in the selective utilization of the County's resources, including salvage excavation.

Citations: PBC: PBC Comp. Plan 80, Conserv. & Coastal Zone Elem.

II. CONSTRUCTION AND MAINTENANCE

A. WETLANDS

1. Clearing Practices

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

Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J-5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP Policy 8.3.1.1, 10.1.1.4.

2. Fill

1. Fill Sources. All fill materials used for any purpose related to the construction of the transmission line shall come from fill sources in compliance with applicable local ordinances. No fill materials shall be obtained from excavated

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wetlands within the ROW unless in accordance with a mitigation plan submitted in compliance with this certification.

Citations: TCRPC: RCPP Policy 8.3.1.1, 14.3.1.1. 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. DER: Section 403.918(2)(a), F.S.

3. Access

1. Ground Vehicles. Ground vehicles to be used in wetlands for maintenance access shall be low-ground pressure vehicles unless limited to the access roads and structure pads.

Citations: Section 403.918(2)(a), F.S.

ONLY IF FPL PRIMARY CORRIDOR OR GROVES ALTERNATE CORRIDOR IS CERTIFIED FROM MIDWAY TO CORBETT SUBSTATION.

2. Corbett WMA Gates. Gates shall be placed at the entrance and exit of the ROW through the Corbett WMA and be secured with high-security locks. All access to and from the ROW for the construction or maintenance in the Corbett WMA shall be through these gates.

Citations: FGFWFC: Sections 375.313, F.S.

4. Mitigation

1. Wetlands Impacts. From the Midway substation in St. Lucie County to the Corbett Substation in Palm Beach County, the Permittee shall provide mitigation for any wetland or openwater habitat

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degraded or destroyed as a result of the construction of any portion of the transmission line. Mitigation may include the creation of new wetland or openwater habitat, the restoration of degraded habitat, the enhancement of functions and values provided by existing wetland or openwater habitats, removal of exotics, or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Mitigation for impacts in St. Lucie, Martin, and Palm Beach counties shall take place in the County in which the impact occurs unless otherwise agreed to be the respective county. Prior to the elimination or degradation of any such wetland or openwater habitat, the Permittee shall submit mitigation plans to DER, SFWMD, and appropriate local governments. These mitigation plans shall, at a minimum, include the following:

(a) Specific acreage figures and locations of all impacted portions of 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.

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(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, including success criteria, to ensure the survival and success of any created, restored, or enhanced wetlands.

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. SFWMD, DER, and appropriate local governments will work with the Permittee in the development of acceptable mitigation plans. The mitigation plans proposed by the Permittee shall be submitted for review and compliance monitoring to the SFWMD, DER, and appropriate local governments.

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.

2. Melaleuca Research. The Permittee shall fund melaleuca research and/or eradication in the Water Conservation Areas as mutually agreed to by the Permittee and SFWMD, in an amount not to exceed five hundred thousand dollars and no/100 dollars (\$500,000) per year for three years. This research shall be funded pursuant to the schedule of funding outlined below:

<u>Number</u>	<u>Due On</u>	<u>Amount</u>
1.	1/01/91	\$250,000
2.	6/30/91	\$250,000
3.	1/01/92	\$250,000
4.	6/30/92	\$250,000
5.	1/1/93	\$250,000
6.	6/30/93	\$250,000
TOTAL		\$1,500,000

Citations: SFWMD: Sections 373.083, 373.085, 373.086, and 373.451-.4595, F.S.

B. DER JURISDICTIONAL CONDITIONS

1. Information to be Submitted to DER

1. Dredge and Fill. For all construction activities in waters of the state where DER has wetland resource protection jurisdiction pursuant to Chapter 403, Florida Statutes, the Permittee shall file with DER, Office of Siting Coordination,

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the information requested in Florida Administrative Code Rules 17-17.665 and 17-1.212(1), Section 3.2.2.

(a) DER shall promptly review the submittal for completeness and sufficiency. If the submittal is found to be incomplete or insufficient, Permittee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness and sufficiency.

