

State of Florida Department of Environmental Regulation
Seminole Electric Cooperative, Inc.
Seminole Plant-Keystone-JEA Firestone
230 kV transmission Line Corridor
TA90-08

CONDITIONS OF CERTIFICATION

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COMPILATION OF
PROPOSED CONDITIONS OF CERTIFICATION
SEMINOLE PLANT-KEYSTONE-JEA FIRESTONE 230 kV
TRANSMISSION LINE CORRIDOR PROCEEDINGS

Ref. Document

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. "Application" shall mean the Application for Corridor Certification for the Seminole Plant-Keystone-JEA Firestone 230 kV transmission line, as supplemented by the Sufficiency Response appendix.

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

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

D. "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.

E. "GFWFC" shall mean the Florida Game and Fresh Water Fish Commission;

F. "Permittee" shall mean Seminole Electric Cooperative, Incorporated and Jacksonville Electric Authority;

G. "ROW" shall mean the transmission line right-of-way to selected by the Permittee within the certified corridor in accordance with the Conditions of Certification.

H. "SJRWMD" shall mean the St. Johns River Water Management District;

I. "Transmission line" shall mean the Seminole Plant-Keystone-JEA Firestone 230 kV transmission line.

J. "Wetlands" shall mean those wetlands subject to the regulatory jurisdiction of the Department of Environmental Regulation and the St. Johns River Water Management District.

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

G-2 Design and Performance Criteria

Certification, including conditions of certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the range

described in the Application and explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Florida Administrative Code Rule 17-17.680, is binding upon the Permittee in the preparation, construction and maintenance of the certified project. In any instance where a conflict occurs between the Application's design criteria and the conditions of certification, the conditions shall prevail.

G-2 Citation: 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 Permittee must obtain title, lease or right of use from the State of Florida to any state land, submerged or otherwise, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, 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 the Trustees of the Internal Improvement Trust Fund, shall be issued by the appropriate agency as a ministerial act.

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

G-4 Adverse Impacts

The Permittee shall perform the work authorized under the certification in a manner so as to minimize any adverse impacts such as on fish, wildlife, natural environmental values, and water quality resulting from the construction, operation, and maintenance of the transmission line(in complying with any limitation specified in this certification.)

G-4 Citation: DER Section 403.521, 403.918, 403.529, 403.531, F.S.

SJRWMD 373.413(1), 373.416(1), F.S.

G-5 Right of Entry

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

A. To enter upon the ROW or associated mitigation a in order to monitor activities within their respective jurisdiction 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.

G-5 Citations: Section 403.091, 403.531, F.S.

G-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 Ch. 403, Florida Statutes.

G-6 Citation: 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 Citation: 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 Citation: 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, exception, exemption or waiver was obtained by the Permittee pursuant to Section 403.531(2), Florida Statutes.

G-9 Citations: Section 403.531, 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 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.

G-10 Citations: Section 403.529, 403.531, F.S..

G-11 Certified Corridor

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

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

G-12 ROW Delineation and Compliance Verification

At least 90 days prior to commencement of construction, three copies of blue-line reproductions of aerial photographs of 1:200 scale shall be submitted to DER and one copy to SJRWMD delineating the certified corridor, ROW routes selected, boundaries, DER's wetland jurisdiction, preliminary pole and pad locations, and access roads. The Permittee shall notify all parties of such filing. These photographs shall be submitted prior to commencement of construction of the various segments of the linear facility; it is recommended that this information be submitted in segments rather than waiting until the entire ROW is acquired. DER, SJRWMD, and any other party who requests to do so shall have 60 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. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the conditions of certification.

If DER 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.

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.

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

G-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 cause any significant additional adverse environmental impact;

(2) Modifications necessary to meet licensing co- or requirements imposed on the applicant 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 li necessary to avoid or mitigate an emergency involving the loss of human life or property resulting from any natural or man-made calamitous event when new transmission line structures or access facilities are necessary.

B. DER shall give written notice to the parties to the original certification of any requests for modification received pursuant to this section. 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, except as provided in Condition G-13.C. below.

C. 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 the conditions of certification as necessary to reflect said mutual agreement. However, absent such a mutual agreement, the Secretary may not modify another agency's conditions.

