

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS*Bush*
EO Mod B
Alfaya Trans

IN RE:)

APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT SITE)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR CURTIS)
H. STANTON ENERGY CENTER)
PA 81-14C)
/

CASE NO. 92-6153EPP

OGC NO. 92-1943

FINAL ORDER APPROVING MODIFICATION OF CERTIFICATION

On June 8, 1995, the assigned DOAH Hearing Officer, Patricia Malono entered an order relinquishing jurisdiction of this proceeding to the board for the purpose of taking final agency action in this matter. On June 27, 1995, this matter came before the Governor and Cabinet, sitting as the Siting Board, pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Section 403.501 *et seq.*, Florida Statutes (1993). All parties to the modification proceedings before DOAH earlier executed a Stipulation and subsequently agreed to Conditions of Certification which resolved all disputed issues.

The Siting Board, having reviewed the terms of the Stipulation and Conditions of Certification and otherwise having been fully advised as to this matter, concludes that the Stipulation and Conditions of Certification effects an appropriate resolution of the controversy over the modification for the Orlando Utilities Commission (OUC) Curtis H. Stanton Energy Center (CHSEC). The revised Conditions of Certification

agreed to by all parties and attached as Hearing Officer's Exhibit 3 implement the agreed modification.

Accordingly, the Board ORDERS:

1. OUC is granted modification to its certification and its supplemental certification pursuant to Chapter 403, Part II, Florida Statutes, for the construction of the Alafaya Trail Extension beginning at the new "T" intersection on the CHSEC Site south to the existing State Road No. 528 interchange located at the International Corporate Park (ICP) Development of Regional Impact upon an alignment as described in Exhibit "A" to the Alafaya Stipulation attached hereto as a part of Hearing Officer's Exhibit 1.

2. The modification is granted subject to the Alafaya Stipulation, the April 11, 1995 Letter Agreement and the Conditions of Certification which are attached as Exhibits 1, 2, 3, respectively. These three documents and terms, provisions, and paragraphs contained therein shall constitute the conditions to this modification. OUC and ICP, their successors or assigns are responsible for compliance with the Conditions of Certification.

3. As contemplated by paragraph 3 of the Alafaya Stipulation, no construction of the Alafaya Trail Extension shall occur until the submittal to and completion of a post certification review by the Florida Department of Environmental Protection. Among other things, the exact relocation of 44 acres of OUC's combustion waste storage area and several monitoring wells in the southwest corner of the site shall be addressed in

the post certification review subject to the substantive requirements of subparagraph 2(6) of the Alafaya Stipulation, and any relevant Final Conditions.

4. Paragraph 5 of the Alafaya Stipulation at the time of its drafting contemplated a much longer time between entry of the Stipulation and the entry of the Siting Board Order than is actually occurring. Accordingly, the introductory section to paragraph 5 of the Alafaya Stipulation is necessarily amended, consistent with the intent of the parties to the Alafaya Stipulation, to read as follows with the new language being underlined and the deleted language being struck through:

5. Grant of Necessary Rights-of Way and Easements.

At the earlier of (i) the completion of the post certification review for the first two lanes of the Alafaya Trail Extension as contemplated by Paragraph (3) of the Stipulation or (ii) two (2) years from the date of ~~Prior-to~~ entry of the said Siting Board Order, OUC, ICP, and the County agree to execute a substitute right-of-way for all prior right-of-way and easements previously granted for the Alafaya Trail Extension and the water and wastewater pipeline that accomplished the following items:

5. Except as modified by the Final Order and its exhibits, the Supplemental and Original Certification as previously modified shall remain in effect in accordance with its terms and conditions.

6. The Board DELEGATES to the Department of Environmental Protection the authority to assure and enforce compliance by Orlando Utilities Commission and its agents with all of the Conditions of Certification imposed by this Order.

NOTICE OF RIGHTS

Any party to this certification proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; and by filing a copy of the Notice of Appeal, accompanied with the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

DONE and ORDERED this 24th day of July, 1995, at Tallahassee, Florida, pursuant to a vote of the Governor and Cabinet sitting as the Siting Board, at a duly-noticed and constituted Cabinet meeting on June, 27, 1995.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.82
Florida Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

Clerk

Date

THE GOVERNOR AND CABINET
SITTING AS THE SITING BOARD

BY: Lawton Chiles
THE HONORABLE LAWTON CHILES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 24th day of July, 1995, that a true and correct copy of the foregoing has been sent by U.S. Mail to the following listed persons:

Thomas B. Tart, Esquire
General Counsel
Orlando Utilities Commission
500 South Orange Avenue
Orlando, FL 32801

Kenna Van Assenderp, Esquire
C. Lawrence Keesey, Esquire
Y. Van Assenderp, Varnadoe
& Denton, P.A.
P.O. Box 1422
Tallahassee, FL 32302

Preston T. Robertson, Esquire
Florida Game and Fresh Water
Fish Commission
620 Meridian Street
Tallahassee, FL 32399-1600

Brigitte Filokes
Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

Wayne Flowers, Esquire
Eric Olsen, Esquire
General Counsel
St. Johns River Water Management
District
P.O. Box 1429
Palatka, FL 32178-1429

Toni Leidy, Esquire
General Counsel
South Florida Water Management
District
P.O. Box 24680
West Palm Beach, FL 33416-4680

Charles Lee
Florida Audubon Society
460 Highway 436 Ste 200
Casselberry, FL 32707

Gerald S. Livingston, Esquire
Kreuter & Livingston
800 N. Magnolia Ave., Suite 1625
Orlando, FL 32803

Paul H. Chipok, Esquire
Orange County Administration Ctr.
Post Office Box 1393
Orlando, FL 32802-1393



Charles T. "Chip" Collette

Assistant General Counsel
Department of Environmental
Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:	)	
	)	
APPLICATION FOR MODIFICATION OF	)	
SUPPLEMENTAL POWER PLANT	)	
CERTIFICATION OF ORLANDO	)	CASE NO. 92-6153EPP
UTILITIES COMMISSION FOR	)	
CURTIS H. STANTON ENERGY CENTER	)	
PA 81-14C	)	

ORDER RELINQUISHING JURISDICTION
AND CLOSING FILE

Pursuant to notice, a motion hearing was held before the undersigned on May 17, 1995, to consider the Motion to Relinquish Jurisdiction to the Department of Environmental Protection filed by ICP Associates on May 3, 1995. All parties to this proceeding joined in this motion except the Florida Audubon Society. On May 16, 1995, ICP Associates filed a Substitute Motion for Adoption of Proposed Recommended Order in which the May 3 Motion to Relinquish Jurisdiction was withdrawn; all parties to this proceeding joined in the substitute motion. During the May 17 hearing, ICP Associates withdrew its Substitute Motion for Adoption of Proposed Recommended Order and made an ore tenus Motion to Relinquish Jurisdiction to the Governor and Cabinet sitting as the Siting Board, the agency with the authority to enter final orders in cases governed by the Florida Electrical Power Plant Siting Act, part II, chapter 403, Florida Statutes. All parties at the hearing joined in this ore tenus motion.

Appearances at the May 17 motion hearing were as follows:

Orlando Utilities
Commission:

C. Lawrence Keeseey, Esquire
YOUNG, VAN ASSENDERP & VARNADOE
225 South Adams Street
Suite 200
Post Office Box 1833
Tallahassee, FL 32302-1833

ICP Associates:

Thomas A. Cloud, Esquire
GRAY, HARRIS & ROBINSON, P.A.
201 East Pine Street
Suite 1200
Post Office Box 3068
Orlando, FL 32802-3068

Department of Environmental
Protection:

Charles T. "Chip" Collette
Assistant General Counsel
2600 Blair Stone Road
Tallahassee, FL 32399

St. John's River Water
Management District:

Eric T. Olsen
Assistant General Counsel
Post Office Box 1429
Palatka, FL 32177-1429
(Via telephone)

Orange County:

Paul H. Chipok
Assistant County Attorney
201 South Rosalind Avenue
Post Office Box 1393
Orlando, FL 32802-1393

East Central Florida
Regional Planning Council:

Gerald S. Livingston, Esquire
KREUTER & LIVINGSTON
800 North Magnolia Avenue
Suite 1625
Post Office Box 2151
Orlando, FL 32802-2151
(Via telephone)

Florida Game & Fresh
Water Fish Commission:

Preston T. Robertson, Esquire
Farris Bryant Building
Room 108
620 South Meridian Street
Tallahassee, FL 32399-1600

Florida Audubon Society &
Orange Audubon Society:

Charles Lee
Senior Vice President
460 Highway 435
Suite 200
Casselberry, FL 32707

Neither the South Florida Water Management District nor the Florida Department of Community Affairs appeared at the hearing even though they are parties to this proceeding.

The record reveals that this case was commenced pursuant to section 403.516, Florida Statutes, with the October 5, 1992, filing by the Orlando Utilities Commission ("OUC") of a Petition for Modification of Site Certification for Public Roadway. The OUC sought modification of the supplemental certification and conditions of certification for the Curtis H. Stanton Energy Center, Unit 2 and associated facilities, which was approved in the Final Order entered by the Siting Board on December 17, 1991, in DOAH Case No. 91-1813EPP. The original site certification and conditions for certification of the Curtis H. Stanton Energy Center, Unit 1 and associated facilities, was approved by the Siting Board in a Certification Order entered December 14, 1982 in DOAH Case No. 81-1431.

