

Before the Governor and Cabinet of
the State of Florida

IN RE:

Florida Power and Light
Company
Crane-Bridge-Plumosos
Transmission Line Corridor
Certification Application,
TA 88-06

DOAH Case No. 88-3534

OGC File No. 88-0684

FINAL ORDER

BY THE GOVERNOR AND CABINET

On August 8, 1989, this matter came before the Governor and Cabinet, sitting as the Siting Board pursuant to the Transmission Line Siting Act (TLSA), Section 403.52 et seq., Florida Statutes, for final action concerning a recommended order dated June 30, 1989, attached as Exhibit 1.

The order recommends certification of one of two alternative transmission line corridors: either the primary corridor as proposed by Florida Power and Light (FPL) or the primary corridor as modified to incorporate the alternate corridor 2A proposed jointly by PGA Property Owners' Association, Inc., (PGA) and Old Marsh Partners, Old Marsh Golf Club, Inc., and Old Marsh Homeowners Association, Inc., (collectively "Old Marsh") in place of a corresponding stretch of the primary corridor in and near Palm Beach Gardens, Florida. For either corridor, the recommended order would require the certification to be conditioned upon burial of the transmission line wherever the corridor is within

300 feet of any existing subdivision. Finally, alternative recommendations regarding the placement of a power substation proposed to be located near Palm Beach Gardens (the Ryder substation) are contained in the recommended order.

On July 14, 1989, as allowed by Rule 17-17.682, F.A.C., timely exceptions to the recommended order were filed by FPL, by the Department of Environmental Regulation (DER), and by the South Florida Water Management District (SFWMD). PGA submitted a pleading which, although styled as exceptions, was actually a request for clarification of the hearing officer's recommendations concerning the placement of the Ryder substation, and will be addressed below.

FPL's 52 exceptions dispute many of the recommended order's factual findings, question the rejection of FPL-proposed findings on many issues, and impugn the correctness of many aspects of the conclusions of law contained in the recommended order. In particular, FPL objects strenuously to the recommended order's rationale for conditioning certification of the corridor upon the burial of portions of the transmission line. DER also excepts to the burial recommendation as unsupported, noting that no corridor proposal incorporating underground transmission lines was reviewed by DER for an assessment of environmental impacts, including EMF impacts. For its part, SFWMD agrees that the environmental and water resource impacts associated with transmission line burial have not been identified or reviewed, and further excepts to the wholesale rejection of its proposed findings, which relate all but exclusively to the details of SFWMD's official objection to the alternate corridor. SFWMD believes that unacceptable cumulative

impacts upon important undisturbed wetlands would be caused by certification of the PGA/Old Marsh alternate corridor, primarily because of the lack of existing access roads within the alternate corridor's wetland areas. SFWMD also suggests that previously agreed conditions of certification are not adequate to address all agency nonprocedural requirements implicated by the uncertain extent of the transmission line burial recommended by the hearing officer.

Review of the recommended order reveals that it suffers from substantial defects regarding certain issues which render it unsuitable for adoption as the final order of the Board in this case. Considered as a whole, the recommended order fails properly to reflect that a transmission line corridor certification issued under Section 403.529(5), Florida Statutes, constitutes "the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction and maintenance of transmission lines." Section 403.531(1), Fla. Stat. For example, as FPL and DER correctly point out in exceptions, the recommended order's finding 148 apparently contemplates that additional local regulatory approvals will be required for the corridor, contrary to Section 403.531(3), Florida Statutes. Under Section 403.531(2), Florida Statutes, state and local agencies are required to identify applicable nonprocedural requirements from which a variance or exception is necessary for corridor certification; an agency's failure to do so at least 60 days prior to the certification hearing causes waiver of the applicability of the standard or regulation that is not identified within the statutory time limit. Section 403.531(2), Fla. Stat.

More importantly, however, the recommended order fails to recognize that the corridor certification process of the Transmission Line Siting Act is predicated upon a DER-coordinated, multidisciplinary agency review of detailed plans for the siting of a transmission line of specifically identified design. As SFWMD, DER and FPL each points out in well-taken exceptions, the recommended order would not only certify, but also make certification expressly conditional on, extensive underground transmission line siting which was neither formally proposed by any party nor reviewed by any interested agency. Only minimal evidence in this record even touches on the technology, costs, safety, reliability, and environmental impacts of the siting and construction of underground 230 kV transmission lines. The record is wholly insufficient to identify the costs, engineering requirements, environmental impacts, or general public interest considerations associated with the installation of a combination overhead/underground 230 kV line either entirely within FPL's proposed corridor or within the corridor as modified to incorporate the PGA/Old Marsh alternate corridor. In short, there is no competent substantial evidentiary foundation here on which to base a certification that mandates the placement of underground transmission lines as suggested by the recommended order.

In the absence of an appropriate foundation of record evidence, an agency cannot establish and apply non-rule policy to determine substantial interests within the meaning of Section 120.57, Florida Statutes. Florida Cities Water Co. v. Florida Public Service Commission, 384 So. 2d 1280 (Fla. 1980). Accord, Anheuser-Busch, Inc. v. Department of Business Regulation, 393 So.

2d 1177 (Fla. 1st DCA 1981). See also Fox v. Treasure Coast Regional Planning Council, 442 So. 2d 221 (Fla. 1st DCA 1981). Section 403.527(5)(d), Florida Statutes, plainly places on the proponent of an alternate corridor the burden of proof to show the certifiability of the corridor at the certification hearing. See Florida Department of Transportation v. J.W.C. Company, Inc., 396 So. 2d 778 (Fla. 1st DCA 1981). In this case, PGA and Old Marsh, proponents of the alternate corridor and of the transmission line burial suggestions accepted in the recommended order, have failed to carry their burden with respect to their burial suggestion. The absence of a competent, substantial evidentiary basis for finding that a combination overhead/underground 230 kV line can be safely sited with less adverse impact, including costs, than an exclusively overhead line requires the Board to reject as unfounded the recommendation that corridor certification be conditioned upon the burial of transmission lines wherever the corridor falls within 300 feet of an existing subdivision. The exceptions of DER, SFWMD, and FPL are granted, and will be discussed in more detail below.

The recommended order reflects inadequate appreciation of the fact that proof of compliance with Chapter 17-274, F.A.C., is a prerequisite to the certification of any new transmission line under the TLSA. While the recommended order found that FPL's proposed overhead line would comply with the electric and magnetic field limits established by Rule 17-274.450(3), F.A.C., it appears that the hearing officer merely presumed that underground lines would also comply without requiring proof by the proponents of

line burial. The absence of record evidence as to the ability of the recommended combination overhead/underground line to comply with Chapter 17-274 is an independent reason why the burial recommendation must be rejected.

The recommended order attaches unwarranted significance to an advisory resolution of the Environmental Regulation Commission which has no independent legal effect. Incorrectly ascribing the enactment of DER's EMF standards to the Governor and Cabinet "sitting as the Environmental Regulation Commission," ¹ the recommended order asserts that the Governor and Cabinet "clearly expressed in that rule its concern that the standard might not be adequate." Recommended Order, page 68. Since the members of this Board do not constitute the Environmental Regulation Commission, which is an appointed body as specified in Section 20.261(3), Florida Statutes, the recommended order is simply wrong as a matter of fact on this point. As a matter of law, however, the standards of Rule 17-274.250(3), F.A.C., remain in full force and effect irrespective of any reservations which may have been expressed by the Environmental Regulation Commission, however constituted. It is the duty of a hearing officer assigned to conduct a certification hearing under the TLISA to determine as a matter of fact whether a proposed transmission line will comply

1. The Environmental Regulation Commission is created by Section 20.261, Florida Statutes, as part of DER. See Section 403.804, Florida Statutes (Supp. 1988.)

with the promulgated EMF standards, not to substitute his or her judgment as to whether the standards are adequate to protect the public.

The recommended order departs from the essential requirements of law by relying on a proposed future comprehensive plan for the City of Palm Beach Gardens to support a condition of certification requiring burial of the transmission line within the municipal limits of Palm Beach Gardens, where PGA and Old Marsh subdivisions are located. Section 403.529(3)(d), Florida Statutes, requires corridor certification applications to be consistent with "applicable local government comprehensive plans . . ." that is, those plans duly adopted in accordance with the procedures of Section 163.3184, Florida Statutes. Record evidence here shows that the currently effective comprehensive plan of the City of Palm Beach Gardens does not require the burial of transmission lines. The Board rejects as irrelevant all findings of the hearing officer concerning proposed plan amendments because, until formally adopted in the statutorily prescribed manner, proposed plan amendments remain without legal force or effect and are thus not "applicable" within the meaning of Section 403.529(3)(d), Florida Statutes.

The recommended order contains a series of dependent factual findings which are speculative at best because they are predicated upon the conceptual Loxahatchee River Basin Water Resources Plan which has not yet been submitted for regulatory review by DER, SFWMD, or any other interested state agency. Findings 61, 71-84, 98 and the portions of 154 which rest on the approval of this Plan are accordingly rejected as not supported by competent substantial evidence.

SFWMD and FPL correctly except to the treatment in the recommended order of SFWMD's official opposition to the PGA/Old Marsh alternate corridor. Inasmuch as SFWMD was charged by Section 403.526(4), Florida Statutes, to report "as to the impact on the water resources and other matters within its jurisdiction" of FPL's proposed corridor and PGA/Old Marsh's alternate corridor, the recommended order erred in rejecting as "irrelevant" the fact that SFWMD opposed certification of the alternate corridor. See Recommended Order, page 75.

The Board's statutory duty under the TLSA requires that it give careful consideration and substantial weight to the official agency positions offered in certification proceedings by representatives of DER and the Water Management Districts. So that these positions may be fairly considered by the Board in the public interest, a TLSA recommended order should include specific findings regarding the factual basis of the positions taken by agencies required to comment under the TLSA.

The defects outlined above make it impossible for the Board to adopt the analysis set out in the conclusions of law of the recommended order. Accordingly, except as specifically adopted in this final order, the conclusions of law of the recommended order are rejected. The Board deems it necessary to apply its own analysis of the legal issues raised by the corridor alternatives recommended by the hearing officer, based upon the competent substantial evidence of record herein, but without regard to those rejected findings of the recommended order which lack the necessary evidentiary foundation.

In this case, there is no present dispute whatsoever about the primary portion of the transmission line corridor route proposed by FPL. Only a four mile segment in Palm Beach County, where the PGA/Old Marsh alternate deviates from FPL's primary corridor, was the subject of actual controversy during the certification hearing. Based on the competent substantial evidence of record, either FPL or PGA/Old Marsh's proposed route through the disputed stretch near Palm Beach Gardens is certifiable as a matter of fact. The duty of the Board is to decide, as a matter of law, which alternate route for the proposed overhead transmission line best satisfies the criteria of Sections 403.529(3) and (4), Florida Statutes.

Section 403.529(4)(a) provides:

Any transmission line corridor certified by the Board shall meet the criteria of this Section. When more than one transmission line corridor is proper for certification pursuant to Section 403.522(9) and meets the criteria of this Section, the Board shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

The Board specifically adopts the recommended order's conclusion of law regarding both alternatives' compliance with the criteria of Section 403.529(3)(a) and (b):

The electrical energy need for the 230 kV Crane-Bridge-Plumousus transmission line was established by the Public Service Commission in its Order Approving Electrical Transmission Line rendered October 30, 1987. The record in this cause established that electrical power system reliability and integrity will be ensured, and the electrical energy needs of the State will be met

in an orderly and timely fashion by locating the transmission line in either the FPL proposed corridor or the PGA/Old Marsh alternate corridor.

As to the criterion of Section 403.529(3)(c), the Board concludes that either alternative corridor would comply with the nonprocedural requirements of agencies as embodied in the conditions of certification (Attachment B to Recommended Order). Furthermore, as to the criterion of Section 403.529(3)(d), the Board concludes that either alternative corridor would comply with applicable local government comprehensive plans.

Finally, as to the criterion of Section 403.529(3)(e), the Board concludes, contrary to the hearing officer, that both the FPL preferred corridor and the PGA/Old Marsh alternate represent reasonable attempts to balance the need for a reliable supply of low-cost electricity to the rapidly growing population of Martin and Palm Beach Counties and the impacts upon the public and environment of transmission line construction, operation, and maintenance.

Although the Board concludes that both the FPL preferred corridor and the PGA/Old Marsh alternate corridor 2A meet the criteria of Section 403.529(3)(e), Florida Statutes, that is not the end of the analysis. When an alternate corridor is proposed and considered, the Board must ultimately determine whether that alternate corridor or the applicant's proposed corridor has the least adverse impacts to the public and the environment, including costs. Section 403.529(4)(a), Fla. Stat. If the impacts in both of the corridors are substantially equal in

adverse impacts, then the Board is required to certify the corridor preferred by the applicant. Section 403.529(4)(c), Fla. Stat. That is not the case in this proceeding.

Both the FPL preferred corridor and the PGA/Old Marsh alternate corridor 2A impact, to some degree, the environment in their corresponding segments. These impacts, however, will be minimal due to the existing conditions of the environment, primarily wetlands, in these corridor segments. The wetlands crossed by the FPL preferred corridor have been impacted by road construction and canal drainage. In the Old Marsh subdivision, adjacent to the FPL proposed corridor, some of the previously impacted wetlands, though, have been enhanced through various water management facilities. Wetlands in the alternate corridor, while not impacted to a great extent by road construction, have been impacted by the drainage of the wetlands, invasion of exotic species and destruction by recreational vehicles. While it is true that the FPL preferred corridor crosses fewer wetlands, given the proposed design and construction techniques as well as the conditions of certification set forth in Attachment B to the recommended order, particularly the conditions related to mitigation for wetland impacts, it is the Board's conclusion that the environmental impacts in the alternate corridor and FPL's preferred corridor, while different, will be substantially equivalent.

The alternate corridor crosses land not yet developed. The FPL preferred corridor in the area where it deviates from the alternate corridor, on the other hand, crosses land largely

developed as residential communities. Although the transmission line in the FPL preferred corridor would be located adjacent to existing roadways and outside the boundaries of residential developments, the public will experience some impacts if the transmission line is located in the FPL preferred corridor. These impacts would be acceptable in the absence of a suitable alternate corridor which was proper for certification. A viable alternate corridor which mitigates environmental impacts to substantially the same degree as the FPL preferred corridor and which creates fewer impacts to the public than the applicant's proposed corridor is available for certification. Therefore, the Board concludes that the PGA/Old Marsh alternate corridor 2A, as a whole, has the least adverse impacts to the public when compared to the FPL preferred corridor in the corresponding segment.

The final criterion that the Board is required to evaluate, particularly when an alternate corridor is proposed, is cost. Section 403.529(4)(a), Fla. Stat. Although the record demonstrates that certain additional costs will be required for construction of the transmission line in the alternate corridor, the Board concludes that, under the specific facts of this case, the expected cost increase does not tip the balance in favor of the FPL preferred corridor where it deviates from the PGA/Old Marsh alternate corridor.

After balancing all the criteria set forth in Section 403.529(3) and (4), Florida Statutes, the Board concludes that the PGA/Old Marsh alternate corridor 2A, where it deviates from the FPL

preferred corridor, has the least adverse impacts including costs. As to the other portions of the FPL preferred corridor, the Board concludes that the criteria set forth in Section 403.529(3), Florida Statutes, are met and that such portions of the FPL preferred corridor are suitable for certification as proposed by the applicant subject to the conditions of certification set forth below and in Attachments A and B to the recommended order.

RULINGS ON EXCEPTIONS

The foregoing discussion has already set forth the essential points of the Board's rulings on the dispositive exceptions filed by FPL, SFWMD, and DER. This section contains specific rulings on each exception pursuant to Section 120.59(2), Florida Statutes.

PGA's requested clarification concerning the recommended placement of the Ryder substation is not necessary and, therefore, denied. Limiting the location of a proposed intermediate substation as suggested by PGA is an improper condition because under the TLSA only the general location of such a substation may be considered to the extent it impacts the location of the corridor. Section 403.522(15), Fla. Stat. Such consideration has been given in this proceeding and nothing further is authorized by the TLSA. The actual location of proposed intermediate substation will be determined at a later date based on the existing load to be served by the substation, existing development in the area, and the availability of suitable sites. Moreover, the actual siting of such proposed

intermediate substations are not certified under the TLISA, id., but instead are subject to all applicable local, regional and state permitting procedures and standards, and land use regulation. Parties concerned with the location of the Ryder Substation will have ample opportunity in local and regional forums to argue the merits of the specific location of the Ryder Substation.

Turning next to FPL's exceptions, review discloses that, in addition to the dispositive exceptions previously discussed above, FPL has submitted numerous exceptions of lesser importance in the context of the Board's ruling on corridor certification. Several FPL exceptions (for example, exceptions 32-38) relate to the rejection by the hearing officer of relevant factual findings proposed by FPL as to matters which were not in dispute. These proposed findings are supported by competent evidence and should be deemed incorporated by reference within the findings of fact as if set out fully in the recommended order. FPL exceptions 32-38 are granted, as are FPL exceptions 41, 42, and 43.

FPL exceptions 31, 40, 46, and 47 are rejected. FPL proposed findings 89, 90 and 92 are actually conclusion of law. FPL proposed findings of fact 67 and 70 address issues on which there was contrary evidence and the Board declines to substitute its judgment for that of the hearing officer on the credibility of witnesses. FPL exceptions 50, 51, and 52 (in part) are also rejected for the reason that the proposed findings whose rejection is excepted to are also conclusions of law.

FPL exception 39 is granted, for the reason stated above at page 8.

As indicated previously, the Board finds well taken the exceptions of FPL, as well as those of DER and SFWMD, concerning transmission line burial, for the reasons stated above at pages 4-5. FPL exceptions 1, 2, 5, 7, 8, 9, 10, 11, and 12 are granted, as are DER exception 3 and SFWMD exception 10.

FPL exceptions 3 and 4 are granted for the reasons stated at pages 7 and 10 above.

FPL exception 6 is denied. The finding of fact criticized is supported by evidence. FPL exceptions 44 and 45 are granted. The rejected proposed findings of fact are supported by un rebutted competent substantial evidence.

FPL exceptions 14, 15, and 16 are granted for the reasons stated above at page 9. SFWMD exception 8 is also granted.