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

G-13 Citations: Section 403.5315, F.S.; F.A.C. Rules 17-17.600 and 17-17.680.

G-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 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. The time requirements under this condition may be altered by agreement of the parties to the dispute.

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 Permittee 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 ROW Location:

A. To the extent feasible, Permittee shall locate the transmission line ROW so as to avoid the taking of homes and except where specifically stated otherwise, shall utilize existing ROWs for those portions of the corridor which include existing ROWs.

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

B. The Permittee shall consult with DER's wetlands resource permitting staff prior to finalization of the access road locations, including those which will not be located on the ROW, and structure 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-1.B. Citations: DER: Section 403.531, F.S.; F.A.C. Rule 17-17.600(4)(d).

C. The Permittee shall locate the proposed ROW along the western edge of the corridor to minimize adverse impacts to the wetland located in Duval County at the boundary of Sections 30 and 31, Township 3 S, Range 25 E.

S-1.C. Citations: Sections 403.531 and 403.918, F.S.

Northeast Florida Regional Planning Council (NEFRPC)

D. In the area of Gold Head State Park and the area listed for potential CARL purchase for expansion of Gold Head State Park, the transmission line shall be collocated within the existing transmission line ROW located on the west side of S.R. 21. No additional access roads for maintenance purposes shall be constructed. Maintenance of the transmission ROW within and adjacent to Gold Head State Park should be done in coordination with DNR and any existing management plan for the State Park.

Regional Goal 10.2.1

Policy 10.2.1.2

E. The transmission line ROW shall not be sited within the boundaries of the Northeast Mitigation Park.

Regional Goal 10.3.1, 10.3.2

Policy 10.2.1.2, 10.3.1.3, 10.3.2.1

F. A survey shall be completed, in coordination with FGFWFC and USFWS, to identify critical habitat for Scrub Jay within the corridor, which would include nesting and feeding areas. The ROW shall be aligned to avoid any critical habitat areas. The ROW line shall collocate within the existing transmission ROW west of S.R. 21, with minimal removal of any additional vegetation. Any construction and maintenance necessary in critical habitat areas shall be undertaken only in coordination with FGFWFC and USFWS with the long term goal of perpetuating the population of Scrub Jays in the area.

Regional Goal 10.2.1

G. Prior to construction, plans for the final ROW location for the transmission line shall be submitted and reviewed by the NEFRPC for consistency with the Goals and Policies of the Northeast Florida Comprehensive Regional Policy Plan. These plans shall be submitted to all reviewing agencies for review for compliance with their rules and regulations.

Regional Goal 10.3.2

Policy 10.3.2.1

S-2 Construction and Maintenance Activities

All paragraphs below relate to activities or impacts from this transmission line's construction and maintenance.

A. Maintenance of Drainage/Hydroperiod

Permittee shall employ construction techniques and proper culverting to comply with the applicable regulations of the SJRWMD and the DER 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-2.A Citations: Section 403.531, F.S.

Section 403.918, F.S.; F.A.C. Rule 17-302.

SJRWMD: Section 373.413, 373.416, F.S.; Section 40C-4.091, 40C-4.301, 40C-4.381, F.A.C.

B. Upland Clearing

Where the proposed transmission line ROW is dominated by native upland vegetation, the Permittee shall use only restrictive clearing practices during construction and maintenance, especially where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of danger trees and fast growing exotic vegetation. Permittee shall not eliminate or prevent the regeneration of native vegetation within the ROW except where necessary for access roads and structure pads or where necessary to provide safe and reliable operation and maintenance of the transmission line.

S-2.B. Citations: Section 373.413, 403.531, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

C. Erosion/Runoff Control

(1) The Permittee 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-2.C.(1) Citations: Section 403.521 and 403.531, F.S.

DER: Section 403.918, F.S.; F.A.C. Rule 17-3.

SJRWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rule 40C-4.091, 40C-4.301, and 40C-4.381.

(2) The Permittee shall be responsible for the correction of any water quality problems, 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-2.C.(2) Citations: Section 403.531, 403.918, F.S.; F.A.C. Rule 17-3.

SJRWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40C-4.019, 40C-42.025, 40C-4.091, 40C-4.301, 40C-4.381.

(3) If groundwater or soil contamination is discovered during property acquisition or during construction activities, cleanup of the contaminated area shall be carried out in accordance with Department rules and policies. Policies include, but are not limited to, "Corrective Actions for Groundwater Contamination Cases".