By order of Hearing Officer Diane K. Kiesling, entered September 28, 1993, the formal hearing on the modification petition was scheduled for November 17-19, 1993. This order also required publication of the required notices in the Florida Administrative Weekly by October 1, 1993, and in a newspaper of general circulation in Orange County by October 8, 1993. Notice was timely published in the Florida Administrative Weekly, but nothing of record shows that notice was published in a newspaper of general circulation.

There has been no formal hearing conducted in this case. The formal hearing scheduled for November 17-19, 1993, was

ultimately cancelled and the case held in abeyance pursuant to an order entered by Hearing Officer Kiesling on October 15, 1993. In status reports filed periodically by the parties, it was represented that the parties were engaged in mediation. On May 3, 1995, the Stipulation of the Parties Concerning the Alafaya Trail Extension was filed by ICP Associates; a copy of the Stipulation is attached to this order as Exhibit 1. At the May 17, 1995, motion hearing, counsel for ICP Associates requested that a document identified as "ICP Agreement between OUC and ICP" and dated April 11, 1995, be transmitted to the Siting Board as an attachment to this order; it is attached hereto as Exhibit 2. On June 7, 1995, an Amended Notice of Filing Modification of Conditions of Certification was filed by the Department of Environmental Protection; a copy of the Amended Notice, with the conditions, is attached to this order as Exhibit 3.

After careful consideration of the record in this case and of the arguments of counsel at the May 17 motion hearing, the ore tenu motion of ICP Associates that jurisdiction of this case be relinquished to the Siting Board is GRANTED. It is, therefore,

ORDERED:

1. Jurisdiction in this case is, at the parties' request, relinquished to the Governor and Cabinet, sitting as the Siting Board, for consideration of the agreements of the parties and for final disposition of this case, if the Siting Board deems it appropriate.

2. Unless the Siting Board determines that a formal public hearing in this case should be conducted by the Division, and

pending such a request, the file of the Division of Administrative Hearings is closed.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 8th day of June 1995.

Patricia H. Malono

PATRICIA HART MALONO
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675 SC 278-9675

Filed with the Clerk of the Division
of Administrative Hearings this 8
day of June 1995

COPIES FURNISHED:

Kenza Van Assenderp, Esquire
C. Laurence Keeseey, Esquire
Young, Van Assenderp, Varnadoe & Benton, P.A.
P.O. Box 1833
Tallahassee, Florida 32302

Karen Brodeen, Esquire
FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
2740 Centerview Drive
Tallahassee, Florida 32399-2100

Paul Chipok, Assistant County Attorney
Orange County Administration Center
Legal Department - Fifth Floor
201 South Rosalind Avenue
Orlando, Florida 32801

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
Suite 1200, 201 East Pine Street
Post Office Box 3068
Orlando, Florida 32802-3068

Charles T. "Chip" Collette, Esquire
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Continued next page.

COPIES FURNISHED CONTINUED:

Charles Lee, Senior Vice President
Florida Audubon Society
Orange Audubon Society
460 Highway 435, Suite 200
Casselberry, Florida 32707

Antonette M. Leidy, Esquire
SOUTH FLORIDA WATER MANAGEMENT DIST.
3301 Gun Club Road
Post Office Box 24680
West Palm Beach, Florida 33416-4680

Gerald S. Livingston, Esquire
Kreuter & Livingston
Suite 1625
800 North Magnolia Avenue
P.O. Box 2151
Orlando, Florida 32802-2151

Eric Olsen
St. Johns River Water Management District
P.O. Box 1429
Palatka, Florida 32178-1429

Hamilton S. Oven, Jr.
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399

Preston T. Robertson
Brad Hartman
Florida Game & Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

Case No. 92-6153EPP

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: APPLICATION FOR SUPPLEMENTAL)
CERTIFICATION OF ORLANDO UTILITIES)
COMMISSION, ET AL., FOR CURTIS H.) CASE NO. 92-6153 EPP
STANTON ENERGY CENTER UNIT 2)
PA81-14C)

STIPULATION OF THE PARTIES CONCERNING
THE ALAFAYA TRAIL EXTENSION

The parties to this proceeding consisting of (1) Orlando Utilities Commission ("OUC"), (2) various agencies of the State of Florida, including specifically the Florida Department of Environmental Protection ("FDEP"), the St. Johns River Water Management District ("SJRWMD"), the South Florida Water Management District ("SFWMD"), the Florida Game and Fresh Water Fish Commission ("GFC"), the Florida Department of Community Affairs ("FDCA"), the Florida Department of Transportation ("FDOT"), and the East Central Florida Regional Planning Council ("ECFRPC") (collectively referred to as the "State Agencies"), (3) the Florida Audubon Society and Orange Audubon Society (collectively referred to as "Audubon"), (4) Orange County, Florida, a political subdivision of the State of Florida ("County"), ICP Associates ("ICP"), and Lake Nona Corporation ("Lake Nona") by and through their undersigned representatives and counsel do hereby enter into this Stipulation to settle issues so as to permit the construction of the Alafaya Trail Extension as follows:

1. Issuance of Siting Board Certification Modification Order. All parties agree and stipulate to recommend to the Governor and Cabinet sitting as the Board (as defined in §403.503(6), F.S.) that modification of the certification be granted to permit the issuance of an order by the Board (the "Board Order" or "Order") granting a Modification of Certification to permit the construction of the Alafaya Trail Extension beginning at the new "T" intersection on the Curtis H. Stanton Energy Center Site (the "Site") south to the existing State Road No. 528 interchange located at the ICP Development of Regional Impact upon an alignment as described in Exhibit "A" attached to and incorporated in this Stipulation. This Order will grant conceptual authorization for construction on the Stanton Site of a 4-lane highway in phases; provided, however, that the mitigation provided under this Stipulation mitigates for the impacts of the first two-lanes only and the second two-lanes are conceptually approved only. All parties agree to take all actions necessary to cause the Board to approve and accept this Stipulation and incorporate this Stipulation in said Order subject to conditions as outlined in this Stipulation. Furthermore, all parties agree to support and issue any needed letters, approvals, permits, or any other documents determined necessary to permit construction of the Alafaya Trail Extension along the alignment described on Exhibit "A" hereof. Upon (1) an Order which does not contain any language or condition that requires any additional environmental, wetland, or wildlife mitigation beyond that proposed in the October 5, 1992 Petition and

Request for Modification of Certification filed by OUC to mitigate for the impacts of the first two lanes only becoming final and non-appealable, (2) issuance of all said letters, approvals, permits, and documents, and (3) issuance of necessary federal approvals to permit construction of the Alafaya Trail Extension, then ICP agrees not to seek construction of the Alafaya Trail Extension along any alignment other than that set forth in Exhibit "A" hereof, and agrees to release the easement currently held by ICP for the eastern alignment.

2. Conditions to Board Order. With respect to the construction of the Alafaya Trail extension, all parties further agree and stipulate to recommend approval of conditions to be included in the Order to implement the following agreements:

(1) The northern terminus of the Alafaya Trail Extension to will be constructed as a "T" intersection to the existing Alafaya Trail.

(2) FDEP agrees, assuming compliance by the County with applicable statutes and permitting conditions in the construction and operation of the landfill cells located along the easterly boundary of its landfill property, that the "screening" required under Fla. Admin. Code Rule 62-701.340(4)(d) is not practical. All parties agree, however, that planting trees along both sides of the right-of-way paralleling the eastern boundary of the County landfill and the western boundary of OUC's landfill operation would be an aesthetic benefit to the project. ICP agrees to undertake such planting in the course of construction of the roadway

utilizing a portion of the pine seedlings set aside for red-cockaded woodpecker mitigation.

(3) FDEP understands and agrees that the County landfill monitoring wells and OUC's monitoring wells in the area of its combustion waste storage area may record the presence of contaminants in groundwater which could emanate from the new roadway (for example, accidental spills, "midnight dumping," or normal runoff from the highway surface). Accordingly, FDEP expressly agrees that in the event the County or OUC's landfill monitoring wells detect contaminants, FDEP will:

- (a) refrain from operating under the presumption that such contaminants emanated from the County landfill or OUC's combustion waste storage area and await the outcome of an appropriate investigation and assessment to make that determination;
- (b) refrain from delaying or disapproving the processing or issuance of any pending County landfill permits or permit renewals until such time as the source is finally determined; and
- (c) refrain from any enforcement action affecting OUC's construction activities or electric power generation or transmission operations that are otherwise in compliance with its certification pursuant to the Power Plant

Siting Act until such time as the source is finally determined.

In return, the County and OUC commit to promptly report to the FDEP Central District Office any catastrophic event or occurrence on the roadway of which OUC or the County become aware which could potentially cause groundwater contaminants to be detected in their respective monitoring wells, and the County further commits to promptly undertake an investigation and assessment of any groundwater contaminants discovered in its monitoring wells to determine their source and report such findings to FDEP. OUC further commits to promptly undertake an investigation of any groundwater contaminants discovered through routine groundwater monitoring to determine their source and report such findings to the FDEP. OUC shall be required to carry out an assessment of groundwater contaminants discovered in its monitoring wells through routine groundwater monitoring only when such contaminants are reasonably expected to result from operation of the combustion waste storage area.