FPL exceptions 17 is granted. The finding of fact criticized is not supported by competent substantial evidence.

FPL exceptions 18 is rejected. The challenged finding is supported by some evidence.

FPL exceptions 19-21 are granted for the reasons stated above at pages 7-8, as are DER exceptions 1 and 2.

FPL exceptions 13, 22, and 23 are granted. The cost of substation relocation is proper for consideration in assessing the cost differential between the applicant's preferred corridor and an alternate corridor. Likewise, the Board supports FPL's utilization of community resources as part of its corridor selection process, and the criticized findings of fact relative to FPL's corridor selection are not wholly accurate in their characterization of FPL's efforts in this regard.

FPL exceptions 49 is rejected for the reasons stated above at pages 11-12.

FPL exceptions 24 and 30 are granted. The record amply supports FPL's intention to use existing access roads and to build structure pads only when new roads are required to be constructed adjacent to turnpike/I-95 rights of way. Findings of Fact 26 and 97 must be deemed modified to reflect these undisputed facts.

FPL exception 26 is rejected as immaterial, as is DER exception 6. While these exceptions accurately characterize the law, the exceptions are directed at a conclusion of law which has been rejected in this final order.

FPL exception 28 is granted for the reasons stated at page 3 above, as is exception 5 of DER. Likewise, FPL exception 29 is granted for the reasons stated at page 8.

SFWMD exceptions 1, and FPL's exception 48 are granted. The rejected proposed findings of fact are supported by unrebutted competent substantial evidence.

SFWMD exceptions 2, 3, 4, 5, 6, 7, and 9 are rejected. The criticized findings address issues on which there was contrary evidence and the Board declines to substitute its judgment for that of the hearing officer on the credibility of witnesses.

FPL exception 27 and DER exception 4 are granted for the reasons set forth in FPL's exception. The record shows that the now-withdrawn Martin Downs and Sands proposals were filed during a time period when only alternates to alternate corridors were allowed to be filed. Neither the Sands nor Martin Downs proposals were alternates to the PGA/Old Marsh alternate

proposals, because the Sands/Martin Downs routes were in Martin County, while PGA/Old Marsh proposals were limited to Palm Beach County.

Finally, FPL exception 25 is granted. The criticized finding of fact is contrary to unrebutted competent substantial evidence in the record. Accordingly, the exception is granted.

ORDER

Based on the foregoing discussion, the Board ORDERS that

1. The findings of fact contained in Exhibit 1 are adopted, with the exception of those findings specifically identified above as rejected.
2. The conclusions of law contained in Exhibit 1 are rejected, except as specifically adopted above.
3. The timely exceptions to Exhibit 1 submitted by various parties are disposed of in accordance with the "Rulings on Exceptions" set forth above.
4. The record for appeal in this case is corrected to include proffered and rejected FPL Exhibits 5A through 5E and 37 through 40. FPL's Motion dated July 25, 1989, is GRANTED.
5. Florida Power and Light Company Crane-Bridge-Plumosus Transmission Line Corridor Certification Application TA 88-06, as modified by alternate corridor 2A, is APPROVED, subject to the Conditions of Certification set forth below and in Attachments A and B to the recommended order. FPL shall seek any necessary interest in State lands prior to engaging in any activity on or affecting that land pursuant to Section 403.531(3), Florida Statutes.

6. The Certification of the Crane-Bridge-Plumosos Transmission line is subject to the additional condition:

Narrowing of the certified corridor:

(1) Adjacent to the Caloosa subdivision, to the area south of the existing railroad tracks within the SCL (CSX) railroad right-of-way or south of the SCL (CSX) railroad right-of-way;

(2) Adjacent to the Palm Beach Country Estates subdivision, to the area south of the centerline of Donald Ross Road.

Done and Ordered this 8th day of August, 1989, in Tallahassee, Florida, pursuant to the vote of the Governor and Cabinet, sitting as the Siting Board, at a duly noticed and constituted Cabinet meeting on August 8, 1989.

FOR THE GOVERNOR and
CABINET SITTING AS
THE SITING BOARD

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

[Signature] Clerk 2789 Date

By:

[Signature]
The Honorable Bob Martinez,
Governor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing PROPOSED FINAL ORDER has been furnished by U.S. Mail to the parties on the attached list, on this 7th day of September, 1989.


Richard T. Donelan, Jr.
Assistant General Counsel

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June 30, 1989

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Re: Florida Power & Light Company Crane-Bridge-Plumosus
Transmission Line Corridor Certification Application,
TA88-06
DOAH Case No. 88-3534

Dear Members of the Siting Board:

Enclosed is my Recommended Order in the referenced proceeding. I am forwarding the 18-volume transcript of the certification hearing and the exhibits to Patty Woodworth, Planning and Budgeting, Executive Office of the Governor, The Capitol, PL-05, Tallahassee, Florida.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:	)	
	)	
FLORIDA POWER & LIGHT COMPANY	)	
CRANE-BRIDGE-PLUMOSUS	)	
TRANSMISSION LINE CORRIDOR	)	CASE NO. 88-3534
CERTIFICATION APPLICATION,	)	
TA88-06	)	

RECOMMENDED ORDER

Pursuant to Notice, this cause was heard by Linda M. Rigot, the assigned Hearing Officer of the Division of Administrative Hearings, on April 3-6, 1989, in Riviera Beach, Florida, and on April 7 and 10-13, 1989, in Stuart, Florida.

APPEARANCES

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PRELIMINARY STATEMENT

This proceeding has been conducted pursuant to the Transmission Line Siting Act, Sections 403.52-403.536, Florida Statutes. Florida Power & Light Company seeks approval of a corridor in which it proposes to locate its Crane-Bridge-Plumosos 230 kV transmission line, and two other parties to this proceeding have proposed alternate corridors to a segment of the corridor proposed by Florida Power & Light Company. Accordingly, the issues for determination herein are as follows:

(1) Whether the corridor proposed by Florida Power & Light Company should be approved, in whole, or with appropriate modifications and conditions;

(2) Whether the alternate corridors known as PGA/OM 2A and 2B should be approved, in whole, or with appropriate modifications and conditions; and

(3) If more than one corridor is appropriate for certification, which of those corridors has the least adverse impact, including costs.

Florida Power & Light Company presented the testimony of Analee Moore, accepted as an expert in land use planning; John Mark Bowers, accepted as an expert in land use planning with an emphasis in landscape architecture; David Hayes, accepted as an expert in transmission line engineering and cost estimation relating to transmission line construction and maintenance; Frederic Michael Dietrich, accepted as an expert in electrical engineering as it relates to transmission lines; Warren Pandorf, accepted as an expert in water quality and hydrology; Charles Duane West, accepted as an expert in transmission line right-of-way acquisition costs; Jerry Gray, accepted as an expert in forecasting and siting of distribution substations; Anthony Nicholas Arcuri, accepted as an expert in botany and vegetation mapping; Jochen H. Wiese, accepted as an expert in wildlife ecology; E. Larry Sewell, accepted as an expert in real estate appraisals; and Michael Smiles, accepted as an expert in transmission line burial costs. Additionally, Florida Power & Light Company's Exhibits numbered 1, 3, 4, 6A, 6B, 7A, 8-15, 17A-I, 18A-H, 19, 20, 22A-GG, 23A-E, 24, 30, 35, and 36 were admitted in evidence.

The Department of Environmental Regulation presented the testimony of Larry O'Donnell, accepted as an expert in wetlands ecology. Additionally, the Department of Environmental Regulation's Exhibits numbered 1 and 2 were admitted in evidence.

The South Florida Water Management District presented the testimony of Charles Allen Padera, accepted as an expert in freshwater systems ecology. Additionally, South Florida Water Management District's Exhibits numbered 1 and 2 were admitted in evidence.

Palm Beach County presented the testimony of Roxanne Manning, accepted as an expert in land use planning. Additionally, Palm Beach County's Exhibits numbered 1-3 were admitted in evidence.

Martin County presented no witnesses. However, the deposition of Harry W. King, the planning administrator for Martin County, was admitted in evidence as Martin County's Exhibit numbered 1.

PGA Property Owners Association, Inc., and Old Marsh Partners, Old Marsh Golf Club, Inc., and Old Marsh Homeowners Association, Inc., jointly presented the testimony of Michael Grella, accepted as an expert in land use planning; Steven L. Tendrich, accepted as an expert in real estate development and land sales; James B. Lee, accepted as an expert in wetlands ecology and habitat; Frank Alonso, accepted as an expert in electrical engineering, electric transmission line engineering, and substation engineering; John L. Orr, Jr., the City Manager of Palm Beach Gardens; Michael Robert Slade, accepted as an expert in real property valuation; Peter L. Pimental, accepted as an expert in land use planning; and Howard L. Searcy, accepted as an expert in water management facilities, hydrology, and environmental permitting. Additionally, PGA/Old Marsh Joint

Exhibits numbered 4, 7-9, 13, 18, 18A, 19, 22, 38A and 38B were admitted in evidence.

Old Marsh further presented the testimony of Robert B. Whitley, the developer of the Old Marsh subdivision, and certain additional testimony of Peter L. Pimental and Howard L. Searcy. Additionally, Old Marsh Exhibits numbered 1-11 were admitted in evidence.

Two public hearings were conducted during the certification final hearing, one in Riviera Beach and one in Stuart. The following persons testified during the public hearings: Brian Patchen, Gail Fansler, Joy Miltenberger, A. Norman Racine, Mike Strivelli, Jeffrey Frank, Leo Fansler, Bob DeSilva, Joe Russo, Jean Kartalides, Roger Mascali, Dick Moore, Phillip Elmore, Marsha Weiner, Steve Bates, Joe Natiello, Diane Sharone, M. Beechler, Bob Wilson, Nancy Wilson, W.C. Marlow, E. Bruce King, David Rewak, Bill Worden, Allan Zullo, Sharon Hasty, Sally Datolli, Jeff Marcus, Irv Lapsker, Lynne Bundick, Laura Pace, Ann McEver, Bill Gilbert, Robert A. Berman, Laurie Dunham, Joe Pollak, John Jeff, Amy Gerlach, John Baker, Gail Klein, Harvey Klein, Gene Reiff, Ann Marie Villaldo, Louis Mark, John Gray, Michael Danchuk, Ken Link, Edward Bowdler, John Hauser, Shirley Rudolph, Margaret Hutcheson, Doug Weeks, Jim Bundick, James Leach, Bob Holstein, Ray Stirn, Chuck Voboril, Chris Giordano, Evelyn Panarese, Linda Voboril, Annabelle Leach, Mitchell Berkowitz, Jerry Grant, Enaz Baker, Charles Baker, Richard Brown and Diane Brown. Additionally, Public Exhibits numbered 1 and 2 were admitted in evidence.

Prior to the certification hearing phase of this proceeding, a number of agencies and local governments which reviewed the proposed corridors filed notices of intent to be parties in this cause, and the Donald Ross Landowners Association, Inc., and Box Ranch Management Corporation, inter alia, were granted party status as intervenors. By the date of the final hearing, several of those agencies and local governments indicated informally that they did not wish to participate as parties. At the commencement of the final hearing, the Department of Community Affairs, the Treasure Coast Regional Planning Council, the Florida Game and Fresh Water Fish Commission, the Town of Jupiter, and the City of Palm Beach Gardens were dismissed as parties due to their non-appearance for the certification hearing. (The Palm Beach Gardens City Manager appeared as a witness, instead of continuing as a party.) The Donald Ross Landowners Association, Inc., through its qualified representative, indicated its unwillingness to participate as a party and was dismissed. At the conclusion of the hearing, the Box Ranch Management Corporation was dismissed for failure to present any evidence as to its standing to participate and for its non-participation in the hearing. To date, none of the parties dismissed has objected to its dismissal or requested that the ruling be vacated. It is, therefore, recommended that the Final Order entered in this cause adopt the dismissal of those parties during the course of the certification hearing. Those parties listed above in the Appearances section of this Recommended Order are the only parties who actually participated in this proceeding.

The 18-volume transcript of proceedings was filed with the Division of Administrative Hearings on May 12, 1989. By stipulation of the parties, proposed recommended orders containing proposed findings of fact were filed with the Division on or before May 26, 1989. A ruling on each proposed finding of fact can be found in the Appendix to this Recommended Order.

FINDINGS OF FACT

A. Procedural Matters

1. The Public Service Commission issued its Order Approving Electrical Transmission Line on October 30, 1987, determining the need for the Crane-Bridge-Plumosos 230 kV transmission line to provide additional service load capacity and maintain system reliability.

2. Florida Power & Light Company (hereinafter "FPL") filed with the Department of Environmental Regulation (hereinafter "DER") its Application for Corridor Certification of the Crane-Bridge-Plumosos 230 kV transmission line corridor on July 14, 1988. That Application was deemed by DER to be complete but insufficient, and FPL's Sufficiency Response was filed on September 16, 1988. The certification hearing was originally scheduled to commence on February 6, 1989.

3. PGA Property Owners' Association, Inc. (hereinafter "PGA") timely filed alterate corridors on December 13, 1988. Old Marsh Partners, Old Marsh Golf Club, Inc., and Old Marsh Homeowners Association, Inc., (hereinafter "Old Marsh" or "OM") timely filed alternate corridors on December 15, 1988. Several of the alternates filed by PGA were accepted by FPL on December

20, 1988. Several of the alternates filed by Old Marsh were accepted by FPL on January 5, 1989. FPL did not respond to several of the alternates proposed by PGA and Old Marsh (the burial alternates) because FPL considered these proposed alternates to be design modifications to FPL's corridor, a factual proposition that was accepted by this Hearing Officer prior to the final hearing in this cause but which was disproven during the evidentiary hearing. One of Old Marsh's alternates was rejected by FPL.

4. The certification hearing was rescheduled to commence on April 3, 1989, due to the timely filing of alternate corridors and the acceptance of some of them.

5. George H. Sands, Jeffrey H. Sands, George H. Sands and Jeffrey H. Sands d/b/a Princeton Arms (hereinafter "Sands") and Southern Land Group, Martin Downs Country Club, Inc., and Martin Downs Property Owners Association, Inc., (hereinafter "Martin Downs") timely filed alternate corridors on February 9, 1989. Two of those alternates were rejected by FPL, and FPL did not respond to one of those alternates because it considered that alternate to be within the FPL proposed corridor.

6. By the time of the final hearing in this cause, alternate corridors proper for consideration were reduced to Alternate Corridors 2A and 2B filed by PGA and jointly proposed by PGA and Old Marsh (hereinafter "Alternate corridor" unless otherwise described). During the final hearing, settlement agreements between Sands and FPL and between Martin Downs and FPL resulted in Sands and Martin Downs voluntarily dismissing their

petitions to intervene in this proceeding and voluntarily withdrawing their proposed alternate corridors in exchange for FPL agreeing to a number of additional conditions of certification for portions of FPL's proposed corridor to be located in Martin County. Those additional conditions for certification of the Martin County segment of the Crane-Bridge-Plumosus corridor are set forth in Attachment A to this Recommended Order.

7. Prior to the final hearing, all parties entered into a Prehearing Stipulation which included Attachment D. Attachment D set forth the minimum conditions for certification, which conditions were agreed to by FPL, and which conditions will apply no matter which corridor is certified. Those conditions are set forth in Attachment B to this Recommended Order.

8. All statutory notices regarding the filing of FPL's Application, the filing of the PGA/OM Alternate corridors 2A and 2B, and the scheduling and rescheduling of the certification hearing were properly published, and all statutory notifications were properly accomplished.

B. Description of the FPL Proposed Corridor

9. Essentially, the Crane-Bridge-Plumosus 230 kV transmission line corridor would run from the existing site of the proposed Crane Substation in the immediate vicinity of the Martin Downs community near Stuart, Martin County, Florida, to the existing Plumosus Substation near Jupiter, Palm Beach County, Florida. The total length of the proposed FPL corridor is approximately 40 miles. The FPL proposed corridor is of variable width, ranging from approximately 300 feet to 1 mile wide.

10. Crane-Mapp: The FPL proposed corridor begins at the site for the Crane Substation in Martin County and runs south to the proposed Mapp Substation siting area paralleling the Florida Turnpike so that a right-of-way could be located on either side of the Turnpike.

11. Mapp-Hanson: From the proposed Mapp Substation siting area, the FPL proposed corridor continues to proceed south straddling the Florida Turnpike until it reaches the junction of I-95 and the Turnpike. From that point the proposed corridor runs southeast away from the Florida Turnpike and parallel with I-95 on the east side to the proposed Hanson Substation siting area.

12. Hanson-Bridge: At a point approximately 1 mile south of the State Road 76 interchange with I-95 at the proposed Hanson Substation siting area, the FPL corridor turns west and crosses both I-95 and the Florida Turnpike until it reaches County Road 711. The proposed corridor then proceeds south along County Road 711 for a distance of 13 miles, crossing County Road 708, County Road 706 and the C-18 Canal. As the proposed corridor begins proceeding south straddling County Road 711, it reaches the proposed Bridge Substation siting area and continues south, narrowing at one point to exclude the actual residential structures in the Foxwood development but not excluding the properties owned by the residents of that subdivision. At the proposed Bridge Substation siting area, the corridor widens to allow flexibility in connecting the proposed transmission line to an existing 230 kV transmission line.

13. Bridge-Moroso-Alexander: From the proposed Bridge Substation siting area, the FPL proposed corridor continues to parallel County Road 711 south through the proposed Moroso Substation siting area to the intersection of State Road 710 where it connects to the proposed Alexander Substation siting area.

14. Alexander-Steeplechase: At the intersection of County Road 711 and State Road 710 which is also known as the Beeline Highway, in the vicinity of the proposed Alexander Substation siting area, the FPL proposed corridor turns southeast and straddles State Road 710 until the Beeline Highway intersects with PGA Boulevard at the proposed Steeplechase Substation siting area. Along the Beeline Highway, the corridor narrows to exclude the residences in the Caloosa residential development but does not exclude the properties on which those residences are located.