(b) Within 90 days of filing complete and sufficient information, DER 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, the Permittee shall be notified with particularity and possible corrective measures suggested. Failure to notify Permittee in writing within 90 days of receipt of a complete information submittal shall constitute a compliance verification.

(c) If DER does not object within the time period specified, Permittee may begin construction pursuant to the terms of the conditions of

certification and the subsequently submitted construction details and DER 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 Section 1341 is thereby conveyed.

(d) Permittee, at its option, may submit information for different wetlands modification activities at different time intervals. Each submittal shall be processed by DER separately.

Citations: DER: Sections 403.531 and 403.918, F.S.; F.A.C. Rules 17-17.665, 17-3, 17-1.212(1), 17-4.070(3).

2. Construction Reports. Semi-annual narrative reports shall be submitted to DER's Bureau of Wetland Resource Management in Tallahassee and DER's Southeast District Office, indicating the status of all construction activities in waters of the state where DER has wetland resource - protection jurisdiction. These reports shall be submitted until all construction in that respective area is completed. The reports shall include the following information:

(a) Date the activity reviewed under specific condition II.B.1.1. (Dredge and Fill) was begun; if work has not begun on-site, please so indicate.

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(b) Brief description and extent of work completed since the previous report. Indicate on copies of the drawings required under special condition II.B.1.1., those areas where work has been completed.

(c) Brief description and extent of work anticipated in the next six months. Indicate on copies of the drawings required under special conditions II.B.1.1., those areas where it is anticipated that work will be done.

Citations: DER: Section 403.918(2)(a), F.S.; F.A.C. Rule 17-4.070(3).

3. Purpose of Submittals. Any post-certification information submittal to DER required by this section shall be solely for the purpose of facilitating DER's monitoring of the Permittee's compliance with the conditions of certification.

Citations: DER: Sections 403.531 and 403.918, F.S.; F.A.C. Rules 17-17.665, 17-3, 17-1.212(1), 17-4.070(3).

C. SFWMD JURISDICTIONAL CONDITIONS

1. Informational Submittals

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

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construction.

Citations: SFWMD: Section 373.413(2), F.S.

1. Site Specific Standards.

(a) At least 90 days prior to the commencement of construction of any portion of the transmission line, the Permittee 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 does not issue a written request for additional information within 30 days, the information shall be presumed to be complete and sufficient.

(b) Within 60 days of filing complete and sufficient information, the SFWMD shall notify the Permittee in writing whether the proposed activities conform to SFWMD criteria, as required by F.A.C. Chapters 40E-2, 40E-4, and 40E-6, and the conditions of the certification. If necessary, the SFWMD shall identify which items remain to be addressed. Construction activities which impact works of the SFWMD or have surface water management and/or water use impacts shall not begin until the SFWMD has determined either in writing, or by failure to notify the Permittee in

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writing, that the activities are in compliance with the applicable SFWMD criteria.

Citations: SFWMD: Sections 373.413(1), (2), 373.223, 373.085, and 373.086, F.S.

2. Water Flow Impacts. 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 under F.A.C. Chapters 40E-2 and 40E-4. "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 by the Permittee:

(a) Typical profiles of existing topographic features along access/maintenance roads sufficient to show contours of drainage features where access/maintenance roads are to be constructed;

(b) A preliminary typical design of the proposed access/maintenance and finger roads with elevations marked;

(c) A typical cross-section of the proposed access/maintenance and finger roads;

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(d) A cross-section of each stream or creek at the points to be crossed by the access/maintenance and finger roads 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 compliance with all applicable criteria, particularly as they relate to allowable discharge;

(i) Identification of wet season water table elevations for each basin in which facilities will be located;

(j) Calculations and the supporting

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documentation which demonstrate that the proposed construction activities associated with the transmission line will not have an adverse water quantity and/or water quality impact on existing and/or permitted surface water management systems.

(k) If construction of the transmission line contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system design for the transmission line in direct proportion to the transmission line's contribution to the need for the modification.