S-2.C.(3) Citations: Section 403.531, 403.918, F.S. F.A.C. Rule 17-302, 17-701, 17-730, 17-761, 17-770

D. Water Quality Treatment

The Permittee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary to maintain compliance with state water quality standards.

S-2.D. Citations: Section 403.531, F.S. 403.918, F.S.; F.A.C. Rule 17-3.

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

E. Offsite Water Resource Related Impacts:

It is the responsibility of the Permittee to ensure that adverse offsite water resource related impacts do not occur during construction. All wetland areas or water bodies that are outside of the specific limits of construction authorized by this certification shall be protected from erosion, siltation, scouring or excess turbidity, and dewatering. Prior to construction, the Permittee shall clearly designate the limits of construction on-site. The Permittee shall advise the contractor that any work outside the limits of construction, including clearing, is a violation of this certification. Offsite discharges during construction and development shall be made only through the discharge structures authorized by this certification and shall not violate state water quality standards. 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-2.E. Citations: Section 403.531, F.S.

DER: Section 403.918, F.S.; F.A.C. Rule 17-3.

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

F. Access/Maintenance Roads

The Permittee shall, where available, utilize adjacent existing 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 shall be constructed in areas where an existing access 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-2.F Citations: Section 403.531, 403.918, F.A.C. Rule 17-3.

SJRWMD: Sections 373.413(1), 373.414 and 373.416(1), F.S.; F.A.C. Rules 40C-4.091, 40C-4.301, and 40C-4.381.

G. Source of Fill

All fill materials used for any purpose related to the construction of the transmission line shall come from sources in compliance with applicable local ordinances. No fill materials shall be obtained from excavated wetlands within the transmission line ROW, unless authorized by DER and SJRWMD in accordance with a mitigation plan submitted in compliance with the conditions of this certification.

S-2.G. Citations: Section 403.531, 403.918, F.S.; F.A.C. Rule 17-3.

SJRWMD: Section 373.413(1), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40C-4.091, 40C-4.301, and 40C-4.381.

H. Dewatering

No dewatering operation shall be allowed unless the Permittee can demonstrate through a detailed information submittal and until the Permittee obtains the SJRWMD's written approval that no adverse water resource impacts will occur as a result of the operation, and that such dewatering will not exceed the thresholds in Section 40C-2.041, F.A.C., that the dewatering meets the exemption on Subsection 40C-2.051(3), F.A.C., or that the dewatering meets the requirements of Section 40C-2.301, F.A.C..

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

SJRWMD: Section 373.223, F.S.; F.A.C. Rules 40C-2.301, 40C-2.091(1)(a), 40C-4.301, and 40C-4.381.

I. Hazardous Materials

If hazardous materials are used in the transmission line, the Permittee shall provide reasonable assurances to the SJRWMD that such hazardous material will not enter the surface water management system for the transmission line.

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

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

J. Wetland Avoidance

The Permittee shall minimize impacts to wetlands within all certified corridors. To the extent possible, the location of the span between power poles shall be maximized or

varied to eliminate or reduce wetland impacts.

S-2.J. Citations: F.A.C. Rule 17-302.

SJWMD: Section 373.413 F.S., F.A.C. Rules 40C-4.091, 40C-4.301 and 40C-4.381.

K. Consultation

The Permittee shall consult with DER's Bureau of Wetland Resource Management prior to final determination 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 submittals. At DER's request, the Permittee shall conduct a field inspection with DER staff.

S-2.K. Citations: 403.913. F.S., F.A.C. Rule 17-302.

L. Wildlife Surveys

Prior to clearing activities within any of the ROW associated with the various linear facilities, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plant and animals) as defined in the Application, 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 DER and the Florida Game and Freshwater Fish Commission (FGFWFC) and the United States Fish and Wildlife Service (USFWS). If any clearing activity will take place in or otherwise adversely affect jurisdictional wetlands, survey results will also be submitted to the SJRWMD. If it is determined that any of those species will be affected by the construction of any of the linear facilities, the Permittee shall consult with DER and FGFWFC to determine the appropriate steps to be taken to avoid, minimize, mitigate or otherwise appropriately deal with, any adverse impacts to resources within each agency's respective jurisdiction.