15. Steeplechase-Ryder: At the intersection of the Beeline Highway and PGA Boulevard, the FPL proposed corridor turns east on PGA Boulevard crossing the C-18 Canal a second time and crossing the Loxahatchee Slough. At the point where FPL's proposed corridor crosses the C-18 Canal along PGA Boulevard in Palm Beach County, the proposed corridor would be approximately 1,000 feet wide. At a point just east of the C-18 Canal, FPL's proposed corridor narrows somewhat on the south side of PGA Boulevard to exclude the residential structures in the PGA National community from the corridor. Nevertheless, the corridor width would still encompass both the north and south sides of PGA Boulevard, and on the south side it would extend through the

individual backyards and actually abut the homes of the PGA National residents. FPL's corridor continues to proceed easterly on both sides of PGA Boulevard to a point where Ryder Cup Boulevard intersects the south side of PGA Boulevard. At that intersection, the corridor is widened and turns to the north to accommodate the proposed Ryder Substation location. FPL's proposed Ryder Substation siting area is located in the area adjacent to and north of the intersection of PGA Boulevard and Ryder Cup Boulevard.

16. Ryder-Bonnette: The FPL proposed corridor continues north through the proposed Ryder Substation siting area following a dirt road past a sewage treatment plant. As it proceeds north of Hood Road along the proposed Jog Road extension, it narrows as it passes between the Old Marsh and Eastpointe residential developments. Despite the narrowing of the corridor at this point, homesites, storm water management facilities, and portions of golf courses in both of those developments are encompassed by the proposed corridor. As the corridor passes the northern boundary of Old Marsh, it again widens and continues to proceed north encompassing wetland areas, until it reaches the current western termination point of Donald Ross Road. The Bonnette Substation is proposed by FPL to be located in this area.

17. Bonnette-Plumosus: From the proposed Bonnette Substation siting area, the FPL proposed corridor turns east and follows Donald Ross Road for approximately 2 miles, running along the Palm Beach Country Estates subdivision on the north side of

Donald Ross Road and the northern edge of the Eastpointe subdivision along the south side of Donald Ross Road. Once again, the corridor narrows on the Donald Ross Road segment to exclude the actual residential structures in the Eastpointe and Palm Beach Country Estates developments but does not exclude the properties on which those residences are located. The corridor continues to run east along Donald Ross Road until it crosses the Florida Turnpike and I-95, turning north just west of the Donald Ross Road and Central Boulevard intersection. The FPL proposed corridor then runs north paralleling an existing 138 kV transmission line for a distance of 2 miles to the existing Plumosus Substation.

18. Except for a small segment of the FPL proposed corridor located at the proposed Hanson Substation siting area in Martin County, the corridor includes the lands on both sides of the roadways it follows in order to provide flexibility to FPL in designing and constructing its proposed transmission line. The width of FPL's proposed corridor -- up to 1 mile wide -- serves the same purpose of allowing flexibility to FPL in locating a right-of-way for its transmission line facility. No specific right-of-way within the proposed corridor is contemplated at this time, and the eventual right-of-way is not the subject of this proceeding; rather, FPL can locate a right-of-way anywhere within a corridor which is certified.

C. Description of the PGA/OM Alternate Corridor

19. The PGA/OM Alternate corridor differs from one 4-mile segment of the FPL proposed corridor by commencing north

from PGA Boulevard at a point just after the FPL proposed corridor crosses the C-18 Canal for the second time. The Alternate corridor follows an existing unnamed canal for 1 mile, then parallels Sections 33 and 28 for 2 miles. Alternates 2A and 2B are coextensive with each other up to the point at which the Alternate corridor is due west of Donald Ross Road. At that point, Alternate 2A turns east at the northwest corner of Section 28 and continues easterly to reconnect with the FPL proposed corridor in the vicinity of the Bonnette Substation. Alternate 2B continues north, rather than east, at the northwest corner of Section 28 for approximately 3/4 of a mile along the west boundary of Section 21. At that point, Alternate 2B turns southeasterly following a proposed future alignment of the Donald Ross Road extension to reconnect with the FPL proposed corridor in the vicinity of the Bonnette Substation.

20. In conjunction with the PGA/OM Alternate corridor, FPL's proposed site for the Ryder Substation would be relocated approximately 1 mile to the west so that the Ryder Substation would be located just east of the PGA/OM Alternate corridor and north of PGA Boulevard.

D. Description of the Transmission Line

21. The transmission line which FPL proposes to construct within its proposed corridor would be an overhead line using a single-circuit, single-pole concrete structure. The concrete poles would average 80 feet in height, but may be as tall as 100 feet. The concrete pole is 2 feet wide at its base. The wires that transmit electricity, called conductors, are

connected to insulators which are attached to the concrete pole structures. Three conductors will be used for this proposed transmission line. The single concrete pole structures will have one of two types of configurations: vertical or triangular (delta). In a vertical configuration, all three of the conductors are located on one side of the concrete pole structure, and in the triangular configuration, two conductors are located on one side of the concrete pole structure, and one conductor is located on the opposite side. A ground wire is located at the top of the concrete pole structure and acts to protect the conductors from lightning strikes.

22. The right-of-way required for the proposed transmission line will vary from 15 feet to 50 feet, depending on whether a vertical or a triangular configuration is used and on whether the transmission line structure can be placed adjacent to an existing road that can be used for access to the transmission line. Additional right-of-way up to 140 feet in width may be required for guyed corner or side tension structures.

23. When an existing road or road right-of-way can be used for access, a 15 foot right-of-way adjacent to the road right-of-way can be used for the transmission line structures with a vertical configuration. If a triangular configuration is used adjacent to an existing road or road right-of-way that can be used for access, a 35 foot right-of-way would be required for this transmission line. Where new access roads will be required, a 35 foot right-of-way is required for the vertical configuration, and a 50 foot right-of-way is required for the triangular configuration.

24. FPL anticipates constructing approximately 12 miles of new access roads in its proposed corridor in areas that do not have existing roads or where adjacent roads cannot be used for access, such as adjacent to the Florida Turnpike and adjacent to I-95. If the PGA/OM Alternate corridor is certified, FPL anticipates requiring a 50-foot wide right-of-way along the entire length of the Alternate corridor due to the absence of existing roads (excluding unofficial roads created by persons using all-terrain recreational vehicles) and the use of triangular configured structures. Since the segment of the FPL proposed corridor from which the PGA/OM Alternate corridor deviates follows existing roadways which FPL anticipates using for access, FPL plans to use vertical structures with a smaller 15-foot right-of-way in that corridor segment.

25. Span lengths between structures will vary between 300 feet and 600 feet, with a minimum conductor-to-ground clearance of 24 feet. The span lengths depend upon specific right-of-way widths determined by FPL after corridor certification and on final line design also determined by FPL after corridor certification.

26. The transmission line poles may also be used for other utility attachments, such as distribution or communication lines. Access to the transmission line concrete poles must be provided for both construction and maintenance purposes. Any new access roads to be constructed will typically be unpaved and 14 feet in width. Finger roads connecting access roads to the pole location will typically be 30 feet in width. A structure pad for

location of trucks for maintenance purposes will be constructed at the location of each pole. The structure pads surrounding each concrete pole will typically be 30 feet by 40 feet.

E. Substations

27. Between the existing site for the proposed Crane Substation and the existing Plumosus Substation, the proposed transmission line will connect 8 proposed intermediate substations in Martin and Palm Beach Counties. Proposed intermediate substations in Martin County include the Mapp, Hanson, and Bridge Substations. The proposed Moroso Substation will be located in the vicinity of the Martin County and Palm Beach County line. Proposed intermediate substations in Palm Beach County include the Alexander, Steeplechase, Ryder, and Bonnette Substations. Most of the proposed substation siting areas are one square mile or 640 acres in size. However, Bridge is one-half mile square, Moroso is 5 miles square, and Alexander is 4 miles square.

28. Prior to filing its Application for Corridor Certification for the Crane-Bridge-Plumosus 230 kV transmission line, FPL enlisted the aid of an advisory committee composed of representatives from agencies and local governments and two home owners. At the time the advisory committee convened, the substation locations were already identified and the geographical areas already determined. The advisory panel did not provide input into the location or size of the substation areas. Rather, the advisory panel merely looked for a corridor which would connect the already-designated substation siting areas. It is

unclear how much input the advisory committee actually had into the corridor proposed by FPL in this proceeding.

29. Only the location proposed for the Ryder Substation is at issue in this proceeding, since it is proposed to be located along the segment of FPL's proposed corridor from which the PGA/OM Alternate corridor deviates. If the PGA/OM Alternate corridor is certified, the proposed Ryder Substation siting area would be moved approximately 1 mile west of the Ryder Substation location proposed by FPL. Locating the Ryder Substation adjacent to the Alternate corridor on the east side of that corridor is appropriate from a land use perspective and will not materially affect the efficiency and reliability of electrical service to the area to be served by that substation. The actual difference in service reliability of the Ryder Substation if located adjacent to the Alternate corridor on the west side of the Alternate corridor would be an increase of 0.3 service interruptions per year, or one additional service interruption every 3 to 4 years. The difference in service reliability if the Ryder substation were located adjacent to the Alternate corridor on the east side of the Alternate corridor would be even less. Therefore, essentially the same service reliability would result.

F. Engineering and Design

30. The construction techniques for the proposed transmission line set forth in FPL's Application are standard construction techniques in the industry.

31. The proposed Crane-Bridge-Plumosus transmission line will be designed for two types of load: structural and electrical. The structural load of the proposed transmission line will be designed to hold the weights of the poles, insulators, and conductors in a sustained wind of 115 mph. The electrical load for the proposed transmission line will be designed to carry 230 kilovolts with a conductor capacity of 647 megavolt amperes (MVA). Under normal operation, the proposed transmission line will carry between 250 and 350 MVA.

32. The design and construction of the proposed transmission line will comply with all applicable codes and standards including the National Electrical Safety Code, the American Society of Testing Materials, the American National Standards Institute, the American Concrete Institute, the Southern Building Code, and the Florida Department of Transportation Utility Accommodation Guide.

33. Transmission lines can be constructed adjacent to or within road rights-of-way, with the road drainage facility or swale between the road and the concrete pole. The maintenance finger road to access the pole structure is culverted where that road crosses the drainage facility or swale.

34. The transmission line can be constructed, from an engineering perspective, within the right-of-way east of Old Marsh. FPL has constructed transmission lines within road rights-of-way for other transmission line projects. FPL has entered into agreements with local governments for other projects to share road right-of-way. From an engineering perspective, the

transmission line can be constructed to span Impoundment 2BE (discussed hereinafter), if necessary.

35. From an engineering perspective, the design and siting of the transmission line within the FPL proposed corridor would be more flexible if located on the north side of PGA Boulevard near PGA National.

36. From an engineering perspective, the design and siting of the transmission line within the FPL proposed corridor would be more flexible if located south of the Beeline Highway near the Caloosa Development.

37. From an engineering perspective, the design and siting of the transmission line within the FPL proposed corridor between the Old Marsh and Eastpointe developments offers limited flexibility.

38. From an engineering perspective, the design and siting of the transmission line within the Alternate Corridor is preferable because line siting flexibility is increased.

39. From an engineering perspective, location of the Ryder Substation adjacent to the Alternate corridor or in the location proposed by FPL is appropriate.

G. Impacts to the Environment

(1) Wetlands

40. Both the FPL corridor and the Alternate corridor may impact wetlands within the jurisdiction of DER, the South Florida Water Management District, and the United States Army Corps of Engineers. DER has not formally identified jurisdictional wetlands within the FPL corridor or within the

Alternate corridor. The South Florida Water Management District and the United States Army Corps of Engineers have expressed jurisdiction over certain wetlands within the FPL corridor and within the Alternate corridor.

41. The actual extent of wetlands impacted is unknown and will ultimately be determined at the time of actual line siting within the certified corridor. Section 3.2 of the FPL Application states that FPL will provide detailed information on dredging or filling (locations and volumes) to DER after a corridor is certified, when the right-of-way is determined and engineering is completed.

42. Mitigation for wetland impacts will be required at the time of line construction. Attachment D to the Prehearing Stipulation sets forth specific mitigation criteria as conditions of corridor certification acceptable to DER and the South Florida Water Management District for wetland impacts. Implementation of those mitigation conditions will not result in any conflicts or problems with the mitigation practices and policies of the Corps of Engineers, DER, or the South Florida Water Management District.

43. The jurisdictional determination evidenced in PGA/OM Joint Exhibit 18A, though not a "binding jurisdictional" pursuant to DER rules, is an accurate representation of the DER jurisdictional areas in the proximity of the Loxahatchee Slough and the Alternate corridor. That jurisdictional drawing was participated in by DER personnel. That informal jurisdictional determination evidences minimal acreage of wetlands within the jurisdiction of DER within the Alternate corridor.

44. Along the FPL corridor route, numerous altered or disturbed wetland areas exist. Road construction, land clearing, and other human activities have altered the natural state of wetlands previously associated along the FPL proposed corridor.

45. The wetlands within the southern half of the Alternate corridor are altered or disturbed due to existing canals and ditches as well as dirt roads within and adjacent to the Alternate corridor.

46. Over time, due to the altered hydrology and transitional vegetation within and adjacent to the Alternate corridor, the acreage of wetlands impacted due to construction of a transmission line would approximate the acreage of wetlands impacted within the FPL corridor from the same transmission line construction.

47. Certain wetlands within the FPL corridor are comparable to the wetlands within the Alternate corridor in terms of hydrology, quality, and habitat.

48. The FPL corridor will cross 26 water bodies, all of which are classified as Class III, except for the C-18 Canal which is classified as Class I. The FPL corridor also crosses several isolated wetlands and the Loxahatchee Slough.

49. There will be no significant impact to water quality from the construction of the Crane-Bridge-Plumosus transmission line. Short-term turbidity caused by the removal of vegetation will be controlled through the use of erosion control practices, such as fabric fences and straw bales. Long-term water quality will be maintained by allowing the vegetation

around access roads and structure pads to re-establish. Any impacts to wetlands caused by the proposed transmission line can be mitigated consistent with regulatory agency mitigation criteria and the DER dredge and fill criteria.

(2) Wildlife

50. Species of plants or animals designated as endangered, threatened, or species of a special or regional concern by the Treasure Coast Regional Planning Council, the United States Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission, the Florida Department of Agriculture and Consumer Services, and/or the Florida Committee on Rare and Endangered Plants and Animals, and species based on literature surveys and agency consultations were researched for potential occurrence within the FPL and Alternate corridors. The species studied are listed in FPL's Application. None of the species were found to have breeding or viable populations in the FPL or Alternate corridors.

51. The presence or absence of specific plant species is primarily based upon suitable habitats. None of the corridors under consideration herein is expected to have any significant impact on important plant species.

52. Of the 48 vertebrate species identified as occurring or possibly occurring within the proposed corridors, most are characteristic of or restricted to coastal habitat or estuarine habitat. Therefore, presence of these species would be of a migratory nature. Because of the absence of these species, impact to such wildlife would be expected to be minimal. Since

the FPL corridor and the Alternate corridor include areas of disturbed habitat, the probability of occurrence for threatened and endangered species and other regionally significant species is diminished.

53. Wildlife observed actually within the Old Marsh community included the sandhill crane, a threatened species listed by the Florida Game and Fresh Water Fish Commission.

54. From a wildlife perspective, the FPL corridor and the Alternate corridor are appropriate locations for the construction of a 230 kV transmission line. The Prehearing Stipulation entered into by the parties requires the identification of endangered species prior to any clearing for the construction of the transmission line.

(3) Vegetation

55. Vegetation communities associated with the FPL corridor include hammock, wet prairie, grassland and rangeland, pine flatwoods, cypress, freshwater marsh, pinewood, pinewood prairie, forested old field and mixed hardwood swamp.

56. Vegetation communities associated with the Alternate corridor include tropical hammock, cabbage palm, wet prairie, cypress, pine wet prairie and pine flatwoods. The majority of vegetation within the Alternate corridor is pine wet prairie. The transmission line can be constructed to avoid the tropical hammock community.

57. The alteration of habitat and associated vegetation due to human activities and altered hydrology in both the FPL and the Alternate corridors has resulted in the

transition of vegetative communities including the introduction of exotic, nuisance plant species such as Melaleuca, Brazilian Pepper, and Australian Pine to those corridors.

58. If the hydrologic condition remains the same within and adjacent to the Alternate corridor, additional exotic, nuisance plants would invade the area.

59. Due to changes in the hydrologic condition east of the C-18 Canal and west of the Alternate corridor, a portion of the historic Loxahatchee Slough, exotic plants such as Melaleuca and Brazilian Pepper have invaded that area.

60. The eastern boundary of the Loxahatchee Slough, as identified through analysis of vegetation, is a north-south line approximately half-way between the eastern leg of the C-18 Canal and the western boundary of the Alternate corridor. The Alternate corridor is not located within the historic Loxahatchee Slough.

61. The implementation of the Loxahatchee River Basin Water Resources Plan (discussed hereinafter) would result in the creation of a littoral zone, Impoundment 2BE, not currently present within the geographical proximity of the Alternate corridor and would restore the historic hydroperiod of the Slough, limiting the introduction of additional exotic species to the area.

62. From a vegetative perspective, both the FPL corridor and the Alternate corridor are appropriate locations for the construction of the 230 kV transmission line. Construction of the Crane-Bridge-Plumosus transmission line in the FPL

corridor or in the Alternate corridor will produce a minimal impact to existing vegetation. In wetland areas, the vegetation root mat will be retained in the right-of-way areas not occupied by access roads or structure pads. Construction of the proposed transmission line in the FPL corridor or in the Alternate corridor will not destroy the vegetative communities, but will merely force the shift in the successional stages of those communities within the right-of-way.

(4) Hydrology

63. Due to human activities such as road construction and channelization, the hydrology associated with the FPL corridor is altered. Further, the Hood Road and Jupiter wellfields have contributed to altered hydrologic conditions in the proximity of the FPL corridor and the Alternate corridor near Old Marsh.

64. The construction of the C-18 Canal in the early 1950's contributed to the lowering of the water table and altered the natural hydrologic conditions, impacting the wetlands lying east of the C-18 Canal but west of the Alternate corridor. Drainage of the Slough is increased when compared to drainage patterns prior to canal construction. The altered hydrology rendered the former Loxahatchee Slough area, east of the C-18 Canal and west of the Alternate corridor, a seasonally flooded area.

65. In the area of the Alternate Corridor, the C-18 Canal has altered the natural hydrological regime, impacting the associated vegetation and habitat. Further, the area within the

southern half of the Alternate corridor is subject to persistent draining due to the location of an unnamed canal and other ditches within and adjacent to the Alternate corridor.