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

3. Construction in SFWMD Right-of-Way. 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 F.A.C. Chapter 40E-6. These drawings shall depict the proposed crossing in both plan and profile views and shall show, at a minimum:

(a) The canal right-of-way lines;

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(b) The top of the canal bank and its elevation;

(c) The centerline of the levee and its elevation;

(d) The canal maintenance berm and its elevations at its highest point;

(e) The location of any poles, towers, and/or access roads located within the SFWMD's right-of-way;

(f) The location of any anchors, downguys, or spanguys within the SFWMD's right-of-way;

(g) 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;

(h) The location and elevation of any buried facilities;

(i) 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.

Citations: SFWMD: Sections 373.085 and 373.086, F.S.; F.A.C. Rules 40E-6.091(1) and 40E-6.101.

4. Water Quality Data. If water quality data are required by this certification for any water discharged from the Permittee's property or into

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surface waters of the state, they shall be submitted to the SFWMD and the DER Southeast District Office. Parameters to be monitored may include those listed in Chapter 17-3, F.A.C. The Permittee shall provide such data to the SFWMD as volumes of water discharged, including total volume discharged during the day of sampling and total discharges from the property or into surface waters of the state.

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

5. Drawing Modifications. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged off-site shall be made pursuant to Section 403.4315, F.S., and F.A.C. Rule 17-17.680. They shall also be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-4, 40E-6, and 40E-61, F.A.C., prior to the commencement of construction.

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

6. As Built Drawings. Upon completion of construction, the Permittee shall provide the

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SFWMD with detailed engineering drawings which depict the transmission line as constructed, including cross-sections for those segments of the line which cross or otherwise use SFWMD right-of-way.

Citations: Section 373.085 and 373.086, F.S., Chapter 40E-6, F.A.C.

7. Engineering Certification. 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), F.S., 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. In addition, for each phase the engineer shall certify that those segments of the transmission line which cross SFWMD's lands or works, conform to the engineering and construction design for the project. Within 30 days after completion of construction of each phase of the surface water management system, the Permittee shall submit the engineer's certification and notify the SFWMD that the facilities are ready for inspection.

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Citations: 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).

8. Vary Requirements. The SFWMD and the Permittee may jointly agree to vary the informational requirements and time schedules in these conditions for matters within the SFWMD's jurisdiction.

Citations: SFWMD: Sections 373.085, 373.086, 373.223, 373.413, F.S.; F.A.C. Rules 40E-2.101, 40E-4.101, and 40E-6.101.

9. Purpose of 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 the Permittee's compliance with the certification conditions and the permitting requirements contained in F.A.C. Chapters 40E-2, 40E-4, and 40E-6 prior to the commencement of the construction, operation and/or maintenance activity.

Citations: SFWMD: F.A.C. Rules 17-17.665(11) and 17-17.750(4).

2. Non-interference with SFWMD Operations

1. Vertical Clearances. Vertical clearances for any aerial crossings over SFWMD canals and rights-of-way shall conform to SFWMD criteria as required by Chapter 40E-6, F.A.C., Appendices G and G-1.

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Citations: SFWMD: Sections 373.085(1) and
373.086(1), F.S.

2. Use of SFWMD Right-of-Way. In order to
utilize SFWMD's right-of-way for access during
construction of the transmission line and/or for
inspection and maintenance after construction, the
Permittee shall:

 (a) submit to SFWMD a detailed plan
identifying the proposed route, type and number of
vehicles to be used, and frequency of such use;

 (b) prior to the use of any portion of the
SFWMD right-of-way, 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;

 (c) pay key fees for those portions of the
right-of-way for which the Permittee does not
currently have keys;

 (d) conduct all use of SFWMD's right-of-way
in accordance with Chapter 40E-6, F.A.C.

Citations: Sections 373.085, 373.086, 373.413(1)
and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-
4.301, 40E-4.381(2)(h), and 40E-6.381, F.A.C.