(4) All parties agree that the County will require reasonable access to its 24-inch diameter water and wastewater pipelines, which are located in two (2) twenty-foot wide easements placed along the former alignment for the roadway on the eastern side of OUC's property capable of accommodating heavy types of equipment necessary to repair, replace, and maintain the pipelines. The parties agree and stipulate to the construction of a twenty-foot wide unpaved at-grade access corridor as generally outlined on

Exhibit "B" attached to and incorporated in this Stipulation and OUC hereby agrees to grant an easement to the County sufficient to operate, maintain, repair, and replace the pipelines, including rights of reasonable ingress and egress. The use of this unpaved at-grade access corridor will be restricted to the official vehicles of OUC, the County, other utility providers having a recorded easement as of the date of execution of this Stipulation and their contractors for the inspection, maintenance, repair, replacement, or reconstruction of the utility, water, and wastewater lines. All other users and uses of this unpaved at-grade access corridor shall be blocked by secure locked steel gates at both its northern and southern terminus points. The County's unpaved at-grade access corridor shall be constructed so as to not impact the current or future operations of OUC for the generation or transmission of electric power and shall not adversely affect previously approved mitigation sites and mitigation plans being implemented by OUC or ICP. All parties further agree that the upland portions of the existing water and wastewater easements may require action to control excessive vegetative growth over the unpaved at-grade access corridor and the two twenty-foot wide water and wastewater easements.

(5) As a part of the project design and construction costs for the Alafaya Trail Extension, ICP will include a scope of work for the utility pipeline access referred to in subparagraph (4) above as an alternate advertisement in its request for bid proposals. Orange County agrees to pay the total cost of the

design and construction of the utility pipeline access up to the maximum amount of \$125,000, and ICP will control the scope of the design and construction of the utility pipeline access consistent with Exhibit "B" hereof and subparagraph 2(4) hereof.

(6) The western alignment of the Alafaya Trail Extension agreed to by the Parties pursuant to this Stipulation will displace, and require the relocation of, 44 acres of OUC's combustion waste storage area located on the western side of the Stanton Energy Center pursuant to the original certification and supplemental certification of Stanton Unit 2, granted by the Siting Board pursuant to the Power Plant Siting Act. All parties agree and stipulate to recommend that the Board's order shall also approve as a minor modification and permit the relocation of 44 acres of OUC's combustion waste storage area and several monitoring wells in the southwest corner of the site. The recommendations shall not require OUC to provide any additional mitigation and OUC shall not be required to obtain any other agency authorization or approval for the relocation of the 44 acres of combustion waste storage area and monitoring wells, beyond post-certification review of any final detailed construction plans for the relocated combustion waste storage area.

(7) The road surface storm water outflow shall be from west to the east and any approved point of discharge shall discharge off-site of the Curt Stanton Energy Center site.

(8) ICP shall release its easement granted by ICP, Inc. for the construction of the eastern alignment of Alafaya Trail

Extension between the southern boundary of the Power Plant Site and the Bee Line Expressway.

(9) ICP shall relocate any gopher tortoises found within the Alafaya Trail Extension segment located on the previously certified Curt Stanton Energy Center site to approved areas within the Curt Stanton Energy Center site in accordance with and subject to the reasonable approval of GFC, and ICP shall relocate any gopher tortoises found within the Alafaya Trail extension segment south of the previously certified Curt Stanton Energy Center site to other areas in accordance with and subject to the reasonable approval of GFC.

(10) Construction of the second two (2) lanes of the Alafaya Trail Extension shall be approved only upon a demonstration that such construction meets all applicable agency requirements including, but not limited to, mitigation requirements as necessary to offset impacts to wetlands and the Econlockhatchee River Riparian Habitat Protection Zone as defined in Chapter 40C-41, F.M.C.

3. Post Certification Review. To accomplish the construction contemplated by this Stipulation, all parties agree that OUC shall file all information necessary for post certification review of the Alafaya Trail Extension project consistent with the terms and conditions of the Siting Board Order. So long as this submission is consistent with the terms and conditions of the Siting Board Order each and every party hereto agrees it shall not file or cause to be filed any petition,

challenge, or pleading (administrative or judicial) which opposes or in any way delays review of the post-certification submittal. Furthermore, each and every party agrees to support said post-certification submittal so long as it is consistent with the Siting Board Order. All parties agree that the impacts of the first two (2) lanes of the Alafaya Trail Extension alignment set forth on Exhibit "A" are deemed comparable to and do not exceed the impacts of the eastern alignment previously sought for the Alafaya Trail Extension. The impact comparison chart is attached to and incorporated in this Stipulation as Exhibit "C" hereof. The parties agree that the modification of the road from the east to the west alignment set forth on Exhibit "A," along with OUC's commitment to manage the eastern area as specified in the Stipulation of the Parties Concerning the Red-Cockaded Woodpecker Management Plan, as filed in DOAH Case No. 91-1813 EPP, shall be considered part of the mitigation for the Riparian Habitat Protection Zone and wetland impacts resulting from the western alignment and the Combustion Waste Storage Area relocation. All parties agree to support the use of previously submitted mitigation plans proposed in the October 5, 1992 Petition and Request for Modification of Certification filed by OUC for red cockaded woodpeckers and wetlands for all impacts of the first two (2) lanes of the Alafaya Trail Extension alignment set forth on Exhibit "A" hereof. The parties agree that any necessary wetland mitigation for the second two (2) lanes of the Alafaya Trail Extension shall:

(1) be handled by the later filing of a post certification submittal with FDEP, SJRWMD, and GFC for review and approval thereof, and

(2) consider the use of mitigation which benefits red-cockaded woodpecker management or habitat on lands in east Orange County or Riparian Habitat Protection Zone and wetland habitat for the Econlockhatchee River. Finally, all parties agree to support and not oppose in the same degree and manner outlined above the issuance or approval of any necessary federal agency permit including but not limited to a U.S. Army Corps of Engineers permit to permit construction and relocation of a portion of OUC's combustion waste storage area and the construction of the Alafaya Trail Extension alignment set forth on Exhibit "A" hereof.

4. Monetary Mitigation Option. The parties agree that in lieu of the mitigation plan approved for the wetland impacts of the initial two (2) lanes of Alafaya Trail, ICP shall have the option up to thirty (30) days prior to the commencement of construction to place the 37 ac mitigation area under a conservation easement to FDEP and contribute the sum of FOUR HUNDRED THIRTY THOUSAND DOLLARS (\$430,000.00) to be used toward the purchase of lands for mitigation deemed acceptable by SJRWMD to be conveyed to SJRWMD. Said option shall be exercisable if and only if approval or concurrence is obtained from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, and the SJRWMD.

5. Grant of Necessary Rights-of-Way and Easements. Prior to entry of the said Siting Board Order, OUC, ICP and the County agree to execute a substitute right-of-way for all prior right-of-way and easements previously granted for the Alafaya Trail Extension and the water and wastewater pipeline that accomplishes the following items:

(1) Grants a permanent utility easement to the County for the operation, inspection, maintenance, repair, rehabilitation, reconstruction, and replacement of the water and wastewater pipelines, together with the right to construct adequate access as previously set forth in this Stipulation,

(2) Grants a temporary construction easement to ICP for the construction of the Alafaya Trail Extension upon the alignment set forth in Exhibit "A" hereof, including but not limited to any lands owned or controlled by the County, and,

(3) Provides for the conveyance of a permanent right-of-way by OUC and ICP over lands owned by either of them to the County for the Alafaya Trail Extension as depicted on Exhibit "A" hereof. The parties agree that under no circumstances shall any party be required to condemn lands for said right-of-way.

6. Determination and Approval of Non-Substantial Changes to ICP Development of Regional Impact and Planned Development. All parties hereby agree that the changes described in the letter and attachments attached to and incorporated in this Stipulation as Exhibit "D," and other changes that are determined by the County and FDCA to be directly and solely related to and necessitated by

the realignment of the Alafaya Trail Extension, and the realignment itself are hereby determined and shall be approved as both a non-substantial change under §380.06(19), Fla. Stat., and a non-substantial change under Orange County's Planned Development District requirements as set forth in the Orange County Code. The County and FDCA agree by execution of this Stipulation to grant such determinations and approvals, subject to reasonable conditions not inconsistent with this Stipulation and agree that they will accomplish such proceedings as are required by law. As to any other changes that may relate to the realignment of the Alafaya Trail Extension, they shall be processed as provided by law.

7. SJRWMD Review and Recommendations. Upon execution of and acceptance of this Stipulation, but in no event later than the entry of the Siting Board Order, OUC and ICP shall submit to the SJRWMD data and analysis demonstrating that construction of the first two (2) lanes of the Alafaya Trail Extension complies with SJRWMD requirements. Notwithstanding anything to the contrary contained in said requirements, no additional mitigation beyond that proposed in the October 5, 1992 Petition and Request shall be required by SJRWMD for the first two (2) lanes of the Alafaya Trail Extension. Prior to entry of the Order, SJRWMD shall render its recommendations to FDEP for inclusion into the Order. All parties agree that the four (4) SJRWMD permits previously issued for the Alafaya Trail Extension shall expire upon issuance of the Order by the Siting Board and receipt of the United States Army Corps of Engineers dredge and fill permit, whichever last occurs. The

SJRWMD recommendations to FDEP shall contain such conditions from said permits as SJRWMD determines are necessary to authorize construction of the Alafaya Trail Extension consistent with this Stipulation. Said permits are listed on Exhibit "E" attached to and incorporated in this Stipulation. Notwithstanding any other provision of this Stipulation, the SJRWMD shall not be required to advocate the Alafaya Trail Extension, as set forth in Exhibit "A" attached hereto, the County access to the water and wastewater pipelines, or the combustion waste storage area relocation, before any other federal, state, or local agency or government except that by signing this Stipulation, the SJRWMD agrees that the Division of Administrative Hearings case number 92-6153EPP is resolved, and the Siting Board Order may be issued, pursuant to the terms of this Stipulation.

