FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

January 23, 2015

Sent by Electronic Mail – Document Access Verification Requested

John A. Noland
Henderson/Franklin, Starnes & Holt, P.A.
1715 Monroe St.
Fort Myers, Florida 33901

RE: Hardee Power Station
Certification Transfer of Transmission Lines
DEP File Number PA 89-25H
OGC Case Number 14-0743

FINAL ORDER TRANSFERRING CERTIFICATION

Dear Mr. Noland:

The Siting Board authorized the construction and operation of the steam electric generating plant at the Hardee Power Station (HPS) on November 27, 1990 (PA89-25). Seminole Electric Cooperative, Inc. (SECI) is currently the licensee for the power plant facility. The Department of Environmental Protection (Department) has modified the Conditions of Certification by Final Order on seven occasions.

On December 23, 2014, the Department received a Notice of Intent to Transfer Certification of a portion of the certified facility's associated transmission lines pursuant to Rule 62-17.211(3), F.A.C. Lee County Electric Cooperative, Inc. (LCEC) requested the transfer of the Charlotte to Lee Transmission Line (CLTL) to Florida Power and Light Company (FPL). The CLTL represents a twenty-two mile portion of the Lee Transmission Line certified by the Siting Board as an associated facility to the HPS in 1990. LCEC was transferred ownership on November 4, 2013 from SECI to LCEC for the CLTL (Mod F). SECI will continue to own and operate all remaining transmission lines associated with the HPS.

On December 23, 2014 all parties to the certification proceeding were also provided with notice of LCEC's intent to transfer a portion of the certified facility's associated transmission line. Pursuant to Rule 62-17.211(3), F.A.C., all parties to the certification proceeding have 30 days from notice to file with the Department a written objection to the transfer. The Department must approve the transfer, or object based on the inability of the new licensee to comply with the Conditions of Certification. Failure of a party to act within the time frame constitutes a waiver of the right to object.

No objections to the transfer have been received by the Department. The Department hereby approves the Transfer of Certification and the Conditions of Certification for the HPS are hereby updated as shown in Attachment A to reflect the transfer.

A complete set of the Conditions of Certification can be viewed and downloaded from the following website: http://www.dep.state.fl.us/siting/certification.htm. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Ann Seiler, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 5500, Tallahassee, Florida 32399-3000, (850) 717-9000.

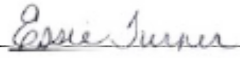
Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Justin B. Green
Administrator,
Siting Coordination Office

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

1/23/15
Date

CC. Mary Yeargan, FDEP mary.yeargan@dep.state.fl.us
Mark Langford, FDEP mark.langford@dep.state.fl.us
John Iglehart, FDEP jon.iglehart@dep.state.fl.us
Megan Mills, FDEP megan.mills@dep.state.fl.us
Frank R. Cain, Jr., LCEC frank.cain@lcec.net

Service List: CC by email (Document Access Verification Requested)

Justin G. Wolfe
Deputy General Counsel
Department of Environmental Protection
3900 Commonwealth Blvd., M.S. 35
Tallahassee, Florida 32399-3000
justin.wolfe@dep.state.fl.us

Martha A. Moore, Esquire
Southwest FL Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899
martha.moore@swfwmd.state.fl.us

Anthony Pinzino, Esquire
General Counsel
Fish and Wildlife Conservation Commission
6230 South Meridian Street
Tallahassee, Florida 32399-1600
anthony.pinzino@myfwc.com

Liz Donley, Esquire
Southwest Florida Regional Planning Council
1926 Victoria Avenue
Fort Meyers, Florida 33901
ldonley@swfrpc.org

Tedd N. Williams, Jr., Esquire
Manatee County Attorney
Post Office Box 1000
Bradenton, Florida 34206
tedd.williams@co.manatee.fl.us

Scott Rogers
Department of Economic Opportunity
Office of General Counsel
107 East Madison Street
Tallahassee, Florida 32399
scott.rogers@deo.myflorida.com

Kimberly Menchion, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
kimberly.menchion@dot.state.fl.us

Adam Teitzman, Attorney Supervisor
Florida Public Service Commission
Office of General Counsel
2450 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
ateitzma@psc.state.fl.us

Jeffrey Collier, Esquire
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406
jacollier@sfwmd.gov