S-2.L. Citations: Section 403.531., F.S.;

GFWFC: Section 372.072, F.S.; F.A.C. Rule 39.27.002

M. Archaeological Surveys

After all ROWs have been selected, the Permittee shall conduct a survey of archaeological sensitive areas, as determined in consultation with the Department of State, Division of Historical Resources (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 Linear facilities, and subsequently during maintenance of the ROWs. 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.

S-2.M. Citations: Sections 403.531 and 267.061, F.S.

N. Mitigation/Compensation

The Permittee shall provide mitigation/compensation (M/C) for any wetland or openwater habitat within the jurisdiction of the DER or SJRWMD which is degraded or destroyed as a result of the construction of any portion of the transmission line for any portions of ROW where wetlands can not be avoided. M/C may include the restoration of degraded habitat, the enhancement of functions and values provided by existing wetland or openwater habitats, removal of exotics, preservation of existing wetlands, the creation of new wetland or openwater habitat 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 or openwater habitat, the Permittee shall concurrently submit mitigation plans to DER's Bureau of Wetland Resources Management and SFWMD. Submission of such plans shall be for the purpose of determining compliance with the Conditions of Certification. These mitigation plans shall, at a minimum, include the following:

(1) Specific acreage figures, descriptions and location of all jurisdictional wetlands, both within the ROW as well as adjacent to it which would be impacted by the construction or ROW maintenance activities, including an explanation of why no feasible alternative exists which would avoid impact to these wetlands.

(2) A discussion and a set of plan-view and cross-sectional drawings 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.

(3) A timetable for accomplishing the proposed M/C activities (i.e., the time for commencement and completion of activities for each mitigation area) concurrently with the construction of the various aspects of proposed facilities and any associated wetland impacts.

(4) A monitoring and maintenance program to ensure the survival and success of any created, restored, or enhanced wetlands.

S-2.N. Citations: 403.918. F.S., F.A.C. Chapter 17-312

O. M/C Plans

M/C plans shall provide for fully compensating for the functions and values provided by wetlands that will be degraded or eliminated. DER and SJRWMD 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 DER and the SJRWMD and such review shall be subject to the time constraints set forth in specific

Condition S-3 below, as appropriate.

S-2.O. Citations: 403.918, F.S., F.A.C. 17-312

P. Reports

(1) Semi-annual narrative reports shall be submitted to DER's Bureau of Wetlands Resource Management in Tallahassee and DER's Northeast District Office, indicating the status of all construction activities within waters of the state. These reports shall be submitted until all construction in that respective area is complete. The reports include the following information:

- a. Date the activity (dredge and fill) began; if work has not begun on-site, please so indicate.
- b. Brief description and extent of work completed since the previous report.
- c. Brief description and extent of work anticipated in the next six months.

(2) Upon completion of construction, the Permittee shall provide DER with detailed engineering drawings which depict the pre and post construction contours in all areas in which construction occurred in waters of the state.

S-2.P. Citations: 403-918, F.S., F.A.C. Chapter 17-312

Q. Secondary Impacts

(1) 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 or areas denuded of vegetation have been adequately stabilized. The Permittee shall be responsible for explaining the significance of these barriers to all construction personnel prior to construction. The Permittee shall use turbidity control as necessary so that turbidity levels in adjacent areas do not exceed 29 N.T.U.'s above natural background. Any placement of fill or encroachment into jurisdictional wetlands or waterbodies outside the limits of construction shall be immediately reported to DER's Northeast District Office, and the Bureau of Wetland Resource Management in Tallahassee. Appropriate remedial action to restore the affected area shall be immediately undertaken.

(2) In addition to the erosion and turbidity control measures specified above, best management practices, including but not limited to the use of floating silt screens in flowing waters, as well as the use of staked hay bales and silt curtains shall be used wherever necessary at all times 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 or

denuded areas have been stabilized with suitable vegetation.
S-2.Q. Citations: 403.061, F.S., F.A.C. Chapters 17-25,
12-312

S-3 Activities Within Waters of the State:

A. For all construction activities in waters of the state where DER has wetlands resource jurisdiction pursuant to Chapter 403, Florida Statutes, the Permittee shall file with DER's Siting Coordination Office, the information requested in Florida Administrative Code Rule 17-17.665 and DER Form 17-1.212(1), Section 3.2.2.