66. The area within the Alternate corridor immediately north of Old Marsh is subject to minimum channelization. Adjacent developments and the Hood Road and Jupiter wellfields have lowered the water table, altering natural hydrologic conditions.

67. In the geographical area immediately south of Old Marsh, both within and adjacent to the FPL corridor and the Alternate corridor, a series of connected channels have had a drastic impact on the wetlands and hydrology of that area. This channelization has resulted in the general lowering of the water table, altering natural hydrologic conditions.

68. Attachment D to the Prehearing Stipulation includes conditions for certification regarding culverts and construction techniques to maintain historical drainage patterns along the eventual transmission line right-of-way.

69. Construction of the transmission line along PGA Boulevard through the Loxahatchee Slough will not significantly impact water quality or water resource hydrology.

70. From a water quality and hydrologic perspective, the FPL corridor and the Alternate corridor are appropriate locations for the construction of the transmission line. Construction techniques used will maintain water flows, existing drainage patterns, and hydroperiods. Impacts to wetland storage volumes will be minimized through removal of vegetation within

the wetlands and installation of culverts. Installed culverts will be designed to accommodate the design storm of applicable agency design criteria.

(5) Loxahatchee River Basin Water Resources Plan

71. The Loxahatchee River Basin Water Resources Plan (hereinafter "Plan") is a regional plan extending from southern Martin County into the northeastern part of Palm Beach County. The Plan's purpose is to capture surplus water during the rainy season or during an extremely rainy year, store the water in reservoirs, and deliver that water when necessary during times of drought. Additionally, the Plan would increase the hydroperiod in the Loxahatchee Slough, offsetting the adverse impacts of C-18 Canal construction. The Plan would result in releases of water into the historic Northwest Fork of the Loxahatchee River. The Plan would also augment recharge of two impacted municipal wellfields, the Hood Road wellfield and the Jupiter wellfield.

72. The Northern Palm Beach County Water Control District is proposing the Plan and will seek regulatory approval for the Plan. By the time of the Final Hearing in this cause, the Plan had been informally discussed and reviewed by all regulatory agencies involved. The public hearings held thus far on the Plan by the Northern Palm Beach County Water Control District had brought forth no objections to the Plan. Although the Plan had not been filed with the South Florida Water Management District at the time of the Final Hearing in this cause and formal application for approval had not yet been made, it was anticipated that the Plan and applications for approval

would be filed with the regulatory agencies involved around June 1, 1989.

73. The Plan calls for reservoirs to be constructed on both sides of the C-18 Canal. The location of one of those reservoirs, Impoundment 2BE, may be partially within the Alternate corridor. Impoundment 2BE borders the eastern edge of the traditional Loxahatchee Slough. That reservoir, starting at PGA Boulevard, as currently designed, would occupy an area immediately to the east of the Alternate corridor, extending northerly along the eastern side of that corridor, crossing the corridor at the reservoir's narrowest point, then continuing parallel to the west side of the Alternate corridor into the northern portion of the Alternate corridor area. Impoundment 2BE is adjacent to, but will not be located within, the Loxahatchee Slough.

74. Implementation of the Plan would not result in additional standing water within the Alternate corridor altering existing impacted wetlands. Hydrology of the Alternate corridor would be minimally impacted by the Plan due to the impoundment of the natural west to east water sheet flow.

75. The location of Impoundment 2BE is subject to minimal change during the permitting review and approval process due to the nature of valuable wetlands to the west of the proposed location of the Impoundment, the location of existing and planned development to the east of the proposed location, and because the planned location maximizes the environmental benefits of Impoundment 2BE to recharge the Loxahatchee Slough.

76. The impact of the reservoir on the wetland area incorporated as part of the proposed Bonnette Substation site is minimal because the reservoir water levels are not high enough to effectuate sufficient seepage nor will there be releases of surface water into that area.

77. Direct releases from the Impoundment will be only through existing channels. The direct release channels are the south canal of the South Indian River Water Control District, north of the Alternate corridor, and the east channel from the Impoundment along the south boundary of Old Marsh into the Eastpointe development. These two channels are the only two areas for direct releases of surface water.

78. Impoundment 2BE will include an 8-foot berm constructed around its perimeter. The Plan includes a 16-foot wide road atop the impoundment berm to maintain berm side slopes. It is anticipated that the water level in the reservoir will average 3 feet above natural grade, and it is not expected to be higher than 4 feet.

79. To avoid seepage impacts, the Plan includes construction of toe drains to capture seepage and deliver that seepage to a pump system, returning the seepage to the reservoir. The Plan includes an access road surrounding the toe drains which surround the berm to access and maintain the toe drains. The access road next to the toe drains will be approximately 10-15 feet wide.

80. FPL and the Northern Palm Beach County Water Control District have shared maintenance access roads in other

locations. A conflict would not exist between FPL and the Water Control District in sharing the Impoundment 2BE access road.

81. The South Florida Water Management District, through the Loxahatchee River and Slough Restoration Program (hereinafter "Program"), intends to restore the historic hydrologic condition of the Loxahatchee Slough. The Program and the Plan are compatible and complementary water resource plans. Conflicts would not result due to the implementation of the Plan and the Program.

82. Implementation of the Plan and construction of the 230 kV transmission line would not conflict from an engineering perspective. Impoundment 2BE and the line can be constructed sharing access roads, and conflicts would not result in maintaining the reservoir and the transmission line.

83. If the Plan is implemented as proposed, much of the wetlands in the vicinity of the Alternate corridor would be significantly impacted, if not completely obliterated. Thus, the possible wetland impacts which might occur as a result of construction of the transmission line through the Alternate corridor would be minimized, or would already have occurred, if the proposed reservoir is constructed.

84. In the event the reservoir is constructed as currently envisioned, construction of the transmission line through the Alternate corridor would have to span the reservoir at its narrowest point where it crosses the Alternate corridor. The reservoir is anticipated to be 400 feet wide at its narrowest point, and the normal span length for an FPL transmission line

varies between 300 and 600 feet. Accordingly, spanning the reservoir does not pose a significant engineering problem, and the two projects could be constructed in a compatible manner.

H. Impacts To The Public

(1) Land Use:

85. The FPL corridor originates just south of the Martin Downs development and is adjacent to, incorporates, or is in the proximity of industrial parks, low and medium density residential development, a communications tower, borrow pits, the St. Lucie Canal, vacant and undeveloped land, trailer parks, agricultural land, the Foxwood subdivision, the Pratt-Whitney industrial complex, Palm Beach Park of Commerce, service stations, the Caloosa subdivision, a platted undeveloped subdivision, the C-18 Canal, the proposed North Palm Beach County General Aviation Airport, the Loxahatchee Slough, PGA National subdivision, the Seacoast Utility sewage treatment plant, a plant nursery, Old Marsh and Eastpointe residential developments, Palm Beach Country Estates, North Palm Beach Heights, and the Hampton residential development.

86. The FPL corridor is aligned immediately adjacent to the edges of homes in the PGA development and includes the backyards and setbacks of those homes.

87. The FPL corridor includes several golf course holes, buildings, and critical water management facilities within the Old Marsh development.

88. The Alternate corridor from south to north beginning at PGA Boulevard, is adjacent to, or in the proximity

of, an unnamed canal, undeveloped but disturbed land, the west boundary of Old Marsh, and more undeveloped, partially disturbed land.

89. Numerous changes in the extent and type of development, whether commercial, industrial, or residential, occurred between the filing of the FPL Application in July, 1988, and subsequent land use review by FPL personnel conducted immediately prior to the Final Hearing in April, 1989.

90. The Florida Department of State, Division of Historical Resources, did not find any archaeological or historical sites recorded within the FPL or the Alternate corridors.

91. The City of Palm Beach Gardens has annexed the geographical area bordered by PGA Boulevard, the proposed Jog Road extension, the south boundary of Old Marsh, and the Alternate corridor.

92. The City of Palm Beach Gardens plans to annex the Old Marsh, Eastpointe, and, possibly, the Caloosa developments. The City of Palm Beach Gardens plans to annex the area bordered by the proposed Donald Ross Road extension, west to the Beeline Highway, south to the section line just south of PGA Boulevard, and east to PGA National.

93. The Palm Beach Gardens land use plan for the areas north and south of Old Marsh between the Alternate and FPL corridors is low density residential development. The Palm Beach Gardens land use plan for the area north of PGA Boulevard, south of the Eastpointe development, and east of the FPL corridor is low density residential development.

94. The FPL corridor, north from Ryder Cup Boulevard where that Boulevard intersects PGA Boulevard, would bisect planned low density residential communities.

95. Associated with the sewage treatment facility adjacent to the FPL corridor, north of Ryder Cup Boulevard along the existing dirt road, is a planned golf course to buffer developing residential areas from the sewage treatment plant and to effectuate the use of spray water irrigation to comply with DER's water reuse rule.

96. The proposed Jog Road extension, as depicted on the draft of the Palm Beach County Thoroughfare Plan, is subject to possible relocation and realignment due to environmental concerns, absence of reserved right-of-way, and the history of the road as previously depicted within PGA National.

97. The FPL corridor provides numerous opportunities for paralleling other linear facilities within the corridor. Linear facilities within that corridor include the Florida Turnpike, I-95, County Road 711, State Road 710 (the Beeline Highway), PGA Boulevard, the sewage treatment plant access road, the proposed extension of Jog Road, Donald Ross Road, another transmission line, and numerous overhead distribution lines. Although FPL contends that the existing linear facilities also can be used as access roads to the transmission line structures thereby minimizing the amount of land required for the transmission line right-of-way, the accuracy of that position cannot be determined until an actual right-of-way is located and the transmission line is designed. For example, I-95 and the

Florida Turnpike are limited access roads, and FPL potentially would construct its own access road outside the rights-of-way of those highways. Similarly, FPL has a preference to not use Florida Department of Transportation road rights-of-way. Further, the location of the proposed Jog Road extension is yet to be determined. The wide corridor proposed by FPL to maintain maximum flexibility for siting the eventual transmission line right-of-way and for designing the actual transmission line would allow FPL to site the transmission line far enough in distance from the existing linear facilities so that the existing rights-of-way of those facilities need not be shared by FPL.

98. From a land use perspective, the narrower Alternate corridor also tracks linear facilities, conforming to existing and proposed land use patterns. The existing unnamed canal, the proposed Donald Ross Road extension, section lines, and the possible Impoundment 2BE and its maintenance road serve as such linear facilities. None of these linear facilities have restricted rights-of-way.

99. Land use patterns are more than conceptually developed in the area of the Alternate corridor. The section line serves as an edge of a clearly established land use pattern. The annexation plans and Comprehensive Plan of Palm Beach Gardens evidence future development plans.

100. From a land use perspective, it is appropriate to site a transmission line and allow developing residential areas to adjust and to mitigate impacts from that line. Development can build around a transmission line if the transmission line is placed in the landscape first.

101. From a land use perspective, the Alternate corridor is more appropriate than the FPL corridor for construction of a 230 kV transmission line due to its greater distance from existing and proposed residential areas, which reduces the potential for visual impacts, adverse health effects, and reduction in property values.

102. Old Marsh is a golf course community of 120 acres constructed in an area of pristine, natural prairie marsh wetlands. Two hundred and seventeen lots are platted within the Old Marsh development, with a maximum lot price of \$250,000. Heavy vegetation, including palm and pine trees, borders the western boundary of Old Marsh. A 25-foot vegetative buffer borders the eastern boundary of Old Marsh. Old Marsh expended significant sums of money to bury all electrical distribution lines within the community to maintain the visual aesthetics of that unique, environmentally-sensitive community and to avoid injury from overhead electrical lines that may occur during a hurricane or other storm.

103. The naturally occurring wetlands in the center and western part of the project were preserved. In the eastern part of the project, within the FPL proposed corridor, are located several golf course holes and water control facilities consisting of lakes and littoral zones.

104. A canal system, which serves to manage the water resources for stormwater and environmental purposes, flows throughout the development. The lakes and littoral zones within the proposed FPL corridor serve as part of the project mitigation

plan. The same facilities provide part of the storage volume retaining stormwater runoff, maintaining the project's water quality and reducing nutrient loading.

105. The Northern Palm Beach County Water Control District, through the establishment of Unit of Development No. 21, constructed, operates, and maintains the water control facilities for Old Marsh. The operation and maintenance are in accordance with approved federal, state, and local permits and a judicially-approved plan.

106. Securing permits for the Old Marsh project was extremely difficult because approximately one-third of the project land area was required to be preserved.

107. The portion of the Old Marsh project included within the FPL proposed corridor includes land subject to conservation easements in favor of DER and the Northern Palm Beach County Water Control District.

108. Transmission line construction within the FPL corridor through the Old Marsh property would severely impact the water control facilities and golf holes which are fully constructed. Old Marsh maximized the land area available such that relocating or reconfiguring the water management facilities or golf holes is not possible. Relocation or reduction in size of the water management facilities would destroy the function of the facilities.

109. PGA National is a resort community located in the City of Palm Beach Gardens which includes approximately 5,700 homesites, 4 golf courses, a hotel, a sports and recreation

complex, and commercial and light industrial areas. It is an "upscale" community. One of the amenities of PGA National is that electrical distribution lines within the community are buried. The lines were buried for two reasons: to maintain the visual aesthetics of the community and for safety reasons, to avoid injury from downed electrical lines during hurricanes and other storms. The cost of burial of the distribution lines throughout the community was in the hundreds of thousands of dollars, which was part of the overall development cost of the community.

110. The homes within PGA National along PGA Boulevard are traditional, single-family homes with permanent residents. The approximate cost of a home is \$300,000.

111. From a land use perspective, the north side of PGA Boulevard near PGA National would be a more appropriate location for a transmission line than the south side.

112. The proposed FPL corridor parallels the Beeline Highway between the Beeline's intersection with County Road 711 and the Beeline's intersection with PGA Boulevard.

113. This segment of FPL's proposed corridor is approximately 800 feet in width. On the north side of the Beeline, at the intersection with County Road 711 is the developing Palm Beach Park of Commerce. Just below the Park of Commerce is the Caloosa subdivision. Although the FPL proposed corridor is narrowed at that point, it is only narrowed to exclude the physical structures on the residential lots in the Caloosa development; it does not exclude the backyards of those properties.

114. North of the Beeline Highway right-of-way, the FPL proposed corridor includes a 70 foot recreation, utility, and drainage easement within the Caloosa subdivision. The northern boundary of the corridor for much of its length corresponds to the northern boundary of that easement. The easement includes a canal which is an integral part of Caloosa's drainage system and is also a source of recreation for Caloosa residents. The Caloosa canal system will also be an integral part of the proposed Northern Palm Beach County Water Control District Water Resource Management Plan. Residential lots and homes are located immediately adjacent to the 70-foot easement. The corridor also includes portions of some of the residential lots of Caloosa property owners. Caloosa is the only residential area which abuts FPL's proposed corridor along the Beeline Highway segment.

115. South of the Beeline Highway, the FPL proposed corridor also includes additional Florida Department of Transportation right-of-way, a railroad right-of-way, other easements for underground utilities, and approximately 200 feet of vacant undeveloped land. These linear facilities run parallel to the Beeline Highway corridor. The vacant land within the corridor south of the Beeline Highway, which is not a part of any existing right-of-way or easement, contains some scattered disturbed or impacted wetlands. There are no residential developments on the south side of the Beeline Highway.

116. The land uses of the Beeline Highway segment of the corridor include vacant or undeveloped land, agricultural land, and residential land only where Caloosa is located. There

are no planned residential developments along the Beeline Highway segment other than Caloosa. The linear facilities located on the south side of the Beeline Highway provide an opportunity to efficiently plan the transmission line corridor.

117. From a land use perspective, the south side of State Road 710 (the Beeline Highway) would be a more appropriate location for a transmission line than the north side.

118. Sharing of rights-of-way means either actually co-locating structures within the right-of-way or, for example, locating the FPL concrete structure within an FPL easement adjacent to the existing right-of-way but overhanging the conductors in the existing right-of-way. Such sharing of rights-of-way is important from a land use planning perspective in that it represents an opportunity to avoid impacting residential property and reduces the amount of land necessary for rights-of-way. Although it is FPL's preference to obtain its own rights-of-way, it is common practice for linear facilities to share rights-of-way. A transmission line is a linear facility.

119. Along the Beeline Highway, FPL would have the opportunity to share existing rights-of-way on the south side of the Beeline Highway with the Florida Department of Transportation, with the railroad, and with the other utilities in the utility easements. On the north side of the Beeline Highway, FPL would have the opportunity to share the Beeline Highway right-of-way. To locate the transmission line facility within the recreation, utility, and drainage easement within the Caloosa subdivision, FPL would need the approval of the Northern Palm Beach County Water Control District.

120. It is the opinion of the Executive Director of the Northern Palm Beach County Water Control District that the Crane-Bridge-Plumousus 230 kV transmission line should not be located north of the Beeline Highway in the Caloosa easement. The construction of the transmission line in that easement creates a potential for conflict between FPL's construction and maintenance of its transmission facility and the Northern Palm Beach County Water Control District's maintenance of that easement and the canal system in Caloosa.

(2) Aesthetics

121. At the PGA National community, on the south side of PGA Boulevard, there is currently a berm along the residential lot lines, approximately 4 feet in height with vegetation extending another 4 feet in height. Despite the presence of the berm, the 38-foot wooden distribution poles on the north side of PGA Boulevard are clearly visible from the backyards and patios of those residents living along PGA Boulevard as well as from the homes located across the street to the south. The transmission line structures in FPL's proposed corridor would be visible from the homes and the yards within the PGA National subdivision despite the berm and landscaping between the homes and the proposed 230 kV transmission line. Similarly, the transmission line structures would be visible from the homes and yards of the residents in the Martin Downs, Foxwood, Caloosa, Eastpointe and Palm Beach Country Estates subdivisions. Further, the entrance ways and entrance roads to those subdivisions and to the Old Marsh subdivision would be spanned by the proposed 230 kV transmission line.

122. Although there are existing distribution lines along the roadways adjacent to those subdivision, those existing distribution lines utilize wooden poles approximately 38 feet high. On the other hand, the proposed Crane-Bridge-Plumosus transmission line will utilize concrete poles 80 feet or more in height, 2 feet wide at the base.