3. Compatibility with Agency Works. Except as
may be authorized by this certification, the
Permittee shall not engage in any activity
regarding the authorized use which interferes with
the construction, alteration, maintenance or

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operation of the works of the SFWMD, including,
but not limited to:

(a) discharging pollutants, debris or aquatic
weeds into SFWMD works;

(b) causing erosion or shoaling within SFWMD
works;

(c) planting trees or shrubs or erecting
structures which limit or prohibit access by SFWMD
equipment and vehicles;

(d) violating any provisions of Rule 40E-61,
F.A.C., or any of the SFWMD's Surface Water
Improvement and Management Plans.

The Permittee shall be responsible for
mitigating any such interferences.

Citations: Sections 373.085, 373.086, and
373.451-.4595, F.S.; Rules 40E-6.381 and 40E-61,
F.A.C.

4. SFWMD Discharges. The SFWMD has the right to
change, regulate, limit, schedule, or suspend
discharges into, or withdrawals from, works of the -
SFWMD in accordance with criteria established by
the SFWMD and/or the U.S. Army Corps or Engineers
for the works of the SFWMD. Reasonable prior
written notice shall be given to the Permittee.
The Permittee shall comply with any such criteria
after reasonable notice.

Citations: Sections 373.085 and 373.086, F.S.;

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Rule 40E-6.381, F.A.C.

5. Levee Integrity. In areas where the transmission line will be located on SFWMD lands or works, the Permittee shall conduct surveys of the structural integrity of SFWMD levees and obtain the SFWMD's prior concurrence regarding the location, nature, and type of any specific levee improvements proposed by the Permittee.

Citations: Sections 373.085, 373.086, 373.103; Rule 40E-6.011, F.A.C.

6. Compliance with Standards. This project must be constructed in compliance with all standards set forth in Chapter 373, F.S., and Chapters 40E-2, 40E-4, 40E-6, and 40E-61, F.A.C.

Citations: Sections 373.085 and 373.086, F.S.; Chapter 40E-6, F.A.C.

7. Unauthorized Access. The Permittee shall erect and maintain fencing or other structures, which will effectively restrict unauthorized vehicular access to the SFWMD's lands and works. — Fences shall be Florida Department of Transportation (FDOT) Type B (Index 452) or Type A (Index 451) without barbed wire. In locations where vandalism or fencing is a concern, guardrailing may be substituted. Such guardrailing shall conform to FDOT specifications (Index 400). Gates in fencing or guardrail

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barrier structures shall have a minimum opening of 14 feet and shall be capable of being locked with standard SFWMD locks. Gate locations shall be at points specified by the SFWMD.

Citations: Section 373.085 and 373.086, F.S., Chapter 40E-6, F.A.C.

8. Compatibility with Flood Control Projects.

Prior to determining final ROW, tower and access road locations, the Permittee shall consult with SFWMD to ensure that the transmission line facilities are compatible with existing and currently planned activities of the SFWMD in conjunction with its responsibilities as the local sponsor for the Central and South Florida Flood Control Projects.

Citations: Sections 373.085, 373.086, and 373.103, F.S.

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D. UPLAND VEGETATION AND CLEARING

1. Native Vegetation

1. Clearing. Where the ROW is dominated by native upland vegetation, clear-cutting shall only occur where necessary for access road and structure pad construction and where necessary to provide safe and reliable operation and maintenance of the transmission line. In all other areas within the ROW dominated by native upland vegetation, Permittee shall use selective clearing practices during the construction and maintenance activities. The intent of this condition is to maintain within the ROW native ground cover and understory vegetation such that the ROW will also function to the maximum extent possible as a corridor for native wildlife. Permittee may trim and maintain native vegetation within or adjacent to the ROW to the extent necessary to ensure safe and reliable operation - and maintenance of the transmission line. (This includes all trees visible through a 45° teleheight or transit which is located 5 feet above the ground and 10 feet outside the conductors.) However, Permittee should not eliminate or prevent the regeneration of native vegetation within the ROW except where necessary

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for access roads and structure pads or where necessary to provide safe and reliable operation and maintenance of the transmission line.

Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J-5. TCRPC: F.A.C. 27E-4; RCPP Policy 10.3.1.6.