(1) DER shall promptly review the submittal for complete for the purposes of these conditions, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, 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.

(2) Within 90 days of filing of complete information, DE 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, 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.

(3) 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 the 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 1341 is hereby conveyed.

(4) Any information submittal after Board certification required by this section shall be solely for the purpose of facilitating DER's monitoring of Permittee's compliance with the conditions of certification.

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

S-3 Citations: Sections 403.531 and 403.918, F.S.; F.A.C. Rules 17-17.665, 17-302, 17.1.212(1).

S-4 St. Johns River Water Management District (SJRWMD)

A. General Conditions

(1) The operation phase of the surface water management system authorized under this certification shall not become effective until a Florida Registered Professional Engineer certifies that all facilities have been constructed in accordance with the design approved by and the conditions of this certification and determined to be in compliance with the conditions of certification pursuant to the post-certification process. Within 30 days after completion of construction of each phase of the surface water system the Permittee shall submit the following to the SJRWMD: Completion certification report signed and sealed by the P.E.; and when the completed system substantially differs from permitted plans, two sets of record (as built) plans which reflect the surface water management system as actually constructed. This submittal will serve to notify the SJRWMD staff that the facilities are ready for inspection.

S-4.A.1 Citations: Sections 373.117 and 373.416, F.S.;
Sections 40C-4.301 and 40C-4.381, F.A.C.

(2) All construction, operation and maintenance shall be as set forth in the plans, specifications and performance criteria as approved by this certification and determined in the post-certification process to provide reasonable assurances that the construction, operation and maintenance of the transmission line will comply with the conditions of certification, including applicable SJRWMD rules.

S-4.A.2 Citations: Sections 373.413 and 373.416, F.S.;
Sections 40C-4.301, 40C-4.381 and 40C-4.461, F.A.C.

(3) SJRWMD authorized staff, upon proper identification, will have permission to enter, inspect and observe the system to insure conformity with the plans, specifications, and performance criteria referenced in Condition S-4.A.2 above.

S-4.A.3 Citations: Sections 373.413 and 373.416, F.S.;
Sections 40C-4.301, 40C-4.381 and 40C-4.461, F.A.C.

(4) When requested by the SJRWMD, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the certification. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the certification application or in any report to the SJRWMD, such facts or information shall be corrected promptly.

S-4.A.4 Citations: Sections 373.413, 373.416, F.S.; Sections 40C-4.301 and 40C-4.381, F.A.C.

(5) This certification does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore;

nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and SJRWMD rules.

S.4.A.5 Citations: Sections 373.413, 373.416, F.S.; Sections 40C-4.301 and 40C-4.381, F.A.C.

(6) The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this certification and as required by SJRWMD rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the certification and SJRWMD rules.

S.4.A.6 Citations: Section 373.416, F.S.; Sections 40C-4.301, 40C-4.381, and 40C-42.027, F.A.C.

(7) The Permittee shall hold and save the SJRWMD and its successors harmless from any and all damages, claims, or liabilities which may arise from certification issuance or by reason of construction, operation, maintenance and/or use of any facility or system authorized by this certification.

S.4.A.7 Citations: Sections 373.413, 373.416, and 373.443, F.S.; Sections 40C-4.301 and 40C-4.381, F.A.C.

S-5 Construction Conditions (SJRWMD)

A. General Conditions

(1) Grass, seed and mulch, or sod shall be installed and maintained on exposed slopes within 48 hours of completing final grades, and at any other time as necessary to minimize erosion, retain sediment on-site, and prevent turbid discharges into waters of the state which violate state water quality standards. The Permittee shall institute measures during construction, operation, and maintenance, including necessary compaction of any fill material placed around newly installed structures, to minimize erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

S.5.A.(1) Citations: Section 373.413, F.S.; Sections 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(2) The Permittee shall take all measures necessary to prevent turbid discharges in violation of state water quality standards and to minimize off-site damage associated with shoaling. These measures may include but are not limited to the installation of turbidity barriers at all locations where the possibility of transferring suspended solids into the receiving water body exists due to the proposed work. Turbidity barriers shall be maintained in effective condition at all locations until construction is completed and disturbed soils area are stabilized. The Permittee 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. Turbidity barriers shall be installed at all locations where the possibility of transferring suspended solids into the receiving water body exist due to the proposed work. Turbidity barriers must remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter, the Permittee will be responsible for the removal of the barriers.