8. Final County Approval of Construction Plans. This Stipulation contemplates and all parties agree that the Order shall include a condition providing for the County's final approval of construction plans for the construction of the Alafaya Trail Extension consistent with the terms and conditions of this Stipulation and the Order.

9. Counterpart Originals. This Stipulation may be executed in a number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes and all such counterparts shall, collectively, constitute one agreement, but, in making proof of this Stipulation, it shall not

be necessary to produce or account for more than one such counterpart.

10. Binding Effect. All parties stipulate, warranty, and agree that this Stipulation is binding upon heirs, successors, and/or assigns of the parties hereto.

11. Stipulation Condition of Order. This Stipulation shall be incorporated as an attachment to the Order to be issued by the Board.

12. Enforcement of a Stipulation. Any party to this Stipulation shall be able to seek specific performance of its terms by suit in the Circuit Court of the Second Judicial Circuit of Florida, or enforcement proceedings for the FDEP.

13. No Waiver of Rights. The parties, by entering into this Stipulation and settlement of this matter, do not waive any rights they may have as a matter of law and do not waive the ability to raise collateral issues in the appropriate form(s), that are not specifically addressed herein. Nothing in this Stipulation and settlement of this matter shall act to limit the future lawful exercise by the FDEP or the County of its police powers, eminent domain powers, or other governmental powers.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation to be executed by the undersigned officials as duly authorized. This Stipulation shall be recorded in the Public Records of Orange, Florida.

Signed, sealed and delivered
in the presence of:

x: *R. S. Schwab*

WANDA S. Schwab

x: *Sue Ann Mansingh*

Sue Ann Mansingh

ORLANDO UTILITIES COMMISSION

By: *[Signature]*
Robert C. Haven, General
Manager

Attest: *[Signature]*
ASSISTANT SECRETARY

Executed subject to
ratification by the
Orlando Utilities
Commission at its April
11, 1995, meeting.

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 6th
day of April, 1995, by ROBERT C. HAVEN, General Manager, Orlando
Utilities Commission, on behalf of OUC. He is (personally known to
me) (~~or has produced~~) (~~type of identification~~) as identification.

Sharon L. Knudsen
(Signature)

Sharon L. Knudsen
(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

Thomas B. Tart

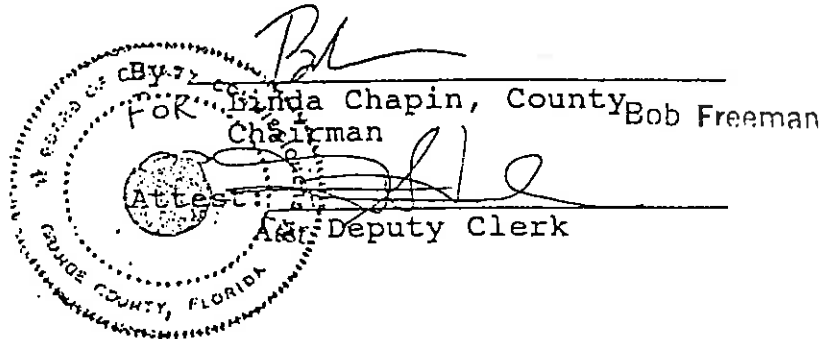
Thomas B. Tart, Esquire

Dated: 4/11/95



SHARON L. KNUDSEN
MY COMMISSION # CC445129 EXPIRES
March 14, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

ORANGE COUNTY, a political
subdivision of the State of
Florida



STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 27th
day of March, 1995, by Linda Chapin, County Chairman, Orange County
Board of County Commissioners, on behalf of Orange County. She is
(personally known to me) (or has produced) (type of identification)
as identification.



GWENDOLYN EDNA SASSER
MY COMMISSION # CC 204743 EXPIRES
JUNE 1, 1995
BONDED THRU TROY FAIR INSURANCE, INC


(Signature)

GWENDOLYN EDNA SASSER
(Print Name)

Notary Public

My Commission Expires:

For use and reliance by
Orange County only. Approved
as to form.


Paul H. Chipok, Asst. County
Attorney

Dated: March 24, 1995

CITY OF ORLANDO, FLORIDA

Betty T. Upson
Mayor Pro Tem

ATTEST:

Grace A. Chewning
Grace A. Chewning, City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida only.

R. APRIL 14, 1995.
Rufus D. Oklahoma III
CHIEF ASST. City Attorney
Orlando, Florida

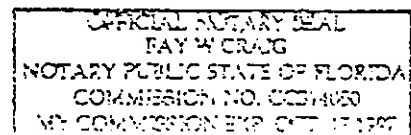
STATE OF FLORIDA }

COUNTY OF ORANGE }

PERSONALLY ~~APPEARED~~ Betty T. Upson before me, the undersigned authority,
known to me, and known by me to be the Mayor Pro Tem and
City Clerk, respectively, and acknowledged before me that they
executed the foregoing instrument on behalf of the City of Orlando,
Florida, as its true act and deed, and that they were duly
authorized to do so.

WITNESS my hand and official seal this 18 day of April,
1995.

Fay W. Craig
NOTARY PUBLIC
Print Name: FAY W. CRAIG
My Commission Expires:



Signed, sealed and delivered
in the presence of:

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION, an
agency of the State of Florida

x: _____

By: RT Donelan
Richard T. Donelan
Assistant General Counsel

STATE OF FLORIDA
COUNTY OF LEON

The foregoing document was acknowledged before me this
24th day of March, 1995, by Richard T. Donelan, Esquire, who,
personally appeared before me and who is personally known to me
and who did (did not) take an oath.



Iris A. Littleton
Iris A. Littleton
Notary Public

Signed, sealed and delivered
in the presence of:

x: Paul Darst
PAUL DARST

x: Brigette A. Ffolkes
BRIGETTE A. FOLKES

FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS, an agency
of the State of Florida

By: Charles Pattison
Charles Pattison, Director
Division of Resource
Planning and Management

Attest: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 24th
day of March, 1995, by CHARLES PATTISON, Director, Division of
Resource Planning and Management, Florida Department of Community
Affairs, on behalf of FDEA. She is (personally known to me) (or
~~has produced~~) (~~type of identification~~) as identification.

Jane R. Bass
(Signature)

Jane R. Bass
(Print Name)

Notary Public

My Commission Expires: 6/24/96

Approved as to form
and legal sufficiency:

Brigette A. Ffolkes
Brigette Ffolkes, Asst. General
Counsel

Dated: 3/24/95



GRAY, HARRIS & ROBINSON

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

J. CHARLES GRAY
GORDON M. HARRIS
RICHARD M. ROBINSON
PHILLIP R. FINCH
PAMELA O. PRICE
JAMES F. PAGE, JR.
WILLIAM A. BOYLES
THOMAS A. CLOUD
BYRD F. MARSHALL, JR.
J. MASON WILLIAMS III
LEO P. ROCK, JR.
G. ROBERTSON DILG
CHARLES W. SELL
JACK A. KIRSCHENBAUM
JAMES W. PEEPLES III
RICHARD E. BURKE
GUY S. HAGGARD
FREDERICK W. LEONHARDT
BORRON J. OWEN, JR.
MICHAEL K. WILSON

SUITE 1200
201 EAST PINE STREET
POST OFFICE BOX 3068
ORLANDO, FL 32802-3068
TELEPHONE (407) 843-8880
FAX (407) 244-5690

GLASS BANK BUILDING
505 NORTH ORLANDO AVENUE
POST OFFICE BOX 320757
COCOA BEACH, FL 32932-0757
TELEPHONE (407) 783-2218
FAX (407) 783-2297

WRITER'S DIRECT DIAL

PLEASE REPLY TO:
Orlando

PAUL S. QUINN, JR.
DAVID L. SCHICK
JACK K. McMULLEN
SUSAN T. SPRADLEY
TRACY A. BORGERT
LILA INGATE McHENRY
KENT L. HIPP
MICHAEL E. NEUKAMM
ROBERT L. BEALS
DONALD H. GIBSON
KIMBERLY L. NOWORYTA
MICHELE R. PLANTE
N. SCOTT NOVELL
CHRISTOPHER J. COLEMAN
PEGGY R. HOYT
RUSSELL S. KENT

OF COUNSEL
MALCOLM R. KIRSCHENBAUM
SYD JACKOWITZ
WILLIAM G. BOLTON, III

April 4, 1995

Via FAX Transmittal - 904/488-4412

Thomas Duffy, Asst. General Counsel
DEPARTMENT OF TRANSPORTATION
605 Suwanee Street, MS-58
Tallahassee, Florida 32399-0458

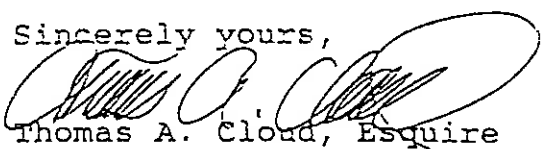
Re: Alafaya Trail Stipulation

Dear Tom:

Enclosed is a copy of the May 18, 1993, Order Granting Continuance, Revising Prehearing Schedule and Denying Intervention, signed by Diane K. Kiesling, Hearing Officer. Pursuant to this order, agencies had until September 3, 1993, to become a party to the proceeding. I have diligently searched the records and can find no evidence that the Department of Transportation filed to become a party by the September 3, 1993 date. Therefore, I am of the opinion that Department of Transportation is not a party to this application for modification. Therefore, as we discussed this morning, there is no need for the Department of Transportation to execute the Stipulation.