2. Planting by Organizations. With the prior approval of the landowner of any cleared land within the ROW and of the Permittee, and to the extent consistent with Permittee's use of the ROW, Permittee shall allow responsible organizations such as the Florida Native Plant Society, Audubon Society, or a local government to establish native vegetation within the ROW by seeding, planting, or relocating native plant materials.

Citations: TCRPC: RCPP Policy 10.3.1.6.

2. Exotic Vegetation

1. Construction Removal. In a manner which minimizes seed dispersal, all Brazilian Pepper, Australian Pine, and melaleuca in the ROW, in all habitat types, shall be removed during construction or the trees shall be cut and the stumps treated with an approved herbicide consistent with Condition II.G.4.4.(Herbicides). A plan for removal and disposal of such exotic species which minimizes seed dispersal shall be developed by the Permittee in consultation with DER and SFWMD for areas within their respective jurisdictions. The Permittee shall abide by the plan.

Citations: DER: Section 403.918(2)(a), F.S.
TCRPC: RCPP Policy 10.1.4.1. FGFWFC: Section
372.121, F.S.

2. Maintenance Control. Following construction, Permittee shall implement a program for removal and control of Brazilian Pepper, Australian Pine, and melaleuca within the ROW. In addition, a plan shall be developed for such removal and control in consultation with DER and SPWMD for areas within their respective jurisdictions. The Permittee shall abide by the plan.

Citations: Section 403.918(2)(a), F.S.

E. WATER QUALITY

1. Ecological Values

1. Minimize Impacts. The Permittee shall perform the work authorized under the certification in a manner so as to minimize any adverse impacts on fish, wildlife, native vegetation, natural environmental values, water resources, and water quality.

Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Chapter 17-3. SPWMD: 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).

2. Correction of Impacts. The Permittee shall be responsible for the correction of any water quality problems that result from the construction, operation and/or maintenance of

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works authorized under this certification. The Permittee will work with SFWMD to determine additional water quality treatment methods necessary to be incorporated by the Permittee into the surface water management system to correct such problems.

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

2. Turbidity

1. Adjacent Wetlands. Where necessary to prevent secondary impacts to adjacent wetlands during construction, adjacent wetland areas outside of the limits of construction shall be isolated from the construction area by silt fences. These silt containment devices shall be maintained and remain in place until all construction is complete and all associated side slopes have been adequately stabilized. Permittee shall be responsible for explaining the significance of these barriers to - all construction personnel prior to construction. Permittee shall use turbidity control as necessary so that turbidity levels in the project area do not exceed 29 N.T.U.'s above natural background. Any placement of fill or encroachment into jurisdictional wetlands outside the limits of construction shall be immediately

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reported to the relevant agencies. Appropriate remedial action to restore the affected area shall be immediately undertaken.

Citations: DER: Sections 403.918(1) and 403.918(2)(a), F.S.

2. Best Management Practices. In addition to the erosion and turbidity control measures specified above, best management practices, including but not limited to, staked hay bales and turbidity control devices shall be used wherever necessary during project construction. These erosion and turbidity control devices shall be regularly inspected and maintained when necessary. These devices shall remain in place until all construction is complete and all fill side slopes have been stabilized with suitable vegetation.

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

3. Surface Water Management Systems

1. Discharge Structures. Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials discharged from/to retention/detention areas. Off-site discharges during construction and development shall be made only through the

discharge structures authorized by this certification.

Citations: SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.4091(1)(a), 40E-4.301, and 40E-4.381.

2. Supporting Documentation. Permittee shall submit to SFWMD calculations and the supporting documentation which demonstrate that the proposed construction activities associated with the transmission line will not have an adverse water quantity and/or water quality impacts on existing and/or permitted surface water management systems.

Citations: Sections 383.413(1), 373.413(2), and 373.416(1), F.S.; Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381, F.A.C.

3. Modifications to Existing Systems. If construction of the proposed transmission line contributes to the necessity for modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system designed - for the transmission line in proportion to the contribution to the modification.