S-5.A.(2) Citations: Sections 373.413 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(3) This project shall be constructed and operated in compliance with and meet all requirements set forth in Chapter 373, F.S., and Chapters 40C-2, 40C-4, and 40C-42, F.A.C.

S-5.A.(3) Citations: Parts II and IV, Chapter 373, F.S.; Chapters 40C-2, 40C-4, and 40C-42, F.A.C.

B. Design Conditions

(1) Access roads shall terminate at the landward limit of wetlands wherever possible.

S-5.B.(1) Citation: Section 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(2) The right-of-way shall be located to minimize fragmentation of isolated wetlands.

S-5.B.(2) Citation: Sections 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(3) Permittee shall provide mitigation for any wetland or deep water habitat which will be impacted, degraded or destroyed during the construction, operation or maintenance of any portion of the transmission line. Mitigation may include the creation of new wetland and open-water habitat, the restoration of degraded wetland and open-water habitat, the enhancement of functions and values provided by existing wetland and open-water habitat, or other activities determined to be in compliance with applicable regulations pursuant to the post-certification process.

S-5.B.(3) Citation: Sections 373.413, 373.414, and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(4) 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-5.B.(4) Citation: Sections 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025 F.A.C.

C. Site Specific Conditions

(1) In areas where the new transmission line will replace existing line no additional wetland vegetation shall be removed beyond the existing right-of-way.

S-5.C.(1) Citation: Section 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(2) The Permittee shall regularly inspect and maintain the right-of-way to prevent the deposition of any unpermitted material in wetlands.

S-5.C.(2) Citation: Sections 373.413, 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(3) Erosion and/or sedimentation problems in existing right-of-way shall be corrected.

S-5.C.(3) Citation: Sections 373.413 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(4) In the area where the corridor parallels the proposed Brannan Field/Chaffee Limited Access Road, the right-of-way shall be located immediately adjacent to the right-of-way of the Brannan Field/Chaffee Limited Access Road right-of-way to the extent feasible.

S-5.C.(4) Citation: Sections 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(5) In the area where the new corridor intersects with the existing 115 kV line into the JEA-Firestone substation, the right-of-way shall avoid the wetland located in the north-east corner of the intersection (as shown as A1 on Attachment II).

S-5.C.(5) Citation: Sections 373.413 and 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(6) In the area of the Black Creek substation, the transmission line right-of-way shall avoid the forested wetland located on the west side of the substation (as shown as A2 on Attachment III).

S-5.C.(6) Citation: Sections 373.413, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(7) In the area where the transmission line crosses the tributaries of Black Creek access, roads shall terminate at the landward limits of wetlands associated with these tributaries. Access to structures within the wetlands shall be through existing access roads or through new finger roads which are located to minimize wetland impact (as shown A3, A4 and A5 on Attachment IV, Attachment V, Attachment VI, respectively).

S-5.C.(7) Citation: Sections 373.413, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

S-6 Informational Request (SJRWMD)

A. General

(1) At least ninety (90) days prior to the commencement of construction of any portion of the transmission line, the Permittee shall provide the SJRWMD, for a completeness and sufficiency review:

a. The final right-of-way location (on aerial photographs of at least 1"= 400') within the certified corridor for that portion of the transmission line proposed for construction.

S-6.A.(1)a. Citation: Sections 373.219, 373.223, 373.413 and 373.416, F.S.; Sections 40C-2.101, 40C-2.301, 40C-2.381, 40C-4.091, 40C-4.301, 40C-381, and 40C-42.025, F.A.C.

b. Any information required to be submitted to the SJRWMD under these conditions of certification for that portion proposed for construction. Within 30 days after the submittal of this information the SJRWMD staff may request additional information citing to the specific SJRWMD regulation or condition of certification requiring such information. If SJRWMD staff do not issue a written request for additional information within thirty (30) days, the information will be presumed to be complete and sufficient.