I do understand from my discussions with you that the agency has no objections to the entry of the Stipulation, so long as ICP and others comply with State law in the construction of the road. I can assure you that ICP intends to comply with every applicable State law in the construction of this road. As we discussed, then, I intend on representing to the Hearing Officer that your agency has no objections to the entry of the Stipulation as specified above. If you have any questions, please do not hesitate to call on me.

Sincerely yours,


Thomas A. Cloud, Esquire
GRAY, HARRIS & ROBINSON, P.A.

Enclosures

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:

APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR)
CURTIS H. STANTON ENERGY CENTER)
PA 81-14C)

CASE NO: 92-6153EPP

ORDER GRANTING CONTINUANCE, REVISING PREHEARING
SCHEDULE AND DENYING INTERVENTION

This cause comes on for consideration on the Motion for Continuance of Certification Hearing, OUC's Response thereto and ICP's Concurrence therein, on the University of Central Florida's Petition for Leave to Intervene, and on Florida and Orange Audubons' Response in Opposition to University of Central Florida's Petition for Leave to Intervene. Upon consideration, it is

ORDERED:

1. The University of Central Florida's Petition for Leave to Intervene is DENIED for the same reasons set forth in the Order Denying Intervention by the Department of Corrections.

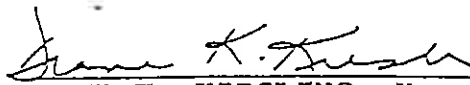
2. The Motion for Continuance of the certification hearing scheduled for June 21-25, 1993, is GRANTED and that hearing is cancelled.

3. The certification hearing is rescheduled for November 15-19, 1993.

4. The prehearing schedule is revised as set forth herein:

September 3, 1993	Deadline for agencies to become parties
September 15, 1993	Agency reports must be filed and newspaper and FAW notices of hearing published
October 8, 1993	DER issues final report
October 15, 1993	Deadline for intervention and for persons to file to be a party
November 1, 1993	Prehearing Conference to exchange witness lists, review exhibits, and discuss prehearing stipulation
November 8, 1993	File Prehearing Stipulation. Any witnesses or exhibits not listed may be excluded at hearing
November 15-19, 1993	Certification hearing

DONE and ORDERED this 18th day of May, 1993, at Tallahassee, Florida.


 DIANE K. KIESLING, Hearing Officer
 Division of Administrative Hearings
 The DeSoto Building
 1230 Apalachee Parkway
 Tallahassee, Florida 32399-1550
 (904) 488-9675

Filed with the Clerk of the Division of Administrative Hearings this 18th day of May, 1993.

Copies furnished to:

Thomas B. Tart, General Counsel
 Orlando Utilities Commission
 500 South Orange Avenue
 2nd Floor
 Orlando, FL 32801
 Representing Orlando Utilities Commission

Kenza Van Assenderp, Attorney at Law
 C. Laurence Keesey, Attorney at Law
 Young, Van Assenderp, Varnadoe
 & Benton, P.A.
 Post Office Box 1833
 Tallahassee, FL 32302
 Representing Orlando Utilities Commission

Fred Bryant, Attorney at Law
306 East College Avenue
Tallahassee, FL 32302

Richard Donelan
Assistant General Counsel
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
Representing DER

Hamilton S. Oven, Jr.
Office of Siting Coordination
Department of Environmental
Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Michael Palecki, Bureau Chief
Florida Public Service Commission
Division of Legal Services
101 East Gaines Street
Fletcher Building, Room 212
Tallahassee, FL 32399-0859
Representing FPSC

Jim Antista, General Counsel
Florida Game and Fresh Water
Fish Commission
Farris Bryant Building
Room 108
620 S. Meridian Street
Tallahassee, FL 32399-1600
Representing GFWFC

M. B. Adelson IV
Assistant General Counsel
Department of Natural Resources
3900 Commonwealth Boulevard
Tallahassee, FL 32399
Representing DNR

Lucky T. Osho, Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100
Representing DCA

William H. Roberts, Assistant
General Counsel
Department of Transportation
605 Suwanee Street, MS-58
Tallahassee, FL 32399-0458
Representing DOT

Wayne E. Flowers, General Counsel
Eric T. Olsen, Asst. General Counsel
St. Johns River Water Management
District
Post Office Box 1429
Palatka, FL 32178-1429
Representing SJRWMD

Toni M. Leidy, Attorney at Law
South Florida Water Management District
3301 Gun Club Road
Post Office Box 24680
West Palm Beach, FL 33416-4680
Representing SFWMD

Charles Lee, Senior Vice President
Florida Audubon Society
460 Highway 435, Suite 200
Casselberry, FL 32707
Representing Florida Audubon Society

Gerald S. Livingston
Attorney at Law
Kreuter & Livingston
800 N. Magnolia Ave., Suite 1625
Orlando, FL 32803
Representing ECFRPC

John Gehrig, County Attorney
Paul H. Chipok, Assistant County Attorney
Orange County Administration Center
Post Office Box 1393
Orlando, FL 32802-1393
Representing Orange County

James F. Page, Jr.
Thomas A. Cloud
Anthony J. Cotter
Attorneys at Law
Post Office Box 3068
Orlando, FL 32802-3068
Representing ICP Associates

Ashmun Brown
Attorney at Law
University of Central Florida
Box 25000
Orlando, FL 32816

Case No. 92-6153-EPP

Signed, sealed and delivered
in the presence of:

FLORIDA DEPARTMENT OF
TRANSPORTATION, an agency
of the State of Florida

x: _____

By: _____

Ben Watts
Secretary

x: _____

Attest: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by BEN WATTS, Secretary, Florida Department of
Transportation, on behalf of FDOT. He is (personally known to me)
(or has produced) (type of identification) as identification.

(Signature)

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

William H. Roberts, Asst.
General Counsel

Dated: _____

State of Florida

Commissioners:

SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 487-2740

Public Service Commission

March 31, 1995

Mr. Thomas A. Cloud, Esquire
Gray, Harris & Robinson
201 East Pine Street
Suite 1200
Orlando, Florida 32802-3068

Dear Mr. Cloud:

I believe that the Florida Public Service Commission has waived participation in these proceedings per Section 403.508(4)(b), Florida Statutes.

If I am mistaken in this belief, the Commission staff is not authorized to take a position on the stipulation you have submitted. In order for the Commission itself to state a position on the stipulation, a noticed vote of the Commission, in the sunshine, would need to be taken and affected persons given an opportunity to participate. Since this does not appear to be feasible given your time constraints, the Commission will not take a position on the stipulation. Of course, the Commission intends to comply with any order of the DOAH Hearing Office or of the Siting Board, and will take a position on the stipulation if so ordered.

While the Commission did not choose to participate in this particular case, its decision on whether to participate in certification proceedings is made on a case by case basis. The Commission may choose to participate in future certification proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Palecki".

Michael A. Palecki
Chief, Bureau Electric and Gas

MAP/js

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

Execution of Stipulation will be substituted by a letter from FPSC
evidencing FPSC's lack of objection.

Signed, sealed and delivered
in the presence of:

x: Rosemary Margo
Rosemary Margo
x: [Signature]
B. M. Wright

GAME & FRESH WATER FISH
COMMISSION, an agency of
the State of Florida

By: [Signature]
Dr. Allan E. Egbert
Executive Director

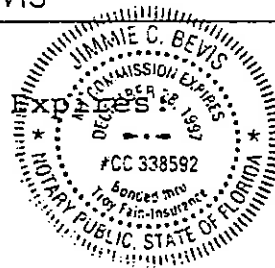
Attest: Jimmie C. Bevis

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 23rd
day of March, 1995, by DR. ALLAN L. EGBERT, Executive Director,
Game & Fresh Water Fish Commission, on behalf of GFC. He is
(personally known to me) (or has produced) (type of identification)
as identification.

Jimmie C. Bevis
(Signature)

JIMMIE C. BEVIS
(Print Name)
Notary Public
My Commission Expires



Approved as to form
and legal sufficiency:

Preston T. Robertson
Preston T. Robertson, Esquire

Dated: 3/23/95

Signed, sealed and delivered
in the presence of:

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

x: *Eric T. Olsen*

Eric T. Olsen

x: *Amy D. Burdette*

Amy D. Burdette

BY: *Henry Dean*

HENRY DEAN
Executive Director
Signed subject to
ratification by the
SJRWMD Governing
Board at its April
11-12, 1995, meeting.

STATE OF FLORIDA
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me
this 24th day of March, 1995, by HENRY DEAN,
Executive Director, St. Johns River Water Management
District, on behalf of SJRWMD. He is (personally known to
me) (or has produced) (type of identification) as
identification.