F. HYDROLOGY

1. Drainage and Sheetflow

1. Drainage Patterns and Sheetflow.

(a) Permittee shall employ culverts or other appropriate techniques and implement suitable

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maintenance practices where necessary to comply with the applicable regulations of SFWMD, DER and applicable local governments and shall maintain existing drainage patterns, hydroperiods, and sheetflow along the ROW. The exact number, spacing, diameter, orientation, and length of culvert necessary to maintain existing hydrologic conditions and to maintain surface water flow conditions in the area shall be determined by the Permittee in consultation with DER and SFWMD, based on site-specific information. This information shall be submitted to DER, SFWMD, and appropriate local governments prior to construction to ensure that the culverting or other appropriate techniques meets applicable nonprocedural standards within all affected wetland areas.

(b) In consultation with SFWMD, Permittee may elect to incorporate other design features to accommodate planned water management activities.

Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3, Rule 17-4.070(1)(3), Rule 17-17.600(4)(d). 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: RCPP 8.3.1.1., 10.1.1.4. PBC: PBC Comp. Plan 80, Conserv. & Coastal Zone Elem., Goal IV (A), (I), PBC Comp. Plan 80, Traf. Circ. Elem.

2. Offsite Impacts. This certification is based on the Permittee's submitted information to the

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SFWMD which reasonably demonstrates that adverse off-site water resource related impacts will not be caused by the authorized activities. The plans, drawings, and design specifications submitted by the Permittee shall be the minimum standards for compliance.

Citations: 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. Dewatering. No dewatering operation shall be allowed unless the Permittee can provide reasonable assurances to SFWMD that no adverse water resource impacts will occur as a result of the operation.

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

4. Surface Water Management System. The Permittee shall be responsible for the construction, operation, and maintenance of the surface water management system installed for the transmission line.

Citations: 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).

G. PUBLIC HEALTH AND WELFARE

1. Noise

Applicable Standards. The transmission line shall meet all applicable local government noise

ordinance standards.

Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J-5,

2. Electric and Magnetic Fields

Compliance with Standards. The transmission line shall comply with the standards for electric and magnetic fields established by the Florida Environmental Regulation Commission in F.A.C. Chapter 17-274.

Citations: Section 403.061(30), F.S.; F.A.C. Chapter 17-274.

3. Communications Reception

1. Radio and T.V. Interference. The Permittee shall investigate all complaints and provide appropriate mitigation for all impacts to radio and television reception.

Citations: SFWMD: Sections 373.085 and 373.086, F.S.; F.A.C. Chapter 40E-6. DER: Section 403.523(14), F.S.

2. SFWMD Communication System. Should the construction, operation, and/or maintenance of the transmission line result in an unacceptable interference and/or obstruction loss to any portion of SFWMD's existing communications and control microwave system, the Permittee shall be responsible for correcting the problem to SFWMD's satisfaction. Prior to determining final

locations for the transmission line towers, the Permittee shall consult with SFWMD to ensure that the tower locations are compatible with SFWMD's existing communications and control system towers and SFWMD's existing communication system expansion plan.

Citations: SFWMD: Sections 373.085 and 373.086, F.S.; F.A.C. Chapter 40E-6. DER: Section 403.523(14), F.S.

4. Hazardous and Noxious Substances

1. Abandoned Dumps. The Permittee shall contact and cooperate with the Florida Department of Health and Rehabilitative Services whenever an abandoned dump site is discovered by the Permittee during inspection or construction.

Citations: PBC: PBC Comp. Plan 80, Conserv. & Coastal Zone Elem.

2. Open Burning. Open burning shall be conducted in compliance with applicable state and local regulations.

Citations: PBC: PBC Comp. Plan 80, Conserv. & Coastal Zone Elem.

3. Hazardous Materials.

(a) If hazardous materials are used in the construction, operation and/or maintenance of the transmission line, the Permittee shall provide reasonable assurance to the SFWMD that hazardous materials will not enter the surface water

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management system for the transmission line. In addition, within 30 days of submittal of the blue-line drawings of the proposed ROW location, SFWMD shall notify the Permittee in writing of any known wellfield protection areas or other areas of groundwater concern crossed by the proposed ROW. The Permittee shall consult with SFWMD regarding the use of herbicides or hazardous materials within such areas.