S-6.A.(1)b. Citation: Sections 373.219, 373.223, 373.413 and 373.416, F.S.; Sections 40C-2.101, 40C-2.301, 40C-2.381, 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(2) Within 60 days of the determination by SJRWMD staff that the additional information is complete and sufficient, the SJRWMD shall determine and notify the Permittee in writing whether the proposed activities conform to SJRWMD standards, objectives and criteria, as required by Chapters 40C-2, 40C-4, and 40C-42, F.A.C., and the conditions of the certification. If necessary, the SJRWMD shall identify what items remain to be addressed. Construction activities shall not begin until the SJRWMD has determined either, in writing or by failure to notify the Permittee in writing, that the activities are in compliance with the applicable SJRWMD standards, objectives and criteria.

S-6.A.(2) Citation: Sections 373.219, 373.223, 373.413 and 373.416, F.S.; Sections 40C-2.101, 40C-2.301, 40C-2.381, 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(3) Subsequent modifications to the drawings and supporting calculations submitted to the SJRWMD which may alter the quantity and/or quality of waters discharged or impacts to wetlands shall be made pursuant to Sections 403.5315, F.S., and Rule 17-17.680, F.A.C. They shall also be submitted to the SJRWMD for a determination that the modifications are in compliance with Chapters 40C-2, 40C-4, and 40C-42, F.A.C., prior to the commencement of construction.

S-6.A.(3) Citation: Sections 373.219, 373.223, 373.413 and 373.416, F.S.; Sections 40C-2.101, 40C-2.301, 40C-2.381, 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(4) The SJRWMD and the Permittee may jointly agree to vary the informational requirements.

S-6.A.(4) Citation: Sections 373.219, 373.223, 373.413 and 373.416, F.S.; Sections 40C-2.101, 40C-2.301, 40C-2.381, 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

B. Surface Water Management

(1) Prior to the commencement of construction of any portion of the transmission line, all construction activities for that portion of the transmission line shall be reviewed by the SJRWMD for a determination of compliance with Sections 40C-4 and 40C-42, F.A.C. "Construction activities" in this situation shall include clearing, excavation, the placement of structure pads, access/maintenance roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors on existing transmission line structures. Prior to any consumptive use of water, that proposed consumptive use must be reviewed by the SJRWMD for a determination of compliance with Chapter 40C-2, F.A.C. For any consumptive use of water, the information set forth in (h) below shall be submitted. 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 profile and typical cross-sections of the proposed access/maintenance and finger road(s) with elevations marked;

c. A plan view, with wetlands delineated and cross-section of the proposed access/maintenance and finger roads;

d. A plan view, with wetlands delineated and 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 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 plan view, with wetlands delineated, and cross-section of all proposed excavation areas showing

the proposed depth of excavation;

h. Calculations and the supporting documentation wh demonstrate compliance with SJRWMD's standards, objectives, and criteria in Chapters 40C-4 and 40C-42, F.A.C.

i. Specific acreage figures and locations of all wetlands, both within the right-of-way as well as adjacent to it, which would be impacted by the construction activities.

j. The location of any aquatic or wetland dependent threatened or, endangered species and wading bird colonies located in the right-of-way.

S-6.B.(1) Citation: Sections 373.413 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, 40C-4.381, and 40C-42.025, F.A.C.

(2) Prior to the commencement of construction of any portion of the transmission line, a mitigation plan to offset any wetland impacts due to construction, operation and maintenance of that portion of the transmission line shall be submitted to the SJRWMD for a determination of compliance with Chapter 40C-4. Mitigation plans shall, at a minimum, include the following:

a. A discussion and details of the proposed mitigat 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.

b. A timetable for accomplishing the proposed mitig activities 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.

c. A monitoring and maintenance program to ensure t survival and success of any created, restored, or enhanced wetlands, based on SJRWMD Specific Conditions IV(3)-(9).

S-6.B.(2) Citation: Sections 373.413 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

(3) The mitigation plans shall fully offset the functions and values provided by wetlands that will be impacted, degraded or eliminated.

S-6.B.(3) Citation: Sections 373.413 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

S-7 Specific Conditions (SJRWMD)

The following conditions apply to this certification for all approved wetland mitigation.

A. Within 30 days of completion of initial planting, the Permittee shall submit to the SJRWMD for review and approval a plan detailing the site-specific methods to be used for monitoring the wetland creation/wetland enhancement areas so that achievement of success criteria can be clearly demonstrated. The plan shall include such information as the size, location and number of monitoring quadrants, the location and number of photographic stations, the location of the reference wetland and other pertinent factors to demonstrate achievement of success criteria.