Kristi L. Cushman

(Signature)

Kristi L. Cushman

(Print Name)

Notary Public

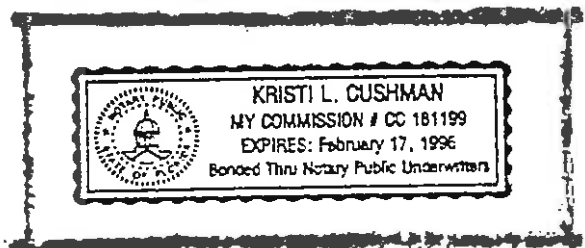
My Commission Expires:

Approved as to form
and legal sufficiency:

Wayne E. Flowers

Wayne E. Flowers, Esquire

Dated: 3/24/95



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE:)

APPLICATION FOR MODIFICATION OF
SUPPLEMENTAL POWER PLANT
CERTIFICATION OF ORLANDO
UTILITIES COMMISSION FOR
CURTIS H. STANTON ENERGY CENTER
PA 81-14C)

CASE NO. 92-6153EPP

NOTICE OF NO OBJECTION TO STIPULATION

South Florida Water Management District ("SFWMD") hereby files notice that it has no objection to the Stipulation of the Parties Concerning The Alafaya Trail Extension. The SFWMD is a statutory party to the certification modification proceedings for Curtis H. Stanton Energy Center but has not been a participant in the review of the Alafaya Trail Extension nor has SFWMD participated in related settlement negotiations. The proposed extension of Alafaya Trail is located outside of the SFWMD's jurisdiction and, to the SFWMD's knowledge, has no impact on its water resources or mitigation requirements. SFWMD neither concurs with, nor objects to the particular terms of resolution of this matter; but reserves its right to remain a party to these proceedings and any future modification of the subject certification.

RESPECTFULLY SUBMITTED this 31st day of March, 1995.

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To <u>Tam Cloud</u>	From <u>Toni Leidy</u>	
Co.	Co.	
Dept.	Phone # <u>407 687-6311</u>	
Fax # <u>407-244-5690</u>	Fax # <u>407 687-6295</u>	

* Service List is NOT being FAXED

Toni M. Leidy
Toni M. Leidy, Esquire
SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
Post Office Box 24680
West Palm Beach, Florida 33416-4680
(407) 686-8800
Florida Bar No. 0837970

Signed, sealed and delivered
in the presence of:

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT, an agency
of the State of Florida

x: _____

By: _____

Sam Poole
Executive Director

x: _____

Attest: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by SAM POOLE, Executive Director, South Florida
Water Management District, on behalf of SFWMD. He is (personally
known to me) (or has produced) (type of identification) as
identification.

(Signature)

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

Antonette M. Leidy, Esquire

Dated: _____

Signed, sealed and delivered in
the presence of:

x: _____

x: _____

EAST CENTRAL FLORIDA REGIONAL
PLANNING COUNCIL

By: _____

The Hon. Frankee Hellinger
Chairman, ECFRPC

Attest: _____

The foregoing instrument was acknowledged before me this 4th
day of April, 1995, by Commissioner Frankee Hellinger, Chairman,
East Central Florida Regional Planning Council, on behalf of
ECFRPC. She is personally known to me.



TERI L HUALP
My Commission CC393415
Expires Jul. 18, 1998
Bonded by HAI
800-422-1555

(Signature)

(Print Name)

Notary Public

My Commission Expires: 7/18/98

Approved as to form and legal
sufficiency:

Gerald S. Livingston, Esquire

Dated: April 4, 1995

Signed, sealed and delivered
in the presence of:

x: Shirley M. Horchler
Shirley M. Horchler
x: Karlene Rogers
Karlene Rogers

Signed, sealed and delivered
in the presence of:

x: Shirley M. Horchler
Shirley M. Horchler
x: Karlene Rogers
Karlene Rogers

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23rd
day of March, 1995, by CHARLES LEE, Senior Vice President, Florida
Audubon Society, on behalf of Florida Audubon and for Orange
Audubon Society. He is (personally known to me) (or has produced)
(type of identification) as identification.

FLORIDA AUDUBON SOCIETY
a Florida not-for-profit
corporation

By: [Signature]
Charles Lee
Senior Vice President

Attest: _____

ORANGE AUDUBON SOCIETY
a Florida not-for-profit
corporation

By: [Signature]
Charles Lee

Attest: _____

Linda K. Dittman
(Signature)

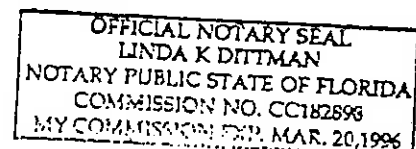
Linda K. Dittman

(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

[Signature]
Charles Lee

Dated: _____



Signed, sealed and delivered
in the presence of:

LAKE NONA CORPORATION, a
Florida corporation

x: Claudia Thomas
Claudia Thomas

By:

R. Randolph Lyon, Jr.
Executive Vice President

x: Larry Thomas
Larry Thomas

[CORPORATE SEAL]

STATE OF FLORIDA

COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____
day of March, 1995, by R. RANDOLPH LYON, JR., Executive Vice
President, on behalf of Lake Nona. He is (personally known to me)
(or has produced) (type of identification) as identification.

Cheri M. Crawford
(Signature)

Cheri M. Crawford
(Print Name)

Notary Public

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LAW
MY COMMISSION EXPIRES JULY 22, 1995
LOUISIANA TERRACE, MIAMI & ASSOCIATES

Signed, sealed and delivered
in the presence of:

ICP ASSOCIATES, a Florida
general partnership

By: ICP1, INC.,
managing general partner of
ICP Associates

x: *Andrew H. [Signature]*

By: *Mark B. Cohen [Signature]*
Mark B. Cohen
President

x: *Dorothy Edwards [Signature]*

[CORPORATE SEAL]

ICP1
Inc.

STATE OF NY
COUNTY OF NY

The foregoing instrument was acknowledged before me this 28th
day of March, 1995, by MARK B. COHEN, President on behalf of ICP
Associates. He is (personally known to me) (or has produced) (type
of identification) as identification.

[Signature]
(Signature)

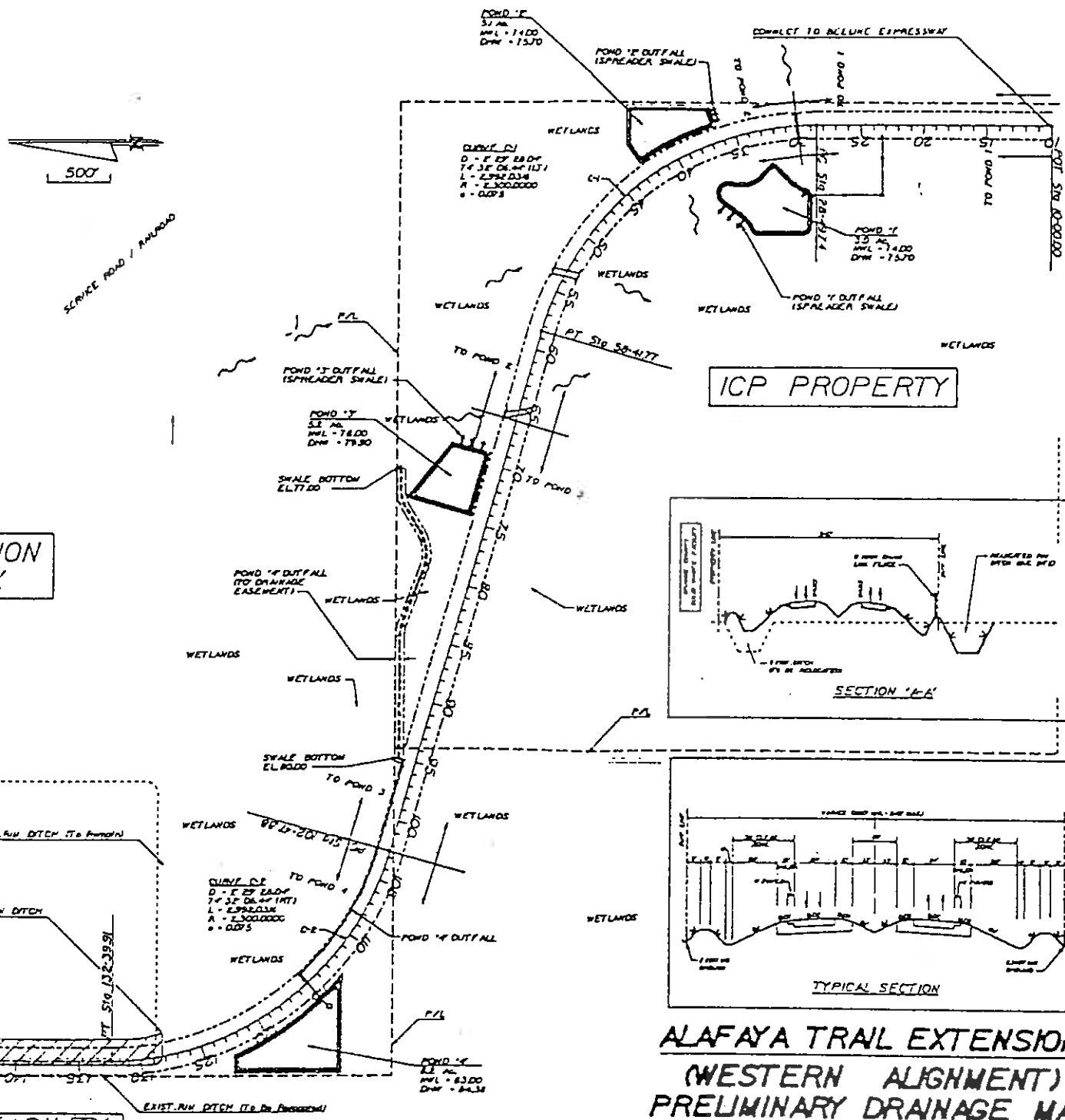
(Print Name)
Notary Public
My Commission Expires:

Approved as to form
and legal sufficiency:

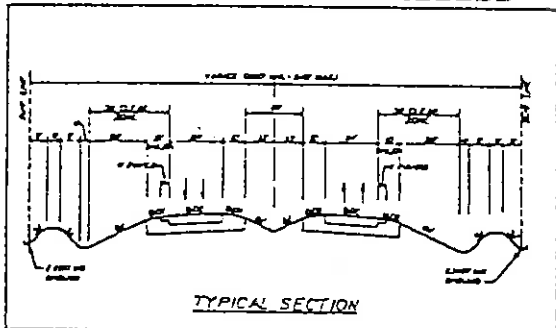
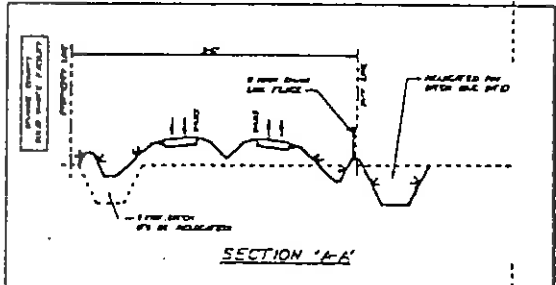
Thomas A. Cloud [Signature]
Thomas A. Cloud, Esquire

Dated: MAY 2, 1995

CYNTHIA L. PEREZ
Notary Public, State of New York
No. 31-4972096
Qualified in New York County
Commission Expires Sept. 17, 1996



ICP PROPERTY



ALAFAYA TRAIL EXTENSION (WESTERN ALIGNMENT) PRELIMINARY DRAINAGE MAP

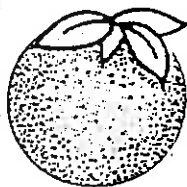
BEE LINE EXPRESSWAY (SR.528)

FACILITY

DESIGNED BY	SCALE	DATE	REVISIONS	APPROVED BY	LOCHRANE ENGINEERING, INC. Quality Control - Survey	PLAN SHEET
DRAWN BY	TAB	DATE	TAB			
CHECKED BY	TAB	DATE	TAB			
SUPERVISED BY	TAB	DATE	TAB			

Exhibit A

Orange



County

Orlando, Florida

Interoffice Memo

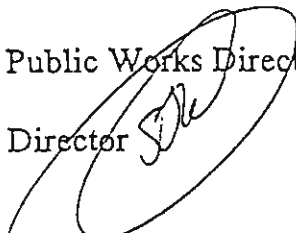
From the Desk of
Stanley J. Keely, P.E., Deputy Director
Orange County Public Utilities Division
836-7230/Fax 836-7299

RECEIVED

February 7, 1995

ORANGE COUNTY LEGAL DEPT.

TO: Ajit Lalchandani, P.E., Acting Public Works Director

FROM: Stanley J. Keely, P.E., Deputy Director 

RE: *Alafaya Trail Documents*

Attached are the preliminary design documents from Lochrane Engineering, Inc. and Universal Engineering that should be reviewed by Public Works. Lochrane's work is a proposal to redirect stormwater east, away from the landfill stormwater system. Universal's report is for the access road along the utility easement. I would appreciate your comments on the reports. Since this is part of ongoing litigation you may want to direct your comments directly to Paul Chipok. By copy of this memo, I'm sending Paul copies of the reports.

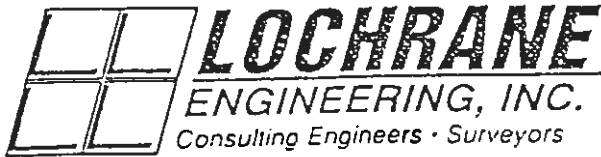
SJK/z

c: Alan B. Ispass, P.E., Public Utilities Director
Paul Chipok, Assistant County Attorney
Karen Allen, P.E., Acting Manager, Utilities Engineering

M0350207.95

EXHIBIT "B"





Orlando • Gainesville

February 3, 1995

Mr. Stan Keely, P.E.
Orange County Public Utilities
4200 South John Young Parkway
Orlando, Florida 32839

RECEIVED
DIVISION
1709

Alafaya Trail Extension - Western Alignment

Dear Mr. Keely:

Enclosed please find, for your review and approval, our Preliminary Stormwater Management Plan for the above referenced project. This information is presented to you in summary format accompanied by a Preliminary Drainage Map, contour map (Quadrangle), and tabulated Summary of Results Tables.

This drainage information represents the results of a preliminary analysis and is intended to provide an overview of the proposed stormwater management plan. It is therefore subject to minor adjustments during the final roadway design phase of the project when the detailed analysis will be finalized.

From this preliminary analysis, we have determined that the proposed Alafaya Trail Extension - Western Alignment, will cause no adverse impacts to the Orange County Solid Waste Facility (Landfill) site. Existing drainage patterns suggest that flows occur, for the most part, to the east and away from the County site. Our proposed Stormwater Management Plan will maintain this condition unchanged.

Should you have any questions or need additional information, please do not hesitate to contact this office.

Sincerely,

LOCHRANE ENGINEERING, INC.

Thomas G. Lochrane, P.E.
President

TGL/sk

cc: James L. Clark, J. L. Clark Consulting
Wayne Magley, FDEP
Thomas Cloud, Gray Harris & Robinson
Greg DeMuth, OUC
Larry Watson, Carlton Fields Ward Emmanuel Smith & Cutler, PA
Mark Cohen, Swiss Bank Corporation
Ken Leeming, P.E., Lochrane Engineering
File 94022.30

RECEIVED

ORANGE COUNTY
PUBLIC UTILITIES

ALAFAYA TRAIL EXTENSION - WESTERN ALIGNMENT

STORMWATER MANAGEMENT PLAN (PRELIMINARY)

Introduction:

The purpose of this report is to present, in a summary format, the conceptual Stormwater Management Plan for the Alafaya Trail Extension - Western Alignment. The proposed alignment is depicted in the attached Preliminary Drainage Map. The Drainage Map also depicts all anticipated Water Retention Areas as well as their associated outfall systems to their respective discharge locations.

The proposed extension of Alafaya Trail - Western Alignment will not adversely impact any of the prevailing drainage patterns based on map topography evaluation. Roadway runoff is proposed to be collected in roadside swales along both sides of the road and conveyed to the ponds for treatment and eventual discharge to their original discharge locations.

The design of the stormwater management system is based on Orange County, Florida and St. Johns River Water Management District (SJRWMD) requirements for projects within the Econlockhatchee River hydrologic basin. The stormwater retention/detention ponds will be designed for the 25 year/24 hour SCS Florida Type II Storm ($P=8.6$ in.) with at least one (1) foot of freeboard from top-of-bank (TOB) elevation. By providing temporary storage of excess runoff, the on-site drainage system will be designed to insure that the post-development peak rate of discharge does not exceed the pre-development peak rate of discharge for the 25 year/24 hour storm, and the SJRWMD mean annual storm (2.3 year return period - $P = 4.5$ inches). The ponds will be surrounded by twenty (20) foot maintenance berms with inward slopes of 20:1. From the top of bank elevation, the ponds side slopes will be 4:1 to an elevation two (2) feet below the normal water level (NWL), and 2:1 to the pond bottom, while not exceeding a depth of 12 feet below the NWL. The detention ponds will also be sized to detain a treatment volume equal to 1 inch of runoff from the entire basin or 2.5 inches of runoff from the impervious area, whichever is greater. The control structures will be designed to bleed down the required treatment volume such that one half of this volume is discharged within 60 to 72 hours following a storm event to meet SJRWMD water quality criteria.

Alignment Description:

The proposed alignment begins at the existing Interchange of the BeeLine Expressway at International Corporate Park (ICP). From there it proceeds north within Section 25,

Township 23 South, Range 31 East before curving to the west-northwest to clip the northeast corner of Section 26 (T 23 S, R 31 E). The alignment curves back to the north and parallels the existing OUC west property line from the middle of Section 23 (T 23 S, R 31 E) to the middle of Section 14 (T 23 S, R 31 E), approximately. The alignment curves back to the east to avoid the existing wetland area to the north of Section 14 and parallels the OUC north property line (inside OUC property) along the north section line of Section 14, T 23 S, R 31 E. The alignment proceeds in this easterly direction to its terminus at a proposed "T" Intersection at the Curtis H. Stanton Energy Plant entrance road (northeast corner of Section 13, T 23 S, R 31 E). Total length is approximately 5.4 miles.

Existing Drainage Patterns:

A graphic representation of the existing drainage patterns is shown in Figure 1-Contour Map. Figure 1 is an excerpt from the Narcoossee NW quadrangle by the U.S. Geological Survey. A visual inspection of Narcoossee NW quadrangle shows that the proposed Alafaya Trail Extension (Western Alignment) runs through an area of Orange County where the existing drainage patterns are of overland sheet flow to the east through interconnected wetland systems which eventually discharge into the headwaters of either the Green Branch to the south part of the project, or an unnamed tributary located just north of Hart Branch toward the northern part of the project (See Figure 1), with eventual discharges to the Econlockhatchee River.

That section of the alignment which runs north/south along OUC's west property line (See Preliminary Drainage Map), runs along a natural drainage divide between the Wide Cypress Swamp drainage basin (to the west) and the Econlockhatchee River Basin (Hart Branch and Green Branch) to the east. This preliminary analysis concludes that the entire length of the project lies within areas which are presently draining towards the Econlockhatchee River through its different branches and wetland systems and, therefore our stormwater management plan should accommodate runoff from the proposed development with discharges occurring to the same discharge points as in the pre-development condition.