Norman White, Esquire
Central Florida Regional Planning Council
2632 Eagle Court
Lake Wales, Florida 33898
gatorwhite@msn.com

Mary Breman
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, Florida 32399
deena.woodward@dos.myflorida.com
Mary.Berman@dos.myflorida.com

Mark Craig, Esquire
Office of the County Attorney
Polk County
Post Office Box 9000
Bartow, Florida 33831-9005
michaelcraig@polk-county.net

Dolores D. Menendez, Esquire
City Attorney
City of Cape Coral
P.O. Box 150027
Cape Coral, Florida 33915 – 0027
catty@capecoral.net

William Galvano, Esquire
Post Office Box 592
10 East Oak Street
Arcadia, Florida 34265-0592
wgalvano@grimesgoebel.com

Ken Evers
Hardee County Attorney
424 W Main St.
Wauchula, Florida 33873
ken_evers@embarqmail.com

Richard Wm. Wesch, Esquire
Lee County Attorney
Post Office Box 398
Fort Myers, Florida 33902-0398
weschr@leegov.com

Renee F. Lee, Esquire
Hillsborough County Attorney
601 E. Kennedy Blvd.,
County Center, 27th Floor
Tampa, Florida 33602
leer@hillsboroughcounty.org

Michael P. Haymans, Esquire
215 West Olympia Avenue
Punta Gorda, Florida 33950
(For Slack and Katzen and Schmid)
michael@mphaymans.com

Janette S. Knowlton, Esquire
Charlotte County Attorney
18500 Murdock Circle, Room 573
Port Charlotte, Florida 33948-1094
janette.knowlton@charlottefl.com

Thomas W. Reese, Esquire
2951 61st Avenue South
St. Petersburg, Florida 33712-4539
(For Manasota-88, Inc.)
TWReeseEsq@aol.com

John McWhirter, Esquire
McWhirter and Reeves
Post Office Box 3350
Tampa, Florida 33601
(For Agrico Chemical Company)
jmcwhiter@mac-law.com

ATTACHMENT A

Charlotte-Lee Transmission Line Conditions

Attachment A – Charlotte-Lee Transmission Line Conditions

Table of Contents

A. Scope 3
B. Definitions 3
C. Compliance 4
D. Transmission ROW 4
E. Surface Water Management 4
F. Webb Wildlife Management Area (WWMA) 4
G. Charlotte County 4
H. Lee County 5
I. Road Crossings 6

Attachment A – Charlotte-Lee Transmission Line Conditions

A. Scope

1. Pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501-518, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C)., this certification is issued to Florida Power and Light Company (FPL) as owner/operator and Licensee of the Charlotte-Lee Transmission Line (CLTL), a subset of the Lee Transmission Line ROW, which was originally certified as an associated facility with the Hardee Power Station, owned and operated by Seminole Electric Cooperative, Inc (SECI). Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate the CLTL, which is 22 miles in length. The CLTL includes all insulators, conductors, overhead shield wire, jumpers, bonds, grounds, hardware and related accessories, material and equipment that allow energy to flow from a point (shown in Figure 1) east of the Florida Power & Light Substation in Charlotte County, Florida to the LCEC Substation in Lee County, Florida, including 79 structures in Charlotte County, Florida and 58 structures in Lee County, Florida. The specific coordinates of the CLTL are as follows:

At the point just south of STR. 346B where easement ownership is conveyed to FPL:
Lat: 26°56'43.53"N
Long: 81°57'22.30"W
UTM: 17R 405.082 kmE 2980.749 kmN

At the fence line of Lee Sub:
Lat: 26°41'56.86"N
Long: 81°55'0.95"W
UTM: 17R 408.783 kmE 2953.439 kmN

2. These Conditions unless specifically amended or modified, are binding upon FPL and shall apply to the operation and maintenance of the CLTL as authorized under the Power Plant Siting Act (PPSA) and PPSA post-certification approvals issued by the Department of Environmental Protection. If a conflict should occur between the design criteria of this line and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

B. Definitions

1. "Charlotte-Lee Transmission Line" or "CLTL" shall mean the transmission line and associated ROW described in Condition A.1. and shown in Figure 1.
2. "Lee Transmission Line" shall have the same meaning as in Certification Order 89-25.
3. "Right of Way or ROW" shall mean land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line as owned by or proposed to be certified by the applicant. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.