123. The placement of the Crane-Bridge-Plumosus transmission line in the FPL proposed corridor will result in a new visual intrusion to residents of existing and planned residential communities. The visual impact of the proposed line is not the same impact as the existing distribution lines and is not merely an increased impact over the existing distribution lines; rather, the proposed transmission line utilizing tall concrete poles is a different visual impact than that currently caused by any existing wooden distribution poles.

124. FPL does not contemplate any landscaping improvements in constructing the transmission line in order to visually block the line from the view of adjacent residences and residential property. To screen the view of a power pole such as is contemplated by FPL for this transmission line from a home 100 feet from the transmission line would require a 35-foot-high vegetative buffer. A power pole 150 feet away would require a 28-foot-high vegetative buffer. At a distance of 300 feet, a 20-foot-high buffer would be required; at 500 feet, an 18-foot-high buffer would be required.

125. The proposed Crane-Bridge-Plumosus transmission line is not aesthetically pleasing and will have a substantial impact on the residents of subdivisions adjacent to it.

(3) Electric and Magnetic Fields

126. When energized with electricity, a transmission line produces both electric and magnetic fields (hereinafter "EMF").

127. The Environmental Regulation Commission of DER adopted a rule on January 18, 1989, which established EMF standards to be met at the edge of transmission line rights-of-way or at the property boundary of new substations. Although the Crane-Bridge-Plumosus transmission line will meet the standards set forth in that rule, the rule itself specifically provides that the standards contained therein are interim standards pending further research and study.

128. The rule provides that the standards contained within that rule will be re-visited within 2 years and further provides that there does exist evidence of potential for adverse health effects on the public and that existing knowledge is inadequate to conclude that no further action is needed.

129. On the day following the passage of its EMF rule, the Environmental Regulation Commission passed a resolution recognizing the potential for adverse health effects on the public from EMF, and recognizing that it would be prudent to keep the long-term exposure of the population to low values of EMF by routing transmission lines outside of residential areas. That resolution specifically provided that new electric transmission lines of 69 kV or greater should be sited in a manner that would consolidate those lines with existing corridors, and, further, that new corridors should be planned in coordination with the

land use plans of local governments to avoid placing corridors through residential areas.

130. Members of the public testified in this proceeding that the recently-promulgated standards adopted by the Environmental Regulation Commission were not reassuring regarding public concerns of health hazards associated with electric and magnetic fields. The standards themselves are not a guarantee of safety. Moreover, the standards may not prove safe in the future. Of the numerous persons who testified at the two public hearings held in this cause, a substantial majority of them expressed fear for the health and welfare of themselves and their families from EMF. Burial of the transmission line within the FPL proposed corridor would alleviate the concerns of the residents of the PGA National, Caloosa, and Palm Beach Country Estates subdivisions who testified in this proceeding.

(4) Property Values

131. Limited studies have been completed analyzing the impact of single concrete pole transmission lines on residential property values. Factors associated with power lines impacting property values include the proximity of homes to the line, the price range of the homes, the type of power line, lot sizes, and the public perception of transmission lines. The higher the price of the residence, the greater the potential impact on the residential value caused by a transmission line because purchasers of more expensive property favor and expect a more attractive visual environment.

132. FPL's study of the impact of transmission lines on residential property values focused on communities on the west coast of Florida. That study was of little value since there was no showing of the similarity of the real estate markets in those communities and the real estate markets in Palm Beach County and Martin County. On the other hand, a Palm Beach County study indicated a devaluation of residential property as high as 32 percent when comparing sales of comparable homesites adjacent to and not adjacent to several types of transmission lines.

133. Prior to the Final Hearing in this cause, parents of school age children had sued the Palm Beach County School Board to prevent the School Board from opening a new school facility which was built adjacent to large transmission lines. That litigation had been extensively covered by the media, and residents in at least Palm Beach County had become generally aware of the controversy regarding the impact of transmission lines on the health of children and the general population. That litigation was still pending at the time of the Final Hearing in this cause. At least in Palm Beach County there is a public perception that transmission lines are hazardous to human health. The public awareness of the controversy in Palm Beach County had caused one developer to cease sales of residential units located near transmission lines in that development.

134. In other developments, the lots adjacent to transmission lines have been sized two or three times larger than lots located away from those transmission lines in order that the sales price of the lots near the lines could be comparable to the

sales price of the lots away from the lines. Other developers have established large vegetative buffer areas or unusually wide setback areas between transmission lines and the lots nearest those transmission lines in order to offer to potential buyers an extra factor of privacy to compensate for the location of those homesites near transmission lines.

135. In the Caloosa, PGA National, and Palm Beach Country Estates subdivisions, real estate sales have already been negatively impacted due to public knowledge of the proposed location of the FPL proposed corridor for the Crane-Bridge-Plumousus 230 kV transmission line. The numerous public witnesses testifying in this proceeding believe the property value of their homes will be severely and negatively impacted if the transmission line is constructed near their property. No one testified in this proceeding that he or she would be willing to purchase a home, or live, in the near proximity of a 230 kV overhead transmission line. The public perception of adverse health effects from overhead transmission lines, coupled with the adverse visual or aesthetic impact of transmission lines in residential areas, does have an adverse effect on residential property values.

(5) Policies of Public Bodies

136. Just as the Florida Environmental Regulation Commission has issued a policy statement that transmission lines should be routed away from residential communities, the regional planning agency and local governments in the geographical area through which the proposed Crane-Bridge-Plumousus transmission

line will be constructed have addressed similar positions. The Treasure Coast Regional Planning Council reviewed the FPL proposed corridor for the Crane-Bridge-Plumosos transmission line and concluded that burial of the proposed transmission line within the FPL proposed corridor may represent the best solution to provide a balance between environmental and socioeconomic impacts.

137. Palm Beach County, by Resolution passed on April 4, 1989, adopted the comments of the Treasure Coast Regional Planning Council. That Resolution further strongly recommended that, based upon the policies of the County's Comprehensive Plan, as an additional condition of certification, the Crane-Bridge-Plumosos transmission line be placed underground where its right-of-way is to be located adjacent to existing or developing areas of densities of one unit per acre and above to minimize potential health, safety, aesthetic and property value impacts. The Resolution also recommended as a condition of certification that the FPL proposed corridor be narrowed to the south side of the Beeline Highway and the north side of PGA Boulevard to avoid the existing residential developments located on the north side of the Beeline Highway (Caloosa) and the south side of PGA Boulevard (PGA National). The current Palm Beach County Comprehensive Plan even calls for the burial of electrical distribution facilities in new growth areas.

138. Martin County also adopted the Treasure Coast Regional Planning Council's report on the Crane-Bridge-Plumosos line and, therefore, the same comments regarding burial of the

proposed line within the FPL proposed corridor as the best balance among the competing interests.

139. The City of Palm Beach Gardens, by Resolution adopted April 21, 1988, after reviewing the FPL proposed corridor for the Crane-Bridge-Plumosus transmission line, opposed the establishment of the corridor for the proposed above-ground transmission line on PGA Boulevard. The Resolution further recited that the impact of such transmission lines pertaining to potentially adverse health consequences from both electric and magnetic fields and to the aesthetic balance of the PGA National entrance ways and the general community being destroyed far outweighed the other values that could be placed on the proposed location of the corridor. The City Council of Palm Beach Gardens prefers an alternate corridor alignment corresponding to the alignment of the Alternate corridor. The subdivision regulations of the City of Palm Beach Gardens require electrical distribution lines to be placed underground, and the City's proposed Comprehensive Plan in its current draft calls for the burial of transmission lines.

(6) Burial

140. Burial of transmission lines has been used as an alternative engineering design where, for example, the transmission line is to go through residential areas or is to be located in the vicinity of airports. The Crane-Bridge-Plumosus proposed corridor is located in the same area as the proposed North Palm Beach County General Aviation facility on the south side of the Beeline Highway near the Caloosa residential community.

141. Burial of the transmission line would negate the impacts to the public described above, i.e., the potential impacts from electric and magnetic fields, and the negative impacts to property values based upon the visual impact of the transmission line and the public perception of the hazardous nature of the transmission line.

142. From a land use perspective, from a transmission line engineering perspective, and from an environmental perspective, the burial of transmission lines is an appropriate and desirable design technique.

143. Burial of the Crane-Bridge-Plumosus 230 kV transmission line is not a design modification since the proposed transmission line has not been finally designed. This proceeding involves only the location of the corridor in which the line is to be designed and constructed, and FPL will not determine the design of the line until after this cause has reached final resolution. Rather, burial of the transmission line is an appropriate condition of certification to be considered, similar to the other design criteria agreed to previously by FPL in Attachment D to the Prehearing Stipulation as other conditions for certification of the Crane-Bridge-Plumosus corridor.

144. The public bodies which have considered burial of the Crane-Bridge-Plumosus transmission line have determined burial to be an appropriate and desirable design condition for certification. Additionally, the witnesses who testified during the public hearing portions of this certification proceeding overwhelmingly endorsed burial of the transmission line as a

condition of certification and expressed an enthusiastic willingness to pay the costs of that additional design criteria.

(7) Other Considerations

145. During fair weather, noise from the proposed 230 kV transmission line normally will be below ambient levels. The noise from the proposed Crane-Bridge-Plumosos transmission line will comply with applicable local government noise ordinances.

146. Radio and television interference from transmission lines is generally inversely proportional to the frequency of the radio or television transmission, the lower the frequency, the greater the potential for interference. FM radio transmissions, because of their higher frequency, have no noise interference from transmission lines. AM radio frequencies may be susceptible to interference from transmission lines. The effect can generally be corrected by simply adjusting the position of the receiver or antenna for the radio receiver.

147. Television is broadcast using both AM and FM frequencies. The audio portion of the television is transmitted using FM frequency and, therefore, there is no transmission line interference. The video portion of television uses AM frequency and, therefore, may be susceptible to interference from foul weather on the lower television channels of 2 through 6. This interference can generally be corrected by reorienting the TV antenna. Pursuant to a condition of certification in Attachment D to the Prehearing Stipulation, FPL will investigate all complaints regarding radio and television interference and will provide appropriate mitigation for all impacts.

148. If FPL complies with all of the conditions of certification contained in Attachment D to the Prehearing Stipulation, those conditions of certification agreed to in the settlement agreements entered into with Sands and with Martin Downs during the certification proceeding, the policies set forth in the resolutions of the public bodies discussed hereinabove, and the conditions of certification contained in this Recommended Order, then the Crane-Bridge-Plumosos 230 kV transmission line is expected to comply with all non-procedural requirements of agencies. Variances or exceptions from local zoning ordinances will likely be required, and these are expected to be obtained.

149. Although none of the comprehensive plans of Martin County, Palm Beach County, the Town of Jupiter, or the City of Palm Beach Gardens requires transmission lines to be buried, the draft of the future Palm Beach Gardens Comprehensive Plan calls for the burial of transmission lines, and it is reasonable to believe that that provision will be retained in the final Comprehensive Plan in view of the policy statements of the City of Palm Beach Gardens discussed above. A waiver from the Martin County Comprehensive Plan prohibition on development in wetlands may be required once the ultimate right-of-way for the Crane-Bridge-Plumosos transmission line has been selected by FPL.

I. Initial Costs

150. FPL has provided estimated costs per mile for the construction and location of the Crane-Bridge-Plumosos line in its proposed corridor, including right-of-way acquisition costs, line construction costs (conductor installation costs and all

other construction costs) and access road construction costs. According to FPL's estimates, the total cost per mile for the location and construction of the transmission line along the entire distance of the FPL proposed corridor averages \$297,500. For the 4.0 miles of the FPL proposed corridor segment located between the beginning of the PGA /OM Alternate corridor and the Bonnette Substation (that segment where the FPL proposed corridor and the PGA/OM Alternate corridor deviate from each other), FPL estimates the total cost per mile to be \$273,400, for a total cost of \$1,093,600 for that 4.0 mile segment.

151. FPL estimates the total cost per mile for the location and construction of the Crane-Bridge-Plumosus transmission line in PGA/OM Alternate corridor 2A to be \$425,700. FPL adds to that cost the sum of \$640,300 for "relocating" the Ryder Substation to the west of the PGA/OM Alternate corridor. Using those figures, the total cost for PGA/OM Alternate corridor 2A for the 4.1 miles from the beginning of that corridor to the Bonnette Substation is \$2,385,700.

152. For the PGA/OM Alternate corridor 2B, FPL estimates the total cost per mile to be \$458,300. Adding the cost of \$640,300 for "relocating" the Ryder Substation, the total cost for the 5.2 miles of PGA/OM Alternate corridor 2B would be \$3,025,500.

153. It is erroneous to include in the cost estimates for the PGA/OM Alternate corridor the figure of \$640,300 for the cost of relocating the Ryder Substation. First, no relocation is involved since the Ryder Substation does not exist. What does

exist is a site that FPL has selected for placement of a substation to be called the Ryder Substation. Second, PGA/OM does not propose that the Ryder Substation be relocated to the west side of the Alternate corridor, but rather proposes that the Ryder Substation be relocated to the east side of the Alternate corridor, a difference of approximately 1,100 feet less. Even FPL's experts admit that relocating the Ryder Substation to the east side of the Alternate corridor rather than the west side would only cost \$490,000, rather than the \$640,300 which they have computed in their cost estimates. Third, the only cost identified in the "relocation" figure is the cost of distribution lines (radial feeds) which would be increased in length and therefore be more expensive due to locating the Ryder Substation one mile west of FPL's projected load center. Although computing the extra expense for the longer lines running in one direction, FPL fails to compute the decreased costs of the necessarily shorter lines running in the opposite direction. Most importantly, there is no basis for computing the costs of the location of the Ryder Substation and adding those costs to the cost estimates for the PGA/OM Alternate corridor since FPL does not compute the cost of the seven other intermediate substations in computing the costs of the transmission line to be constructed in FPL's proposed corridor. Since the cost of the substations along the FPL proposed corridor are not computed in FPL's cost estimates, so should the cost of the Ryder Substation be similarly excluded from the cost estimates for the Alternate corridor. Only the location of the Ryder Substation is at issue

in this proceeding. Even if the costs of the Ryder Substation were an issue, they are highly speculative.

154. The cost difference estimated by FPL between Alternate 2A and the FPL corridor is approximately \$1.3 million. The cost difference estimated by FPL between Alternate 2B and the FPL corridor is approximately \$2 million. Estimated costs are higher for the Alternate corridor, if evaluated under present conditions, in part due to the dissimilarity between the FPL proposed corridor and the Alternate corridor in the extent of roads available for construction and maintenance access purposes. The difference attributable to access road construction is speculative for two reasons: first, until FPL actually selects a right-of-way, the extent of access roads necessary in the FPL proposed corridor is uncertain. Second, approval of the Loxahatchee River Basin Water Resources Plan and/or the other two water management plans proposed in the area east of the C-18 Canal may well reduce the extent of access roads needed to be constructed in the Alternate corridor.

155. It appears that transmission line initial costs for PGA/Old Marsh Alternate corridor 2A would be less than for Alternate corridor 2B, primarily because of Alternate corridor 2A's shorter length.

156. FPL estimates costs for right-of-way acquisition in the FPL proposed corridor between Old Marsh and EastPointe to be \$30,000 per mile. FPL's estimate for right-of-way acquisition does not include the cost of acquisition of improvements within a right-of-way, severance damages, or costs of litigation.

157. FPL calculated its estimated costs based upon present conditions and factors. Final costs of line construction may be substantially different from those estimates for both the FPL and the Alternate corridors based upon an increase or decrease in construction materials costs, the ability of FPL to enter into agreements with local governments or the Northern Palm Beach County Water Control District for access easements, the ability of FPL to enter into agreements with private land owners for access easements, the ability of FPL to site the line to minimize wetlands impacts and the associated costs of mitigating those impacts, the ability of FPL to site the transmission line to minimize land use impacts existing at the time of actual siting and construction of the line, and the ability of FPL to use transmission line construction techniques developed during the time between the Final Hearing in this cause and the actual line construction that may further reduce construction line costs. These costs could vary whichever corridor is certified. Further, engineering design problems are created when a transmission line corridor is designed to go through already developed property or developing property as opposed to vacant land. Design problems which occur because the transmission line is designed for developed or developing property increase the cost of the transmission line. Generally, the cost of constructing the transmission line is reduced where there is less congestion.

158. As to the approximate cost for burial of a 230 kV transmission line, FPL estimates the cost per mile for materials

and labor to install a double circuit 230 kV transmission line underground ranges from \$1.6 million to \$2.2 million. Added to these costs is \$1.2 million for the two terminal ends required at the beginning and ending points of each underground segment of the transmission line, however many miles long that transmission line segment might be.

159. The FPL estimates for burial costs are based upon historic FPL costs, such as the previous burial of transmission lines under Biscayne Bay. It is likely that such a project would have been more costly than burial of transmission lines in any of the segments of the corridors proposed for the Crane-Bridge-Plumousus transmission line. Another historical cost project in which FPL buried its transmission line was a project in which FPL chose to place that line underground because burial costs were much less expensive than the cost of acquiring the right-of-way needed through the residential area.

160. Underground placement of 230 kV transmission lines is technically feasible and has been done by FPL in the past. The decision to bury transmission lines is primarily a decision based upon cost considerations.

161. The costs of burying transmission lines are decreasing. Typical underground transmission line design calls for the cable to be oil-insulated and encased in concrete. Other technology involving solid dielectric trunk cable which is less expensive and easier to handle than oil-insulated cables has been used throughout Europe for many years. Other utility companies have buried transmission lines at less cost than FPL's estimates.

The Jacksonville Electric Authority recently constructed an underground transmission project at a cost of approximately \$1 million per mile utilizing typical oil-insulated technology. The utilization of solid dielectric cable would have been even less costly.

CONCLUSIONS OF LAW

The Division of Administrative Hearings has jurisdiction over the subject matter hereof and the parties hereto. Section 120.57(1), Florida Statutes.

The Transmission Line Siting Act set forth in Sections 403.52-403.536, Florida Statutes, applies to electrical transmission lines which are designed to operate at 230 kilovolts or more and which cross a county line. Below that threshold, any needed electrical transmission line can be constructed taking into account primarily cost considerations and any site-specific permitting or approval requirements from local governments or regulatory agencies. However, a transmission line of 230 kV or more which crosses a county line is subject to an entirely different regulatory scheme for approval. State and regional agencies must review the application for certification of such a transmission line, local governments must review that application, a formal certification proceeding must be conducted by the Division of Administrative Hearings pursuant to Chapter 120 of the Florida Statutes, public hearings within the geographical areas affected by the transmission line must be conducted, members of the public not parties to the proceeding must be given an opportunity to present evidence, alternate

corridors may be proposed for the location of that transmission line, and the applicant's proposed corridor must be evaluated against additional statutory criteria and against the alternate corridors proposed.