S-7.A. Citation: Sections 373.413, 373.414 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

B. The Permittee shall furnish the SJRWMD with monitoring reports for the wetland creation areas/wetland enhancement areas describing:

(1) Percent survival and diversity of planted species within each stratum;

(2) Recruitment density and composition within each stratum;

(3) Recorded growth via established parameters for plant trees and shrubs;

(4) Percent cover of herbaceous species;

(5) Surface water elevation referenced to N.G.V.D., or if surface water is not present, groundwater elevation referenced to N.G.V.D.; and

(6) Wildlife utilization.

The data shall be collected and submitted semi-annually, once during the wet season (August-September) and once during the dry season (March-April) for a total period of 5 years following initial planting. Reports to the SJRWMD must also include photographs, descriptions of problems encountered, and solutions undertaken.

S-7.B. Citation: Sections 373.413, 373.414 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

C. The Permittee shall submit two copies of an as-built survey of the wetland creation areas and or wetland enhancement areas certified by a registered surveyor or professional engineer showing dimensions, grades, ground elevations, ground and surface water elevations and plantings. The as-built must be submitted with the first monitoring report.

S-7.C. Citation: Sections 373.413, 373.414 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

D. Within the wetland creation/wetland enhancement areas, non-native vegetation, cattails (*Typha* spp.) and primrose willow (*Ludwigia peruviana*), shall be controlled by hand clearing or herbicide applied with a wick applicator so that they constitute no more than 10%, at any time, of the areal cover in each stratum.

S-7.D. Citation: Sections 373.413, 373.414, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

E. Successful establishment of the wetland creation area will have occurred when:

(1) At least 80 percent of the planted individuals in each stratum have survived and are showing signs of normal annual growth, based upon standard growth parameters such as height and base diameter, or canopy circumference;

(2) At least 80 percent cover by appropriate wetland herbaceous species has been obtained;

(3) The above criteria has been achieved by the end of a year period following initial planting; and

(4) Hydrologic conditions are shown to be in general conformance with those specified in the mitigation plan.

S-7.E. Citation: Sections 373.413, 373.414, and 373.416; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

F. If successful establishment has not occurred as stated above, the Permittee shall notify the SJRWMD no later than 30 days following the termination of the 5 year monitoring period. The notification shall include a narrative describing the type and causes of failure and contain a complete set of plans for the redesign and/or replacement planting of the wetland creation area so that the success criteria will be achieved. Within 30-days of SJRWMD approval of the plans, the Permittee shall implement the redesign and/or replacement planting. Following completion of such work, success criteria as stated above or modified by subsequent SJRWMD approval must again be achieved. In addition, the monitoring required by these conditions shall be conducted.

S-7.F. Citation: Sections 373.413, 373.414 and 373.416, F.S.; Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

G. Within 30 days of any monitoring event that indicates 50% or greater mortality of planted wetland species in any stratum within the mitigation area, the applicant shall submit a remediation program for SJRWMD staff review. Within 30 days of the SJRWMD determination that the remediation program provides reasonable assurances that it will resolve the excessive plant mortality, the Permittee must implement the remediation program.

S-7.G. Citation: Sections 373.413, 373.414 and 373.416, F.S.;
Sections 40C-4.091, 40C-4.301, and 40C-4.381, F.A.C.

S-8 Potential Effects on Bee Hives

Permittee 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-8 Citations: Section 403.531, 403.523(14), F.S.

S-9 Radio and Television Interference

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

S-9 Citations: Section 403.531, 403.523(14), F.S.

S-10 Electric and Magnetic Fields

The Seminole Plant-Keystone-JEA Firestone transmission line shall comply with the applicable electric and magnetic field standards adopted by the Environmental Regulation Commission in Florida Administrative Code, Rule 17-274.

S-10 Citations: Section 403.531, Section 403.523(14), F.S.
F.A.C. Chapter 17-274.

S-11 Herbicides

The use of EPA approved herbicides shall be allowed on terrestrial sites provided all label directions are followed. The use of these herbicides in waters of the state shall be allowed with the concurrence of DER.

S-11 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).