(b) Hazardous materials shall not be discharged from the ROW on which the transmission line is to be located in such quantities as to endanger public health or cause injury or damage.

Citations: 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.

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4. Herbicides. The use of the herbicides tebuthiuron (Spike) and picloram (Tordon) shall be allowed on terrestrial sites in accordance with the label directions. The use of these herbicides in waters of the State, or the use of other herbicides in any areas of the ROW, shall be allowed with the concurrence of DER and the Department of Natural Resources, Bureau of Aquatic Plant Management, South Florida Regional Office.

Citations: DER: Sections 403.088, 403.061, 487.021(41), F.S.; F.A.C. Rules 17-3.051, and 17-3.061(p). DNR: F.A.C. Rule 16C-20.002(1).

H. SPECIAL CONDITIONS

1. City of Sunrise

1. Conservation Substation. In the event the Conservation Substation is located and constructed west of the Sawgrass Expressway in the substation siting area proposed in the Application, the Permittee shall landscape the south side of Commercial Boulevard for a distance of one-quarter - mile from the east edge of the Sawgrass Expressway right-of-way. Such landscaping shall be as agreed to by the City of Sunrise and shall be consistent with other existing landscaping for similar arterial roads within the City of Sunrise. The Permittee shall coordinate with the City of Sunrise all actions involving the movement of

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autotransformers or other heavy equipment for the Conservation Substation involving special transportation permits from the Florida Department of Transportation when such transportation occurs within the city limits of the City of Sunrise. The Permittee shall comply with all applicable City of Sunrise regulations involving the transportation of such equipment.

Citations: Section 403.531, F.S.

2. Bee Hives

Notification of Beekeepers. The Permittee shall advise known beekeepers having bee hives within or near the ROW of the potential effect of the transmission line on bee hives.

Citations: DER: Section 403.531, F.S. Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J-5.

3. Wildlife Management Area

Brown's Farm. The Permittee must obtain title, lease, or right of use from the Board of Trustees of the Internal Improvement Trust Fund for portions of the ROW to be located in the Brown's Farm WMA. The Permittee shall abide by all conditions placed on such title, lease, or right of use.

Citations: Section 403.531, F.S.

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3. Liability and District Lands

1. Liability. The Permittee agrees to hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise from the ownership, construction, operation, maintenance and/or use of any facility authorized by this Certification ("activity"), whether caused by the injured person or Permittee and occurring within the area of the certified use ("the Premises"). This obligation expressly includes holding and saving the SFWMD harmless from claims involving allegations of (1) SFWMD's failure to enforce certification conditions pertaining to the maintenance and safety of the Premises and (2) SFWMD's failure to maintain the Premises where the maintenance duty rests with the Permittee. The Permittee agrees to provide legal counsel, if requested, for the defense of any such claims.

2. Construction, Operation and Maintenance Responsibilities. The Permittee shall be responsible for the construction, operation, and maintenance of the surface water management system installed for the transmission line. All structures on SFWMD works or lands constructed by the Permittee shall remain the property of the Permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition and comply with all applicable federal, state and local safety standards. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The SFWMD further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities. Except for damages caused by the negligent or intentional acts or omissions of the SFWMD, its employees or contractors, the SFWMD is not responsible for any damages to installations located within its right-of-way. The Permittee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way. Any additional facilities or alterations to existing facilities within the SFWMD's rights-of-way will require the prior approval of the SFWMD. Canal right-of-way disturbed during construction, installation or maintenance of the authorized facility shall be restored to original or better condition.

3. District Lands. Permittee shall:

(a) procure and maintain, for the life of this Certification, Workers' Compensation Insurance covering all employees with limits meeting all applicable state and federal laws. This coverage shall include Employer's Liability with limits meeting all applicable state and federal laws. A state-approved self-insurance program shall meet the requirements of this section. Permittee shall also certify that its contractors will procure and maintain Worker's

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Compensation Insurance covering their employees with limits meeting all applicable laws.