The legislative intent set forth in Section 403.521, Florida Statutes, recognizes that these large transmission lines have an effect upon the welfare of the population. That section further provides that the location, construction, and maintenance of such transmission lines should produce minimal adverse effects on the environmental, public health, safety and welfare, and specifically provides that:

It is the intent of this act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing abundant, low-cost electrical energy and the impact on the public and the environment resulting from the location of the transmission line corridor and the construction and maintenance of the transmission lines.

The Governor and Cabinet sit as the Siting Board to take final agency action on any application for certification of a transmission line corridor subject to the Transmission Line Siting Act. The application for certification of the transmission line corridor shall be approved in whole, approved with such modifications and conditions as the Board deems appropriate, or denied. Any alternate corridor proposed is evaluated according to the same criteria as the corridor proposed by the applicant. All proposed corridors are evaluated in accordance with the criteria set forth in Section 403.529(3), Florida Statutes, which provides as follows:

(3) In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board shall consider whether, and the extent to which, the location of the transmission line corridor and the construction and maintenance of the transmission line will:

(a) Ensure electric power system reliability and integrity;

(b) Meet the electrical energy needs of the state in an orderly and timely fashion;

(c) Comply with nonprocedural requirements of agencies;

(d) Be consistent with applicable local government comprehensive plans; and

(e) Effect a reasonable balance between the need for the transmission line as a means of providing abundant low-cost electrical energy and the impact upon the public and the environment resulting from the location of the transmission line corridor and maintenance of the transmission lines.

The electrical energy need for the 230 kV Crane-Bridge-Plumosos transmission line was established by the Public Service Commission in its Order Approving Electrical Transmission Line rendered October 30, 1987. The record in this cause establishes that electrical power system reliability and integrity will be ensured, and the electrical energy needs of the state will be met in an orderly and timely fashion by locating the transmission line in either the FPL proposed corridor or the PGA/OM Alternate corridor.

The location, construction, and maintenance of the transmission line in either the FPL proposed corridor or the Alternate corridor would be in compliance with the nonprocedural requirement of agencies if the siting, construction, and maintenance of the Crane-Bridge-Plumosos transmission line are completed in accordance with the terms of the conditions of certification set forth in Attachment D to the Prehearing

Stipulation (now found in Attachment B to this Recommended Order), with the conditions of certification set forth in the settlement agreements between Sands and FPL and between Martin Downs and FPL (now found as Attachment A to this Recommended Order), and the additional recommended conditions for certification set forth hereinafter.

The location of the 230 kV transmission line in the FPL corridor is reasonably consistent with applicable local government comprehensive plans for the majority of that corridor. However, the FPL corridor is not entirely consistent with the Palm Beach County and Palm Beach Gardens comprehensive plan policies, ordinances, and resolutions specific to this proceeding. Placement of the line is more consistent for the Palm Beach County/Palm Beach Gardens portion of the corridor if the Alternate corridor is certified in this proceeding.

The last criterion requires that a reasonable balance be effected between the need for and cost of the transmission line and the impact of that line upon the public and the environment. The FPL corridor fails to meet this criterion. On the other hand, the Alternate corridor does effect a reasonable balance. FPL admits that the Alternate corridor is appropriate for the location of the Crane-Bridge-Plumosus 230 kV transmission line.

By proposing a corridor which reaches into a number of existing subdivisions and incorporates the yards of the residents so that an eventual right-of-way could actually abut the residential structures in those subdivisions, FPL has failed to

take into account the impact of the Crane-Bridge-Plumosus transmission line corridor on the public. It is unreasonable to believe that a 2-foot wide, 80-foot tall concrete structure located just a few feet outside of windows and doors of existing residences would not severely impact the lives of the people living in those homes. This is not simply a quality of life issue. The strong fears and public perception expressed by the witnesses who testified during the public hearings in this proceeding negate FPL's position that the location of the transmission line anywhere within the proposed corridor will have a minimum impact on the public. There is substantial, competent evidence that the corridor proposed by FPL would severely and negatively impact the individual lives of many people. The negative visual impact and the public perception of the hazardous nature of electric and magnetic fields associated with a 230 kV transmission line, and the resultant decrease in property values resulting partially from the first two factors, are required to be considered in effectuating a reasonable balance.

The condition necessary to make FPL's proposed corridor certifiable is to bury the proposed transmission line within those segments of FPL's proposed corridor which are within 300 feet of existing subdivisions, no matter how wide that segment of the corridor may be. For example, where the FPL proposed corridor passes by the Martin Downs, Foxwood, Caloosa, PGA National, Old Marsh, Eastpointe, and Palm Beach Country Estates subdivisions, the line must be buried no less than 300 feet from the point where the corridor reaches the subdivision's

boundaries until a point no less than 300 feet after the corridor passes that subdivision's furthest boundary line. Additionally, the right-of-way for the buried line shall not be located on or across the residential lots within existing subdivisions.

More specifically, starting at the northern end of the proposed corridor in the Crane Substation siting area (where the top of the proposed corridor is actually "notched out" to surround existing homes in the Martin Downs community), no overhead structure for the Crane-Bridge-Plumosos transmission line should be located closer than 300 feet to the Martin Downs community. Three hundred feet is the appropriate distance since that distance allows the community to buffer the visual impacts from the transmission line by utilizing a 20-foot tall vegetative buffer. Between the Hanson and Bridge substations, the Crane-Bridge-Plumosos transmission line should be buried where that segment of the corridor is within 300 feet of the Foxwood development. Along the Beeline Highway segment of the FPL proposed corridor, the Crane-Bridge-Plumosos transmission line should be buried between the Alexander and Steeplechase substations since the Caloosa development on the north side of the Beeline Highway is adjacent to that segment of the corridor substantially the entire distance. Starting from the intersection of the C-18 Canal and PGA Boulevard, the Crane-Bridge-Plumosos transmission line should be buried from that point to the intersection of Donald Ross Road and the Florida Turnpike, thereby negating the substantial impacts the overhead line would have on the residents of the PGA National, Old Marsh, Eastpointe, and Palm Beach Country Estates subdivisions.

The entire segment between the intersection of PGA Boulevard and the C-18 Canal and the intersection of Donald Ross Road and the Florida Turnpike should be buried because of the number of subdivisions affected in that short distance, and it would not be cost effective for FPL to keep transitioning between overhead lines and underground lines along that segment due to the cost of the terminal ends required each time the line switches from overhead to underground and back again. Along that segment, the costs portion of the reasonable balance criterion would be better served by simply burying that entire segment. The burial of the transmission line along this segment would allow the location of the Ryder Substation in the siting area proposed by FPL. It is further recommended that FPL place the actual substation in the interior portion of that siting area north of PGA Boulevard since the Ryder Substation area proposed by FPL is also adjacent to the residential structures in the PGA National community. FPL should also be given the option of burying the Crane-Bridge-Plumosos transmission line for longer segments or in additional segments of its proposed corridor than only those segments in which burial is required, should it be more cost effective for FPL to do so.

Other conditions of certification for the FPL proposed corridor have been requested by the parties to this proceeding. Those additional conditions are narrowing the FPL proposed corridor so as to exclude the north side of the Beeline Highway, the south side of PGA Boulevard, west of the 120-foot Jog Road right-of-way dedication east of Old Marsh, and the north side of

Donald Ross Road. Although these proposed conditions would reduce the impacts to the Caloosa, PGA National, Old Marsh, and Palm Beach Country Estates subdivisions, the reduction in impact to those subdivisions is insufficient. Further, those proposed conditions afford no protection to the Martin Downs, Foxwood, and Eastpointe developments. The condition that FPL bury the transmission line in segments of its proposed corridor which are within 300 feet of existing subdivisions is the only condition which fully recognizes the substantial impacts to the public. In any event, there are no factual circumstances under which the Crane-Bridge-Plumousus overhead transmission line could be placed on the north side of the Beeline Highway, on the south side of PGA Boulevard, on the west side of the Jog Road right-of-way dedication adjacent to Old Marsh, or on the north side of Donald Ross Road and still meet the conditions for certification set forth in Section 403.529(3), Florida Statutes.

On the other hand, the PGA/OM Alternate corridor with the Ryder Substation located adjacent to and on the east side of the Alternate corridor does effect a reasonable balance of the three criteria of cost, impacts to the public and impacts to the environment. The construction of the Crane-Bridge-Plumousus transmission line within the Alternate corridor is appropriate from land use, engineering, wildlife, vegetation, water quality, hydrology, and socioeconomic perspectives. The natural environment of the Alternate corridor has changed over the years and is still changing. During the next several years, the natural environment in the Alternate corridor would approximate

the natural environment within the FPL proposed corridor. Located, constructed, and maintained in the Alternate corridor, the transmission line would produce minimal impacts upon the wildlife, habitat, vegetation, and water resources within that corridor. Through the incorporation of the conditions of certification agreed to in Attachment D to the Prehearing Stipulation, now found in Attachment B to this Recommended Order, the natural environment would be adequately protected by compliance with the regulatory standards and criteria cited in that document. In that the impact to the environment is minimal due to the altered habitat within the Alternate corridor and the implementation of those conditions of certification, the reasonable balance analysis shifts to one primarily of construction line costs versus impacts to the public.

The Alternate corridor minimizes the impacts to the public of the location, construction, and maintenance of a 230 kV transmission line while the FPL proposed corridor does not. The Alternate corridor, though arguably not incorporating the extent of linear facilities currently located within the FPL proposed corridor, offers sufficient current and future linear facilities appropriate for transmission line construction. Further, the location of the transmission line within the Alternate corridor minimizes the aesthetic and health impacts that are of concern to the public. By addressing these impacts, the potential devaluation of property due to adjacent transmission line construction would be minimized. The Alternate corridor affords greater flexibility to minimize socioeconomic impacts and

construction costs. Cost estimates of FPL indicate the possibility of increased costs for line construction within the Alternate corridor. However, the final cost may be quite different at the time of actual construction, and, regardless, the estimated difference does not outweigh the need to protect the public from the socioeconomic impacts of a transmission line of this magnitude. Alternate corridor 2A is slightly preferable to Alternate corridor 2B due to Alternate corridor 2B's increased length and associated construction costs.

Locating a transmission line within the Alternate 2A corridor effects a reasonable balance between the need for the transmission line as determined by the Public Service Commission and the impact upon the public and the environment. However, Alternate 2A only mitigates the impacts to the public in the PGA National and Old Marsh subdivisions. It does not extend to the segments of the FPL proposed corridor adjacent to the Martin Downs, Foxwood, Caloosa, Eastpointe, and Palm Beach Country Estates subdivisions. The line would still need to be buried in those areas, in accordance with the conditions previously discussed. Accordingly, utilization of the PGA/OM Alternate 2A with the Ryder Substation located adjacent to and east of it and burial of the transmission line within the other segments of the FPL proposed corridor where that corridor is closer than 300 feet to an existing subdivision is the most reasonable balance of the criteria. Current cost estimates indicate that an overhead line in the PGA/OM Alternate 2A corridor would be less costly than burial of the line throughout the portion of the FPL proposed corridor from which PGA/OM Alternate 2A deviates.

In making these recommendations, the positions of all of the parties, of the reviewing agencies, and of the local governments involved have been fully considered against the three elements contained in the reasonable balance criterion: costs, impact to the public, and impact to the environment. The position of FPL is wholly based on costs, to the exclusion of the other criteria. For example, even when analyzing environmental impacts among the proposed corridors, FPL makes its selection based solely upon the costs of mitigating those environmental impacts. On the other hand, DER and the South Florida Water Management District base their recommendations solely upon impacts to the environment, to the exclusion of the other two criteria. This is understandable since those two agencies only have expertise in environmental issues. Although DER argues that the public interest is included in its assessment of environmental impacts, the only public interest subsumed within DER's jurisdiction is environmental impacts to the public, and no others.

The public bodies which have jurisdiction over broad interests, however, have attempted to balance all factors in their evaluations of the Crane-Bridge-Plumosos transmission line. The Treasure Coast Regional Planning Council has recommended burial of the transmission line within the entire FPL proposed corridor. Martin County and Palm Beach County have adopted that recommendation, and Palm Beach County has further recommended that the transmission line be buried near residential areas and that the FPL proposed corridor be narrowed to the south side of

the Beeline Highway and to the north side of PGA Boulevard. Palm Beach Gardens has recommended burial and has recommended utilization of the Alternate corridor. Palm Beach Gardens has further passed a Resolution opposing overhead transmission lines along PGA Boulevard and is considering the requirement of burial in its draft Comprehensive Plan. Palm Beach Gardens, according to its City Manager, was surprised to learn that its current regulations requiring burial only apply to distribution lines and do not also include burial of transmission lines at this time. Lastly, the Governor and Cabinet sitting as the Environmental Regulation Commission, in adopting the new DER EMF rule as an interim standard, clearly expressed in that rule its concern that the standard might not be adequate. It immediately passed a Resolution setting forth that concern and recommending that transmission lines be planned in coordination with local governments to avoid placing corridors through residential areas.

There can be no doubt as to the public perception of the severity of the impact of 230 kV transmission lines on the public in view of the number of homeowners' associations willing to bear the expense of participation in this expensive proceeding, the two homeowner associations willing to shoulder the expense of hiring experts and performing the studies related to proposing Alternate corridors, and the numerous members of the public who testified in this proceeding rather than suffer the risk of having an overhead 230 kV transmission line located in proximity to their homes. To these people, the cost of burying the transmission line, a cost which ultimately will be borne by them, was unimportant.

FPL argues that the other parties have failed to present sufficient evidence regarding the design of an underground transmission line, the construction techniques used for such placement, the impacts to the public and the environment resulting from underground placement, and compliance with the electric and magnetic field limits found in the new EMF rule. These arguments are without merit. The record in this cause contains evidence regarding the design of such a line, and there would obviously be an absence of visual impact and the attendant reduction of property values if the line is placed underground. As FPL intends to do with an overhead line, it can easily be assumed that FPL will use design and construction techniques standard in the industry and standard for FPL. The many national, state and local industry codes with which FPL lines must comply have been identified in the Findings of Fact section of this Recommended Order. Further, there is evidence in this record that there may be no electric or magnetic fields associated with underground transmission lines; if such fields do still exist, it is FPL's responsibility to comply with the EMF rule. Lastly, the 22 pages of conditions of certification agreed to by FPL in Attachment D to the Prehearing Stipulation specifically regulate the manner in which the line can be constructed in order to avoid impacts to the environment and the mitigation required if environmental impacts occur.

Finally, in addition to the conditions for certification agreed to by the parties and set forth in Attachments A and B to this Recommended Order and in addition to

the conditions for certification set forth in this Recommended Order, Section 403.531(3), Florida Statutes, provides as follows:

The applicant shall be required to seek any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the board of trustees before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest in realty.

Compliance with this subsection by FPL prior to engaging in any activity on or affecting such lands is an additional condition of certification for the Crane-Bridge-Plumosos 230 kV transmission line.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is,

RECOMMENDED that the Siting Board enter a Final Order:

1. Approving FPL's application for certification of its proposed Crane-Bridge-Plumosos 230 kV transmission line corridor subject to the following conditions:

(a) FPL's proposed corridor shall be modified so that it substitutes PGA/OM Alternate 2A for that portion of the FPL proposed corridor from which PGA/OM Alternate corridor 2A deviates;

(b) The Ryder Substation siting area shall be moved so that it is located adjacent to PGA/OM Alternate 2A on the east side of that Alternate corridor;

(c) The transmission line shall be buried in all other segments of the FPL proposed corridor where the corridor is within 300 feet of any existing subdivisions as specifically

described in the Conclusions of Law section of this Recommended Order.

(d) FPL shall comply with all conditions set forth in Attachments A and B to this Recommended Order; and

(e) FPL shall seek any necessary interest in state lands prior to engaging in any activity on or affecting that land, pursuant to Section 403.531(3), Florida Statutes.

2. In the alternative and as a second choice to the recommendation contained in paragraph numbered 1, approving FPL's application for certification of its proposed Crane-Bridge-Plumosos 230 kV transmission line corridor subject to the following conditions:

(a) FPL shall bury the transmission line where its proposed corridor is within 300 feet of existing subdivisions as specifically described in the Conclusions of Law section of this Recommended Order;

(b) FPL shall locate the Ryder substation in the interior portion of its proposed siting area and north of PGA Boulevard;

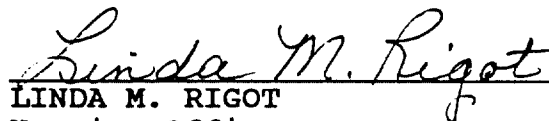
(c) FPL shall comply with all conditions set forth in Attachments A and B to this Recommended Order; and

(d) FPL shall seek any necessary interest in state lands prior to engaging in any activity on or affecting that land, pursuant to Section 403.531(3), Florida Statutes.

3. Dismissing as parties to this proceeding for non-appearance at the Final Hearing the Department of Community Affairs, the Treasure Coast Regional Planning Council, the

Florida Game and Fresh Water Fish Commission, the Town of Jupiter, the City of Palm Beach Gardens, Donald Ross Landowners Association, Inc., and Box Ranch Management Corporation.

DONE AND ENTERED this 30th day of June, 1989,
in Tallahassee, Leon County, Florida.