C. Compliance

Maintenance and operation of the CLTL shall comply with the applicable non-procedural requirements of all state and local agencies.

D. Transmission ROW

1. Ground vehicles to be used in wetlands for maintenance access shall be low ground pressure vehicles unless limited to the access roads and structure pads.
2. Only EPA approved herbicides may be used in waters of the State, or the use of other herbicides in any areas of the ROW shall only be allowed with the concurrence of DEP.
3. Prior to clearing activities within the CLTL, an ecological survey shall be conducted to identify the presence of threatened or endangered species (plant and animals) as defined in the application, likely to occur in the ROW based on range and habitat. This survey shall also identify the location of any wading bird colonies. Results of this survey shall be submitted to the DEP and the FWCC and the United States Fish and Wildlife Service (USFWS). FPL will consult with DEP and FWCC to determine appropriate process to avoid minimize, mitigate, or otherwise appropriately manage any adverse impacts.
4. Prior to any clearing activity that will take place in or otherwise adversely affect jurisdictional wetlands, FPL shall submit for review, all information necessary for a complete Joint Application for Environmental Resource Permit (ERP), DEP Forms 62-343.900(1), concurrent with this submittal FPL shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review.

E. Surface Water Management

FPL will be responsible for the maintenance of the surface water management systems associated with the CLTL.

F. Webb Wildlife Management Area (WWMA)

FPL will be responsible for the maintenance of the CLTL across the WWMA, including the right to trim, cut and clear such trees, limbs, and undergrowth along the line and trees adjacent thereto as may endanger the proper operation of the CLTL. FPL has the reasonable right to enter upon Commission Land impacted by the CLTL in order to properly maintain the line.

G. Charlotte County

1. FPL shall be responsible for the correction of any sedimentation, turbidity, erosions, and/or shoaling problems that result from the operation and/or maintenance of the project.

2. It is the responsibility of FPL to provide reasonable measures to assure that unauthorized adverse off-site water resource related impacts do not occur during operation and/or maintenance of the project.

3. FPL shall, where practicable, utilize adjacent existing roads for access to the linear facility ROWs for operation and/or maintenance purposes.

4. Access road construction in Charlotte County shall include culverts as necessary and feasible to preserve preconstruction hydric flows.

H. Lee County

1. Prior to any project related land clearing or ground disturbing activities, any level two archeological areas crossed by the ROW, as identified in An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida (1987), will be subjected to a professional archaeological survey. Prior to conduction this survey, FPL's project archaeologist will consult with Lee County staff and coordinate regarding appropriate field methodology. The survey report shall be forwarded to the Lee County Department of Community Development. If avoidance is not feasible, FPL shall mitigate impacts through archaeological salvage excavation or by other methods acceptable to Lee County.

2. If any additional access roads providing entry into previously inaccessible areas of Lee County north of Cape Coral are required, they shall be gated, if the owner of the subject property consents.

3. If any access road construction is necessary for the operation and/or maintenance of the line within wetlands regulated under the Lee County Wetlands Protection Ordinance shall be at grade where feasible; culverts shall be included as necessary and feasible to preserve preconstruction hydric flows.

4. Where not inconsistent with restraints imposed under the Lee County Protected Species Ordinance, as many shrubs as practicable shall be retained within the Lee County portion of the CLTL.

5. The CLTL shall be sited, to the extent feasible, so as to avoid scrub inhabited by Florida scrub jays near the Lee substation.