(b) procure and maintain, for the life of this Certification, General Liability Insurance. This coverage shall be on an 'Occurrence' basis. Coverage shall include Premises and Operations; Independent Contractors; Products and Completed Operations and Contractual Liability; Underground, Explosion, and Collapse (XCU); a Watercraft Endorsement if watercraft is to be used; Broad Form Property; Personal Injury Liability; and Pollution Liability. Coverage shall be no more restrictive than the latest edition of the Commercial General Liability policies of the Insurance Services Office (ISO). The policy shall provide coverage for death, bodily injury, personal injury or property damage that could arise directly or indirectly from the construction, operation and maintenance of the transmission line. The minimum limits of coverage shall be \$1,000,000 Per Occurrence, Combined Single Limit for Bodily Injury Liability and Property Damage Liability. The SFWMD agrees that Permittee's comprehensive property and liability self-insurance program meets the requirements of this section. Permittee reserves the right to self-insure the above listed exposures.

(c) procure and maintain, for the life of this Certification, Business Automobile Liability Insurance. The minimum limits of coverage shall be \$1,000,000 Per Occurrence, Combined Single Limit for Bodily Injury Liability and Property Damage Liability. This coverage shall be an "Any Auto" type policy. Coverage shall be no more restrictive than the latest edition of the Business Automobile Policies of the Insurance Services Office (ISO). A state-approved self-insurance program shall meet the requirements of this section.

(d) include and identify the SFWMD as an additional insured under the policy/certificate of insurance for both the General Liability and the Auto Liability policies up to the limits of the waiver of sovereign immunity set forth in §768.28, Fla. Stat. This requirement shall be waived to the extent automobile liability insurance requirements are satisfied through a state-approved self-insurance program. The

SFWMD agrees that Permittee's comprehensive property and liability self-insurance program meets the requirements of this section.

(e) provide safe and healthful working conditions to its employees and those of the SFWMD on and about the Premises (as defined in Condition II.C.3.1, Liability). The SFWMD assumes no duty for supervision of the Permittee, or its contractors or any employees or invitees thereof as to the safety of the Premises at any time during or after construction of the certified facilities. The sole duty in this regard rests with the Permittee and/or its contractors.

(f) initiate and maintain an accident prevention program which shall include, but shall not be limited to, establishing and supervising programs for the education and training of employees in the recognition, avoidance and prevention of unsafe conditions and acts.

(g) provide first aid services and medical care to its employees.

(h) develop and maintain an effective fire protection and prevention program and good housekeeping practices at the Premises throughout all phases of construction, repair, alteration, and/or demolition.

(i) require appropriate personal protective equipment in all operations where there is exposure to hazardous conditions.

(j) instruct employees required to handle or use toxic materials or other harmful substances regarding their safe handling and use, including instruction on the potential hazards, personal hygiene and required personal protective measures.

(k) comply with the standards and regulations set forth by the Occupational Safety and Health Administration (OSHA), the Florida Department of Labor and Employment Security, and all other appropriate federal, state, and local regulations and/or SFWMD safety and health standards.

(l) take the necessary precautions to protect pedestrians and motorists from harm, and to

prevent disruptions of such traffic due to construction activity.

(m) The SFWMD may order that the work stop if a condition of immediate danger to SFWMD employees, equipment or property damage exists. This provision shall not shift responsibility or risk of loss for injuries or damage sustained from the Permittee to the SFWMD, and the Permittee shall remain solely responsible for compliance with all safety requirements and for the safety of all persons and property at the Premises.

(n) SFWMD assumes no duty to third persons, including Permittee's agents or employees, regarding enforcement of the conditions set forth hereinabove. Permittee acknowledges that it is solely responsible for compliance with said conditions.

(o) Permittee acknowledges that it shall be subject to the standard limiting conditions set forth in Section 40E-6.381, Florida Administrative Code, as to all certified facilities except as may be otherwise specifically provided hereinabove.

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