LINDA M. RIGOT
Hearing Officer
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Filed with the Clerk of the
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APPENDIX TO RECOMMENDED ORDER
DOAH CASE NO. 88-3534

1. FPL's proposed findings of fact numbered 1-22, 31, 32, 60, 62-64, 66, 69, 72, 74, 76, 77, 79, 84-86, and 93 have been substantially adopted either verbatim or in substance in this Recommended Order.
2. FPL's proposed findings of fact numbered 57, 58, 87, 91, and 92 have been rejected as being contrary to the weight of the credible evidence in this cause.
3. FPL's proposed findings of fact numbered 23-30, 33-41, 45, 59, 61, 78, and 88 have been rejected as being unnecessary for determination of the issues herein.
4. FPL's proposed findings of fact numbered 47 and 52-54 have been rejected as not constituting findings of fact but rather as constituting recitations of the testimony, conclusions of law, or argument of counsel.
5. FPL's proposed findings of fact numbered 42-44, 48-51, 55, 56, 65, 67, 68, 70, 73, 75, and 80-83 have been rejected as not being supported by the totality of the credible evidence in this cause.
6. FPL's proposed findings of fact numbered 46, 71, 89, 90, and 94 have been rejected as being irrelevant to the issues necessary for determination herein.
7. DER's proposed recommended order consisted of one paragraph adopting FPL's proposed recommended order.
8. South Florida Water Management District essentially adopted the proposed recommended order filed by FPL but suggested adding certain sentences to specific findings of fact proposed by FPL. However, the numbers referred to in the FPL proposed recommended order do not match the numbers referenced by the South Florida Water Management District. For example, FPL's proposed finding of fact numbered 61 relates to lightning; yet, the South Florida Water Management District would add sentences concerning impacts to wetlands. Similarly, FPL's proposed finding of fact numbered 62 involves the noise associated with a transmission line, and the South Florida Water Management District would add to that finding of fact a discussion of impacts to wetlands. Accordingly, the proposed additional sentences will be considered proposed findings of fact following the numbers used by the South Florida Water Management District.

9. South Florida Water Management District's proposed finding of fact numbered 61 has been adopted in substance in this Recommended Order.
10. South Florida Water Management District's proposed finding of fact numbered 62 has been rejected as unnecessary for determination of the issues in this cause.
11. South Florida Water Management District's proposed findings of fact numbered 65-67, 69, 72, and 78 have been rejected as not being supported by the weight of the totality of evidence in this cause.
12. PGA's proposed findings of fact numbered 1-8, 11, 13, 17, 18, 20-26, 28-31 and 33-37 have been substantially adopted either verbatim or in substance in this Recommended Order.
13. PGA's proposed findings of fact numbered 9, 10, 12, 14-16, 19, 27, and 32 have been rejected as not constituting findings of fact but rather as constituting recitation of the testimony, conclusions of law, or argument of counsel.
14. Old Marsh's proposed findings of fact numbered 1-30, 32-38, 40-42, 45-114, 116-127, 131, and 133-137 have been adopted either verbatim or in substance in this Recommended Order.
15. Old Marsh's proposed findings of fact numbered 31, 39, 43, 44, and 115 have been rejected as unnecessary for determination of the issues herein.
16. Old Marsh's proposed findings of fact numbered 128-130 have been rejected as not constituting findings of fact but rather as constituting recitation of the testimony, conclusions of law, or argument of counsel.
17. Old Marsh's proposed finding of fact numbered 132 has been rejected as not being supported by the weight of the totality of the evidence in this cause.
18. Caloosa's proposed findings of fact numbered 1-3, 5-15, and 17-19 have been substantially adopted either verbatim or in substance in this Recommended Order.
19. Caloosa's proposed finding of fact numbered 4 has been rejected as unnecessary for determination of the issues herein.
20. Caloosa's proposed finding of fact numbered 16 has been rejected as not constituting a finding of fact but rather as constituting recitation of the testimony herein.

ATTACHMENT A
DOAH Case No. 88-3534

**CONDITIONS OF CERTIFICATION FROM
MARTIN DOWNS/FPL STIPULATION FOR SETTLEMENT**

1. FPL agrees to use its best efforts to implement the following routes in the order set forth below of its proposed Crane-Bridge-Plumosos corridor from the point of beginning of the present site of the Crane substation to a line extending parallel to and fifty (50) feet south of the southern right-of-way boundary of State Road 714. "Best efforts" is herein defined as an agreement on the part of FPL to locate the transmission line pursuant to the statutory criteria as set forth in Section 403.529(3) F.S. (1987) and considering safety, long range area planning, economics, environmental factors, availability of alternate routes and other considerations (collectively hereinafter "The Criteria"). FPL agrees to review each route in the order of consideration set forth in this agreement. If a specific route does not meet The Criteria, FPL agrees to notify Martin Downs as to any reasons for rejection as soon as practical following the determination of rejection. The routes are as follows:

A. Western Route.

From the Crane substation, due west across the Florida Turnpike, thence within the FPL preferred corridor on the west side of the Florida Turnpike to a point to be determined by FPL but at least to a point as far south as practical taking into consideration the above mentioned Criteria.

B. Southern Route.

From the Crane substation, the transmission line right-

of-way will proceed south adjacent to the east boundary of Florida's Turnpike to the intersection with S.R. 714, and then proceed east on the south side of S.R. 714 to the point where the right-of-way turns south to proceed toward the Mapp substation siting area.

C. Southeastern Route.

From the Crane substation, the transmission line right-of-way will proceed south adjacent to the east boundary of Florida's Turnpike to the south property line of the Martin Downs Business Park, proceed east along the south property line of the Martin Downs Business Park to the intersection with Armellini Avenue, proceed south on the west side of Armellini Avenue to the intersection with S.R. 714, and then proceed east on the south side of S.R. 714 to the point where the right-of-way turns south to proceed to the Mapp substation siting area.

2. Martin Downs and FPL agree to cooperate and to use their best efforts to assist each other in the implementation of the above described routes including but not limited to a request of the Florida Turnpike Authority for permission for use of Turnpike right-of-way south of State Road 714.

3. In all of the areas referred to above, the transmission line right-of-way may be moved away from the identified road rights-of-way if required by conditions of certification or by court order in the event of condemnation. In such an instance, however, FPL would stay as close to the road right-of-way as

possible or on a mutually agreeable location consistent with the condition of certification or court order.

4. In all of the areas above referred to, pole guying and anchors may be required in curves or turns in the transmission line outside the alignment described in sub-paragraphs 1A, 1B and 1C.

**CONDITIONS OF CERTIFICATION FROM
SANDS/FPL STIPULATION FOR SETTLEMENT**

1. That if the Crane-Bridge-Plumosus Transmission line is in fact constructed on a route within the SANDS property South of S.R. #714, FPL agrees that it will locate the actual right of way as follows:

(a) North of the point of crossing of the Florida Turnpike and Interstate 95 ("I-95") the right of way will be the 50 feet parallel to, adjacent to and immediately East of the East right of way line of the Florida Turnpike. To the extent feasible the poles, will be located within the west 15 feet of such 50 feet right of way. In the event that any portion of the 50 feet right of way subsequently becomes in fact a public road (e.g. an extension of the High Meadow Road), FPL will subordinate or release to Martin County the East 35 feet of its 50 ft. right of way in that location to the public road use, subject, in either case, to the continued right of FPL to overhang the road right of way with overhead transmission facilities and to utilize the road right of way for access to its transmission line facilities for their safe operation and necessary maintenance.

(b) In the vicinity of the proposed interchange of I-95 and the proposed extension of High Meadow Road, FPL's preference and endeavor will be to continue to place its transmission line right of way parallel and adjacent to the east right of way of the Turnpike to its point of junction with the east right of way ^{line} ~~lane~~ of I-95, and to cross within the interchange area. At that junction, the transmission line right-of-way would turn southeasterly to follow the I-95 east right of way line. If because of conflicts with the Department of Transportation requirements, however, it is not feasible to remain within the interchange and directly adjacent to these roads' rights-of-way, the transmission line right-of-way would be located around the outside (e.g.- east) of the interchange keeping as close to the interchange roads as reasonably feasible. Throughout this area, the transmission line right-of-way may be up to 50 feet in width.

(c) From the I-95/Turnpike junction, the transmission line right-of-way would turn to

Linda M. Rigo

the southeast and continue adjacent to the I-95 right-of-way until it leaves the SANDS' property (Exhibit "B-2") south of the St. Lucie Canal. Again, throughout this area, the transmission line right-of-way may be up to 50 feet in width;

(d) In all of the areas referred to above, the transmission line right-of-way may be moved away from the identified road rights-of-way if required by conditions of certification or by court order in the event of condemnation. In such an instance, however, FPL would stay as close to the road right-of-way as possible or on a mutually agreeable location consistent with the condition of certification or court order. Such relocation shall not occur at the option of FPL for primarily economic reasons.

(e) In all of the areas above referred to, pole guying and anchors may be required in curves or turns in the transmission line. Additional right-of-way is expected to be needed in these instances and particularly in the vicinity of the proposed High Meadow Road I-95 interchange and the river crossing. The

exact dimensions would be dependent on site specific engineering factors.

(f) Within the SANDS property from the Turnpike/I-95 point of crossing toward the North, FPL will install conduit on each pole to below ground level for future connection purposes.

**CONDITIONS PER ADDENDUM TO
STIPULATION FOR SETTLEMENT AGREEMENT**

1. The parties will endeavor to coordinate with Martin County as to the ultimate location of the road right-of-way anticipated by the Exhibit "A" deed and will use their best efforts to assure that said road right-of-way will be located east of and adjacent to the FPL right-of-way anticipated by the Stipulation.

2. In the event it becomes apparent that the Exhibit "A" right-of-way is not available for use by FPL as anticipated by the Stipulation, the parties agree:

(a) That FPL will endeavor to locate the proposed transmission line right-of-way in the 50 feet adjacent to and immediately east of the east line of the right-of-way described on Exhibit "A". To the extent feasible the poles will be located within the west 15 feet of such 50 foot FPL right-of-way. In the event the road

anticipated by the Exhibit "A" deed is actually constructed in the location anticipated by the Exhibit "A" deed, FPL will subordinate or release to Sands up to 35 feet of the eastern portion of the previously identified 50 feet. The width of the area to be subordinated or released to Sands will be determined based on the minimum right-of-way needed by FPL to ensure contained safe operation and maintenance of its facilities considering the opportunity to overhang the road right-of-way and to utilize the road right-of-way for access to its transmission line facilities for their safe operation and necessary maintenance.

(b) That in the vicinity of the proposed interchange of I-95 and the proposed extension of High Meadow Road (i.e. the Exhibit "A" deed property) FPL will endeavor to continue east of and adjacent to the Exhibit "A" right-of-way and to cross within the interchange area. At that junction, the transmission line right-of-way will turn southeasterly to follow the I-95 east right-of-way line. If because of conflicts with the Department of Transportation requirements, however, it is not feasible to remain within the interchange and directly adjacent to these roads' rights-of-way, the transmission line right-of-way would be located around the outside (e.g.-east) of the

interchange keeping as close to the interchange roads as reasonably feasible. Throughout this area, the transmission line right-of-way may be up to 50 feet in width.

(c) From the I-95/Turnpike junction, the transmission line right-of-way would turn to the southeast and continue adjacent to the east I-95 right-of-way until it leaves the SANDS' property (Exhibit "B-2" to the Stipulation) south of the St. Lucie Canal. Again, throughout this area, the transmission line right-of-way may be up to 50 feet in width.

541816 This Quit-Claim Deed, Executed this 31st day of October A.D. 1984, by George H. Sands, a married man, and Edward C. Steele, a married man

first party, to

Martin County, a Political Subdivision of the State of Florida

whose postoffice address is 50 Kindred Street, Stuart, Florida 33497

second party:

(Witnesses and terms for the terms "first party" and "second party" shall include singular and plural, living, dead, representatives, and heirs of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Martin State of Florida. In wit-
See Exhibit "A" Attached Hereto and Incorporated Herein for Legal Description.

Subject to restrictions, reservations, covenants and easements of record; taxes subsequent to December 31, 1983, and all applicable zoning ordinances.

Grantors herein acknowledge that this property is not nor has it ever been the homestead of Grantors as the subject property is vacant land.

To Have and to Hold the same together with all and singular the appurtenances therunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, in the only proper use, benefit and behalf of the said second party forever. See Restriction Clause With Reverter Attached Hereto and Made a Part Hereof as Exhibit "B".

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

George H. Sands
As to George H. Sands

Edward C. Steele
As to Edward C. Steele

STATE OF New Jersey
COUNTY OF Mercer

George H. Sands
George H. Sands

Edward C. Steele
Edward C. Steele

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared George H. Sands, a married man

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid the 15th day of October A.D. 1984

625 149

Notary Public

My Commission Expires: 1/5/86

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires: 1/5/86

Return to: THIS INSTRUMENT PREPARED BY:
This instrument prepared by: JOHN H. GARY, III
Arlene: CARY, DITTMER & EVANS, P.C.

EXHIBIT "A"
(TO SANDS/FPL FIRST ADDENDUM)

STATE OF FLORIDA
COUNTY OF Martin

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Edward C. Steele, a married man, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of Jan, 1984.

Walter J. [Signature]
Notary Public
My Commission Expires:

FLORIDA FORM 9

Quit Claim Deed

To

KA

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 85-1.19

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF MARTIN COUNTY, FLORIDA, THAT:

The foregoing Quit Claim Deed is duly accepted this
8th day of January, 1984.

ATTEST:

[Signature]
LOUISE V. SEACCS, CLERK

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

[Signature]
THOMAS J. HIGGINS, CHAIRMAN

APPROVED AS TO FORM AND CORRECTNESS:

[Signature]
MICHAEL R. OLENICK, COUNTY ATTORNEY

EXHIBIT "A"

A road right-of-way 100 feet in width, a portion of which lies in the Plat of Saint Lucie Inlet Farms as recorded in Plat Book 1, Page 98 of the Public Records of Palm Beach County (now Martin County), Florida. The remainder lies in the Commissioners Subdivision of the Hanson Grant as recorded in Plat Book 8, Page 59 of the Public Records of Dade County and rerecorded in Plat Book 1, Page 11, Public Records of Martin County, Florida, said right-of-way being bounded as follows:

On the West by a line 150.00 feet East of, as measured at right angles to, the Baseline of Survey, as shown on the Baseline Survey of the Sunshine State Parkway, as recorded in Plat Book 3, Page 23, Public Records of Martin County, Florida; on the North by the North line of the South half of Lot 10, of said Commissioners Subdivision of the Hanson Grant; on the East by a line 250.00 feet East of, as measured at right angles to, said Baseline of Survey of the Sunshine State Parkway; and on the South by the Northeasterly right-of-way line of State Road No. 9 (Interstate 95) as shown on the Florida Department of Transportation right-of-way map, Section 89095-2412, Sheet 6, last revised 9-6-83.

Subject to rights-of-way and easements of record.

The property conveyed by this deed is further shown as the crosshatched area reflected on Exhibit 1 attached hereto.

EXHIBIT "B"

This conveyance is made upon the express condition that if the party of the second part, its successors and assigns, shall fail within four years from the date of this Deed to construct and forever thereafter to maintain on the subject property a county road to State Road 714 parallel to the Florida Turnpike, then the property hereby conveyed shall revert to and re-vest in the party of the first part and their heirs, and it shall be lawful for them to re-enter upon the property hereby conveyed. This is a covenant running with the land.

RECORDED
JAN 18 P 1:10
1955
LOUISIANA
CLERK OF COURTS
JAN 18 1955

That part of Tracts 9, 10, and 11 lying South of Bessie Creek and West of the Sunshine State Parkway (Florida State Turnpike); that part of Tracts 21, 23, 29, 36, 45 and 46, lying West of the Sunshine State Parkway (Florida State Turnpike); All of Tracts 22, 23, 24, 25, 26, 27, 37, 38, 39, 40, 41, 42, 43, 44, 53, 54, 55, 56, 57, 58, 59 and 60; all in Section 14, Township 38 South, Range 40 East, PALM CITY FARMS SUBDIVISION, as recorded in Plat Book 6, page 42, public records of Palm Beach (now Martin) County, Florida.

LESS AND EXCEPT a parcel of land being a 60 foot road right of way more particularly described as the West 60 feet of that portion of Tract 9 lying South of the center line of Bessey Creek, and the West 60 feet of Tracts 24, 25, 40, 41, 56 and 57, all in Section 14, Township 38 South, Range 40 East, PALM CITY FARMS SUBDIVISION, as recorded in Plat Book 6, page 42, public records of Palm Beach (now Martin) County, Florida.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE -- ---- cont'd

Schedule "A" Lands

Lands lying and being in Martin County, State of Florida, and more particularly described as follows, to-wit:

Parcel 1: The South half (S 1/2) of LOT 10, (East of Sunshine State Parkway) of Miles or Hanson Grant, per plat thereof recorded in Plat Book "B", Page 59 of the public records of Dade (now Martin) County, Florida.

LESS AND EXCEPTING: County Road Right-of-way constituted of that part thereof lying within 100 feet of the Easterly right-of-way line of Sunshine State Parkway.

Parcel 2: That portion of the following described tracts according to plat of St. Lucie Inlet Farms, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida, lying East of Sunshine State Parkway, to-wit:

Tracts 1,2,3,6,7, and 8, Block 25; Tracts 1,2,3,6,7 and 8, Block 26; Tracts 1,2,3 and 8, Block 27; Tracts 1 and 2, North of St. Lucie Canal, Block 28; Tracts 3 and 4, North of St. Lucie Canal, Block 33; and Tracts 1,2,4 and 5, West of the right-of-way of St. Lucie Canal, Block 34; and, Tract 6, (Less the right-of-way of St. Lucie Canal), Block 34;

LESS AND EXCEPTING therefrom those parts and parcels thereof within the right-of-way of State Road 9 (I-95) more particularly described as follows, to-wit:

Schedule "A" Lands continued on Page 3

Schedule A Page 2 No. BF 143559

EXHIBIT B-2

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A cont'd

- (i) Commence on the South line of Tract 6, Block 33, St. Lucie Inlet Farms, according to plat recorded in Plat Book 1, Page 98, Palm Beach County, Florida Public Records, at a point 326.52 feet Eastorly from the South-west corner thereof, said Point being on the arc of a curve concave Southwesterly having a radius of 11,459.16 feet; thence from a tangont bearing of North 45°52'01" West run Northwesterly along said curve through an angle of 05°12'48" a distance of 1,042.67 feet to the Point of Beginning; thence South 38°55'09" West, 308.90 feet; thence North 52°02'51" West 1,761.57 feet to a point on the arc of a curve concave Southwesterly having a radius of 11,259.16 feet; thence from a tangent bearing of North 60°04'51" West, run Northwesterly along said curve through an angle of 06°50'22", a distance of 1,344.00 feet to the Northeastly right-of-way line of State Road No. 91 (Sunshine State Parkway); thence North 31°33'14" West along said right-of-way line a distance of 669.02 feet to a point on the arc of a curve concave Southwesterly having a radius of 11,659.16 feet; thence from a tangent bearing of South 69°36'08" East; run Southeastly along said curve through an angle of 09°31'17" a distance of 1,937.51 feet; thence South 65°45'05" East 669.08 feet; thence South 57°00'07" East 835.58 feet to the West line of Tract 6 of said Block 34; thence Southerly along said West line a distance of 70.00 feet to the North right-of-way line of a 30 foot Street (Southwest corner of Tract 6); thence Easterly along said right-of-way line a distance of 47.02 feet; thence South 57°00'07" East 262.46 feet; thence South 38°55'09" West 347.94 feet to the Point of Beginning;

(Less and Except: Road right-of-way and that part lying in St. Lucie Canal);

- (ii) AND ALSO Less and Excepting: A parcel of land in Tracts 4 and 5, Block 34, St. Lucie Inlet Farms, according to the plat thereof recorded in Plat Book 1, Page 98, Palm Beach County, Florida Public Records, described as follows, to-wit:

Begin on the East line of said Tract 5, at a point 70 feet North 23°22'24" West from the Southeast corner thereof, continue thence North 23°22'24" West along said line a distance of 108.34 feet; thence North 57°00'07" West 749.96 feet; thence North 65°45'05" West 340.74 feet to the West line of said Tract 4; thence South 23°22'24" East along said line a distance of 89.02 feet; thence South 65°45'05" East 270.39 feet; thence South 57°00'07" East 835.58 feet to the Point of Beginning.