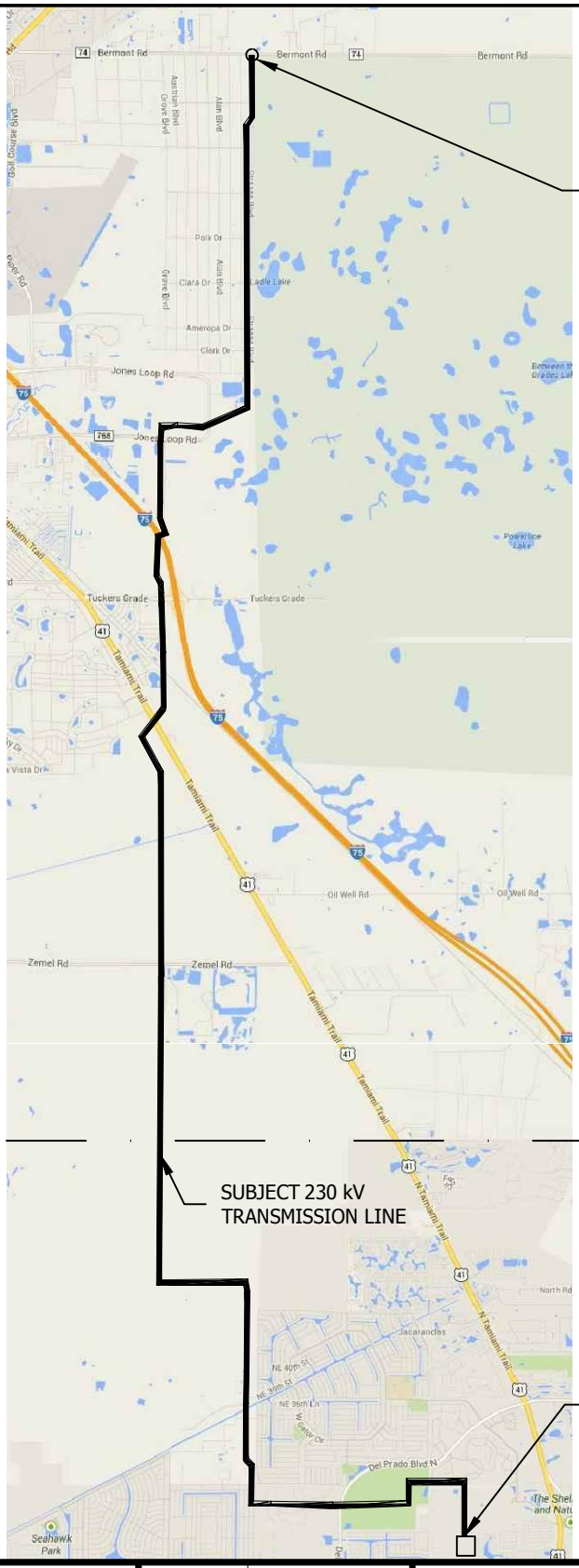
6. Prior to any project related land clearing or ground disturbing activities, the ROW will be surveyed for plant and animal species of special concern, and threatened or endangered species as identified in the Protected Species Ordinance (No. 89-29). Prior to conducting this survey, FPL's project biologist will consult with Lee County staff and coordinate regarding proper survey areas and methodology. The resulting survey report shall include aerial depictions of appropriate FLUCCS registers, transects walked and applicable visibility limits, and locations of sitings within the ROW. The survey report shall also include tables indicating the percentage of the area surveyed, calculated densities and abundance, dates and times the survey was conducted, and the name(s) of the surveyor(s). The survey report shall be submitted to Lee County's Department of Community Development. If listed species are determined to be present within the CLTL, the FPL shall consult with the Lee County Department of Community Development and FWCC to determine appropriate procedure to minimize and/or mitigate for any adverse impacts.

Attachment A – Charlotte-Lee Transmission Line Conditions

I. Road Crossings

1. FPL will comply with all applicable non-procedural county or city regulations pertaining to roadway crossings or connections by transmission lines and access roads.

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



STR. 346B
LAT:26°56'43.53"
LONG:81°57'22.30"
UTM:17R 405.08 kmE 2980.75 kmN

SUBJECT 230 kV
TRANSMISSION LINE

LEE SUBSTATION FENCE
LAT:26°41'56.86"
LONG:81°55'0.95"
UTM:17R 408.78 kmE 2953.44 kmN

NOTE:
RIGHT OF WAY EASEMENT OWNERSHIP BY FPL BEGINS APPROX. 50 FT. SOUTH OF STRUCTURE 346B.

LCEC
LEE COUNTY ELECTRIC COOPERATIVE, INC.

	DESCRIPTION	DATE	BY	CHKD	APPD
REV					

SCALE:
N.T.S.

TITLE:
FPL
CHARLOTTE - LEE 230 kV LINE EXHIBIT

SECI DWG. NO.
FIGURE 1