- (iii) AND ALSO Less and Excepting: A parcel of land in Tract 4, lying Northerly of the St. Lucie Canal in Block 33, St. Lucie Inlet Farms, according to the plat thereof recorded in Plat Book 1, Page 98, Palm Beach County, Florida Public Records, more particularly described as follows, to-wit:

Begin on the West line of said Tract 4 at a point 36.16 feet South 23°22'24" East from the Northwest corner thereof, thence South 23°22'24" East along said line a distance of 125.04 feet; thence South 52°02'51" East 183.62 feet;

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A cont'd.

thence North 37°30'15" East 60.00 feet; thence North 52°02'51" West 292.86 feet to the Point of Beginning;

- (iv) AND ALSO Less and Excepting: A parcel of land in Tract 1, Block 28, St. Lucie Inlet Farms according to the plat thereof, record in Plat Book 1, Page 98, Palm Beach County, Florida Public Records described as:

Begin at the Northeast corner of said Tract 1, thence South 23°22'24" East along the East line of said Tract 1, a distance of 106.79 feet; thence North 52°02'51" West 122.69 feet to the North line of said Tract 1; thence North 67°27'29" East, 58.88 feet to the Point of Beginning;

- (v) AND, FURTHER Less and Excepting from the foregoing described lands of Parcel 2 those parts constituting County Road right-of-way of Tracts 3 and 6, Block 25, lying within 100 feet of the Easterly right-of-way line of Sunshine State Parkway and Northerly of the Northerly right-of-way line of State Road 9 (I-95) as such right-of-way is described by (1) above;
- (vi) AND FURTHER EXCEPTING that portion of the lands of said Tract 6, Block 34, the right-of-way of St. Lucie Canal, more particularly described as follows:

Part A: Begin at the intersection of the West line of said Tract 6, with the North right-of-way line of a 30 foot Street (Southwest corner of Tract 6); thence North 23°22'24" West along the West line of said Tract 6, a distance of 70 feet; thence South 57°00'07" East, 84.89 feet to a point on the North right-of-way line of a 30 foot Street (South line of said Tract 6); thence South 67°27'29" West along said right-of-way line a distance of 47.02 feet to the Point of Beginning;

Part B: Begin on the West line of said Tract 6, at a point 70 feet North 23°22'24" West from the Southwest corner thereof, continue thence North 23°22'24" West along said line a distance of 108.34 feet; thence South 57°00'07" East, 184.94 feet; thence South 37°30'15" West, 51.76 feet; thence South 67°27'29" West, 10.19 feet; thence North 57°00'07" West, 84.89 feet to the Point of Beginning;

Parcel 3: Tracts 7 and 8, Block 34, (Excepting the right-of-way of St. Lucie Canal) of St. Lucie Inlet Farms Subdivision, according to the plat thereof, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida.

Parcel 4: Tracts 3, 4, 5 and 6, Block 35, and Tracts 3, 4, 5 and 6, Block 36, St. Lucie Inlet Farms according to the plat thereof, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida.

Parcel 5: That part lying Easterly of the Easterly right-of-way line of Sunshine State Parkway of Tract 7, Block 27, St. Lucie Inlet Farms, according to plat thereof, Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida.

Schedule "A" Lands
Continued on Page 5

Schedule A Page 4 No BF 143559

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A cont'd.

Parcel 6: Tract 1, Block 34, St. Lucie Inlet Farms, according to the plat thereof recorded in Plat Book 1, Page 98, Public Records of Palm Beach (now Martin) County, Florida; LESS AND EXCEPT that part thereof lying Northerly of the Southerly shore of St. Lucie Canal.

Schedule A Page 5 No. BF 143559

ATTACHMENT B
DOAH Case No. 88-3534

3/24/89

COMPILATION OF
PROPOSED CONDITIONS OF CERTIFICATION
CRANE-BRIDGE-PLUMOSUS 230 kV TRANSMISSION LINE
CORRIDOR CERTIFICATION PROCEEDINGS

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

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

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

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

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

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

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

H. "Application" shall mean the Application for Corridor Certification for the Crane-Bridge-Plumosus 230 kV transmission line, as supplemented by the Sufficiency Response appendix.

I. "Feasible" or "practicable," as used in these conditions, shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

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

G-2 Performance Criteria. Certification, including conditions of certification, is predicated upon design and performance criteria indicated in the Application. Thus, conformance to those criteria, unless specifically modified in accordance with Florida Administrative Code Rule 17-17.680, is binding upon the Permittee in the preparation, construction, and maintenance of the certified project. In those instances where a conflict occurs between the Application's design criteria and the conditions of certification, the conditions shall prevail.

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

G-3 Property Rights. Except as otherwise provided herein and under the Transmission Line Siting Act and rules thereunder, the issuance of this certification does not convey any property rights in either real or personal property, tangible or intangible, nor any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of federal, state, or local laws or regulations. The 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.

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

G-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.

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

G-5 Right of Entry. The Permittee shall allow authorized representatives of the DER or other appropriate

jurisdictional agencies, upon the presentation of credentials:

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

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

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

G-6 Civil and Criminal Liability. This certification does not relieve the 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.

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

G-7 Severability. The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

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

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

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

G-9 Compliance. Except as otherwise provided herein and in the certification order, construction and maintenance shall comply with the applicable nonprocedural rules and regulations of any state, regional, or local agency, unless a variance or waiver was obtained by the Permittee pursuant to Section 403.531(2), Florida Statutes.

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

G-10 Emergency Reporting. Replacement of ROW access roads or transmission lines constructed under this certification necessitated by the emergency conditions

described in Condition G-13.A.3 below shall not be considered a modification pursuant to Section 403.5315, Florida Statutes. A verbal report of the emergency shall be made to 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: Sections 403.529 and 403.531, F.S.

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

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

G-12 ROW Delineation and Compliance Verification.

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

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. 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 DER constitutes acknowledgment that construction of the transmission line and access roads can be accomplished within the designated ROW or the various segments of ROW submitted for review.

The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the parties' review pursuant to this condition will be at the 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 Citations: 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 would not cause any significant additional adverse environmental impact.

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

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

B. Since this certification is the only form of permit required from any agency, it is understood that the 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 as necessary to reflect said mutual agreement.

C. 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. Rule 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.

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 Construction and Maintenance Activities. All paragraphs below relate to activities or impacts from this transmission line construction and maintenance.

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

S-1.A. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; Regional Comprehensive Policy Plan (RCPP) 6.11.1.2.

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

S-1.B. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.1, 10.1.1.4.

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

S-1.C. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 10.3.1.6.

D. The Permittee shall perform the work authorized under the certification in a manner so as to minimize any

adverse impact of the works on fish, wildlife, natural environmental values, and water quality. The 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-1.D. Citations: Section 403.531, F.S. DER: Section 403.918, F.S.; F.A.C. Rule 17-3. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381(2)(a).

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

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

F. The 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.

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

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

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

H. The 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

S-2 ROW Location.

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

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

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

S-2.B. Citations: Section 403.531, F.S. SFWMD: Sections 373.085, 373.413(1), 373.414, 373.416(1), and 373.59(3), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381.

C. The 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 tower locations and establishment of construction techniques which are to be reflected on any post-certification review information submittals. This may be done prior to, or in conjunction with, the ROW delineation requirement of Condition G-12.

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

S-3 Activities Within Waters of the State.

A. 1. For all construction activities in waters of the state where DER has wetlands resource jurisdiction pursuant to Chapter 403, Florida Statutes, which are preliminarily identified in the agency report, Permittee shall file with DER, Siting Coordination Section, the information requested in Florida Administrative Code Rules 17-17.665 and 17-1.212(1), Section 3.2.2.

2. DER shall promptly review the submittal for completeness; for the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If found to be incomplete, 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.

3. Within 90 days of filing of complete 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, 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.

4. 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.

5. 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.

6. 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, 17-3, 17-1.212(1).

S-4 Activities Within SFWMD.

A. General.

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

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

2. Minimum Standards. This certification is based on Permittee's submitted information to the SFWMD which reasonably demonstrates that adverse offsite water resource related impacts will not be caused by the authorized activities. The plans, drawings and design specifications submitted by Permittee shall be considered the minimum standards for compliance.

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

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

S-4.A.3. Citations: Section 403.531, F.S. SFWMD: F.A.C. Rules 17-17.665(11) and 17-17.750(4).

4. Liability.

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

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

S-4.A.4. Citations: Section 403.531, F.S. SFWMD: Section 373.443, F.S.; F.A.C. Rules 40E-4.091(1)(a) and 40E-4.381(j).

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

S-4.A.5. Citations: Section 403.531, F.S. SFWMD: Sections 373.423 and 373.603, F.S.; F.A.C. Rules 40E-4.091(1)(a) and 40E-4.301.

6. Water Quality Monitoring. If water quality data is required by this certification for any water discharged from Permittee's property or into surface waters of the state, it shall be submitted to SFWMD and the DER Southeast District office. Parameters to be monitored may include those listed in Chapter 17-3, Florida Administrative Code, Permittee shall provide such data to SFWMD as volumes of water discharged, including total volume discharged during the days of sampling and total discharges from the property or into surface waters of the state.

S-4.A.6. Citations: Section 403.531, F.S. SFWMD: Sections 373.413(1) and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a) and 40E-4.381.

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

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

B. Construction Conditions.

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

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

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

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

C. Informational Requirements.

1. General.

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

S-4.C.1.a. Citations: Section 403.531, F.S. SFWMD: Section 373.413(2), F.S.

b. At least 90 days prior to the commencement of construction of any portion of the transmission line, the 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 do not issue a written request for additional information within 30 days, the information will be presumed to be complete and sufficient.

S-4.C.1.b. Citations: Section 403.531, F.S. SFWMD:
Section 373.413(2), F.S.

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

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

d. Subsequent modifications to the drawings and supporting calculations submitted to the SFWMD which may alter the quantity and/or quality of waters discharged offsite shall also be submitted to the SFWMD for a determination that the modifications are in compliance with Chapters 40E-2, 40E-4, and 40E-6, Florida Administrative Code, prior to the commencement of construction pursuant to S-4.C.1.b. and S-4.C.1.c. above.

S-4.C.1.d. Citations: Section 403.531, F.S. SFWMD:
Section 403.5315, F.S.; F.A.C. Rules 17-17.680, 40E-2, 40E-4, 40E-6.

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

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

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

construction activities, the following information shall be submitted:

a. A centerline profile of existing topographic features along the proposed access/maintenance road(s), sufficient to show contours of drainage patterns;

b. A preliminary design of the proposed access/maintenance and finger road(s) with elevations marked;

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

d. A cross-section of each stream or creek at the points to be crossed by the access/maintenance and finger road(s) or other construction;

e. Specifications showing the location of each transmission structure, finger and access/maintenance road, and culvert to be constructed, including all areas to be filled or excavated;

f. Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;

g. A cross-section of all proposed excavation areas showing the proposed depth of excavation;

h. Calculations and the supporting documentation which demonstrate that all applicable C-18 Basin criteria, particularly as they relate to floodplain management, have been met.

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

3. SFWMD Right-of-Way.

a. Prior to the commencement of construction of any portion of the transmission line which will cross over, on, under, or otherwise use the SFWM's right-of-way, complete drawings showing the proposed facilities must be submitted to the SFWMD for documentation of compliance with Chapter 40E-6, Florida Administrative

Code. These drawings shall depict the proposed crossing in both plan and profile views and shall show, as a minimum:

- (1) The canal right-of-way lines;
- (2) The top of the canal bank and its elevation;
- (3) The centerline of the levee and its elevation;
- (4) The canal maintenance berm and its elevation at its highest point;
- (5) The location of any poles, towers, and/or access roads located within the SFWMD's right-of-way;
- (6) The location of any anchors, down-guys or span-guys within the SFWMD's right-of-way;
- (7) The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;
- (8) The location and elevation of any buried facilities installed as part of this transmission line project;
- (9) The location of the facilities in relation to a section line, major road or other prominent well-known landmark by which the facilities may be located in the field.

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

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

S-5 Wetlands.

A. Minimization of Impacts.

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

S-5.A.1. Citations: Section 403.531, F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.1, 10.1.1.4.

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

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

B. Mitigation.

1. Permittee shall provide mitigation for any wetland or deep water habitat which is degraded or destroyed during the construction of any portion of the proposed transmission line. Mitigation may include the creation of new wetland and deep-water habitat, the restoration of degraded habitat, the enhancement of functions and values provided by existing habitats, removal of exotics per condition S-7 (Exotic Species), or other activities found by the relevant agencies and appropriate local government to be in compliance with their applicable regulations. Prior to the elimination or degradation of any such wetland habitat, Permittee shall submit mitigation plans to DER, SFWMD, TCRPC, 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 (filling and/or clearing), including an explanation of why no feasible alternative exists;

b. A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced.

c. A timetable for accomplishing the proposed mitigation activities (i.e., the time for commencement and completion of activities for each mitigation area) concurrently with the construction of the transmission line and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing prior to the commencement of construction.

d. A monitoring and maintenance program to ensure the survival and success of any created, restored, or enhanced wetlands, which is predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation.

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

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

S-5.B.2. Citations: Section 403.531, F.S. DER: Section 403.918(2)(b), F.S. SFWMD: Sections 373.413(1), 373.413(2), 373.414, and 373.416(1), F.S.; F.A.C. Rules 40E-4.091(1)(a), 40E-4.301, and 40E-4.381. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 8.3.1.2.

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

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

S-6 Endangered Species. Prior to any clearing activities within the proposed ROW, an ecological survey should be conducted to identify red-cockaded woodpecker colony sites and other endangered species as defined in Table 2.3-3 of the Application. This survey should also identify the location of any wading bird colonies. Results of this survey should be submitted to the TCRPC, GFWFC, and U. S. Fish and Wildlife Service for review. If it is determined that any of these species will be affected by the construction of the transmission line, Permittee shall consult with the TCRPC, GFWFC, and the U. S. Fish and Wildlife Service to determine the appropriate steps to be taken to minimize and/or mitigate for any adverse impacts.

S-6 Citations: Section 403.531, F.S. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 10.2.1.1. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. GFWFC: Section 372.072, F.S.; F.A.C. Rule 39-27.002.

S-7 Exotic Species. All Brazilian Pepper, Australian Pine, and Melaleuca should be removed or the trees cut and the stumps treated with an approved herbicide (see condition S-15/Herbicides) within the transmission line ROW in a manner that minimizes seed dispersal. The transmission line ROW maintenance shall include continual removal or stump treatment of these species. This may be considered as credit in mitigation proposals as deemed appropriate by the relevant agencies.

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

S-8 Multiple Use. Upon approval of the landowner of any cleared land within the ROW, and to the extent consistent with 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 transmission line ROW by seeding, planting, or relocating native plant materials. All such activities shall be subject to approval by Permittee prior to any vegetation establishment within the ROW.

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

S-9 Archaeological Sites. After the transmission line ROW has been selected, following certification of the corridor and prior to construction in an area, Permittee will conduct a survey of archaeologically sensitive areas where they are crossed by the ROW. This report will be submitted to DHR. If practicable, sites considered to be eligible for the National Register will be avoided during construction of the transmission line and, subsequently, during maintenance of those properties. For any other significant site, Permittee will consult with DHR to determine appropriate action. If avoidance is not possible, impact will be mitigated through archaeological salvage excavation operation or by other methods acceptable to DHR.

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

S-10 Annexation of Enclaves. Permittee shall pursue annexation of the existing Plumosos substation property into the Town of Jupiter in order to eliminate this enclave within the town.

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

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

S-12 Noise. The transmission line shall meet all applicable local government noise ordinance standards.

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

S-13 Radio and Television Interference. Permittee shall investigate all complaints and provide appropriate mitigation for all impacts to radio or television reception caused by the proposed transmission line.

S-13 Citations: Section 403.531, F.S. DER: Section 403.523(14), F.S. DCA: Chapter 163, F.S.; F.A.C. Rule 9J5. TCRPC: Chapter 186, F.S.; F.A.C. Rule 27E-4; RCPP 15.1.1.3.

S-14 Electric and Magnetic Fields. The Crane-Bridge-Plumosos transmission line shall comply with the applicable electric and magnetic field standards adopted by the Environmental Regulation Commission.

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

S-15 Herbicides. The use of herbicides tebuthiuron (Spike) and picloram (Tordon) is allowed on terrestrial sites provided all label directions are followed. The use of these herbicides in areas of the ROW that are waters of the state shall not be allowed without concurrence of DER and review and approval by the permitting agency, the Department of Natural Resources (DNR), Bureau of Aquatic Plant Management, South Florida Regional Office.

S-15 Citations: Sections 403.531, 403.088, 403.061, 487.021(41), F.S.; F.A.C. Rules 17-3.051 and 17-3.061(p). DNR: F.A.C. Rule 16C-20.002(1).