Proposed Stormwater Management Plan:

The Curtis Stanton Energy Plant is subject, by EPA, to water quality requirements associated with industrial discharges, requiring them to permanently monitor discharges from their site to the natural wetland systems. Consequently, it is recommended that the stormwater management plan for this project be developed in such a way as to provide discharges to the natural outfall locations downstream from the Plant's water quality monitoring stations to avoid any interference with their water quality monitoring procedures. Water quality monitoring stations are located along natural creeks and wetlands near the OUC property lines on both the north and south sides of the property.

Based on the above, four discharge locations were identified during this preliminary drainage evaluation. The attached Preliminary Drainage Map and the Contour Map (Figure 1) depicts in more detail the actual locations of these discharge points. No discharges are proposed to be directed to the Orange County Solid Waste Facility to the west of OUC's Curtis Stanton Energy Plant. The four discharge locations are as follows:

1. Discharge Point No. 1 is located near STA. 30+00 and occurs at a location where the proposed alignment crosses a wetland strand which carries flows in a westerly direction. Cross drain structures will be constructed at this location to maintain wetland flow continuity.
2. Discharge Point No. 2 is located near STA. 65+00. Cross drain structures are also proposed at this location to maintain flow continuity of the wetland system, which occurs to the south.
3. Discharge Point No. 3 is located near STA. 242+50 and also consists of a wetland crossing with flows occurring to the northeast. This wetland system also serves as an outfall to some of the OUC Curtis Stanton Plant discharges.
4. Discharge Point No. 4 is located near STA. 272+00 at a point approximately 3,000 feet north of the proposed alignment. This outfall is part of the same outfall system as that for the previous discharge location, but at a downstream location from Discharge Point No. 3. Discharges from discharge locations No. 3 and 4 flow together into the Econlockhatchee River through the unnamed branch located just north of Hart Branch. (See Figure 1)

Ponds No. 1 and 2 are proposed to discharge at Discharge Location No. 1 through the use of a spreader swale to minimize erosion and other environmental impacts associated with point discharges. Ponds No. 3 and 4 will discharge to Discharge Location No. 2. Pond No. 3 will also discharge through a spreader swale. The outfall system for Pond No. 4 consists of a closed pipe system and then an open swale outfall system into the wetland system with a small spreader swale provided at the end for erosion control measures. Pond No. 5 will discharge to Discharge Location No. 3 through a open swale discharge system with a spreader swale at the discharge point. Pond No. 6 will discharge to Discharge Location No. 4 with an open swale discharge system similar to that of Pond No. 5.

All ponds are proposed as wet detention facilities due to the high ground water table associated with this area of Orange County. Control elevations for all ponds were assumed at the estimated seasonal high ground water table elevation with the exception of Pond No. 4. It is anticipated that the control elevation for Pond No. 4 will be set approximately four feet below the estimated SHGWT due to its location and the relationship to its discharge point. Consequently, Pond No. 4 will be proposed to be built with perimeter clay cores or other equivalent means to eliminate its effects on the surrounding ground water table elevations through hydraulic isolation. The attached

Preliminary Drainage Analysis Results table shows a complete tabulation of basin drainage areas, PRE and POST Development analyses parameters, storage requirements, and water stage elevations associated with each one of the ponds. Tailwater condition assumptions were made based on both the U.S.G.S. Quadrangle Map (Narcoossee NW) and the Flood Insurance Rate Map (FIRM - Orange county, Florida - Panel 425 of 625) for flood plain determination through visual inspection and approximate elevations. Estimates of seasonal high ground water table elevations were made based on information contained in the Soil Survey of Orange County, Florida.

Pond contributing areas were calculated assuming a 220 foot right-of-way for the ultimate four-lane roadway section. Storage volumes were computed to meet St. Johns River Water Management District criteria for both treatment volume and permanent pool volumes. Ponds were preliminarily sized and modeled using Advanced ICPR software from Streamline Technologies. Control structures were sized to insure that the post development discharge rates do not exceed the pre-development conditions. All analysis performed to this point is preliminary. Final assessment of seasonal high ground water and tailwater conditions, as well as pond sizing and control structure configurations will be performed during the final design phase of this project.

ALAFAYA TRAIL EXTENSION

PRELIMINARY SWALE ANALYSIS RESULTS

BASIN/ POND	BASIN AREA ¹ (AC)	WEIGHTED RUNOFF COEFF. ²	DISTANCE TO POND (LF)	TRAVEL TIME ³ (MIN)	TIME OF CONC. ⁴ (MIN)	FLOW ⁵ Q_{peak} (CFS)	FLOW VELOCITY (FPS)	NORMAL DEPTH (FT)
1	5.1	0.46	1200	20	30	15.0	1.02	1.28
2	9.1	0.46	2600	41	51	17.5	1.06	1.37
3	9.2	0.46	3150	50	60	16.0	1.04	1.32
4	14.5	0.46	3200	46	56	25.5	1.17	1.64
5	20.5	0.46	6500	97	107	22.0	1.13	1.53
6	14.0	0.46	3800	56	66	22.0	1.13	1.53

¹ ONE SIDE ONLY (HALF OF NORMAL CONTRIBUTING AREA)

² ESTIMATED USING 64' PAVED (C=.98) AND 156' GRASS (C=.25)

³ DISTANCE TO POND OVER FLOW VELOCITY

⁴ TRAVEL TIME + 10 MIN INITIAL T_c

⁵ PEAK DESIGN FLOW FOR 10 YEAR RETURN PERIOD

ALAFAYA TRAIL EXTENSION

PRELIMINARY DRAINAGE ANALYSIS RESULTS

BASIN/ POND	BASIN AREA (AC)	PRE-DEVELOPMENT			POST-DEVELOPMENT			STORAGE (AC-FT)				ELEVATIONS (FT-NGVD)		
		CH	Tc (MIN)	Op (CFS)	CN	Tc* (MIN)	Q _{in} (CFS)	Q _{out} (CFS)	TREATMENT VOL. REQ'D	PROV.	PERM. POOL VOL. REQ'D	CNTRL	WEIR	D.H.W. **
1	13.1	75	80	23.09	76	30	46.70	14.79	1.09	1.15	1.79	74.00	74.55	75.70
2	23.3	77	102	35.44	76	51	50.80	17.57	1.94	2.08	3.25	74.00	74.55	75.70
3	23.6	77	81	43.12	76	60	52.96	13.82	1.97	2.08	3.32	78.00	78.55	79.90
4	37.2	76	90	61.15	76	56	87.80	23.52	3.10	3.12	5.22	83.00	83.50	84.38
5	52.5	76	155	55.97	76	107	75.04	39.71	4.38	4.75	7.37	75.00	75.55	77.02
6	35.9	77	104	53.75	76	66	75.05	37.72	2.99	3.03	5.12	68.00	68.50	69.72

* ASSUMED BASED ON PRELIMINARY SWALE ANALYSIS (SEE NEXT PAGE)

** 25YR/24HR EVENT

UNIVERSAL ENGINEERING SCIENCES
3532 Maggie Boulevard
Orlando, Florida 32811 • (407) 423-0504
Fax No. (407) 423-3106

FACSIMILE TRANSMISSION INFORMATION COVER SHEET

Date: February 6, 1995

Subject: ALAFAYA TRAIL

No. of Pages (including this cover sheet): 12

FROM:

Name: Bruce Woloshin

SEND TO

Company: OCPUD

To The Attention Of: STAN KEELY

Facsimile Phone Number: 836-7299

REMARKS:

STAN, HERE IS A COPY OF MY DRAFT REPORT FOR YOUR COMMENTS.

February 2, 1995

Orange County Public Utilities Division
109 East Church Street
Orlando, Florida 320801

Attention: Ms Karen Allen

Reference: Propose Service Road
Alafaya Trail Force Main and Water Main
Project No. 16534-013-02
Report No.

Dear Ms. Allen:

Universal Engineering Sciences, Inc. has completed the subsurface investigation of the site for the proposed in Orange County, Florida. The scope of our investigation was planned in conjunction with, and authorized by, you.

This report contains the results of our investigations, an engineering interpretation of these with respect to the project characteristics described to us, and recommendations for roadway design.

We appreciate the opportunity to have worked with you on this project and look forward to a continued association. Please do not hesitate to contact us if you should have any questions, or if we may further assist you as your plans proceed.

Respectfully submitted,

UNIVERSAL ENGINEERING SCIENCES, INC.

Bruce H. Woloshin, P.E.
P.E. No. 36734
Manager - Geotechnical Engineering

:esj

cc: Client ()

Project No. ^C
Report No. ^C

I..0 INTRODUCTION

A. GENERAL

In this report we present the results of the subsurface investigation of the site for the proposed . We have divided this report into the following sections:

- SCOPE OF SERVICES - Defines what we did
- FINDINGS - Describes what we encountered
- RECOMMENDATIONS - Describes what we encourage you to do
- LIMITATIONS - Describes the restrictions inherent in this report
- APPENDICES - Presents support materials referenced in this report.

II..0 SCOPE OF SERVICES

A. PROJECT DESCRIPTION

We understand that OCPUD proposes to construct an access road along the original Alafaya Trail alignment. In 1988, the County along with the International Corporate Park developers and the Department of Corrections install a force main to the west and a water main to the east of the proposed Alafaya Trail alignment.

The proposed service road is planned as an at-grade road with limited subsoil improvements. The intent is to provide OCPUD an access road for a maintenance vehicle on a frequency of once per week. Stan Keely of OCPUD performed a preliminary site evaluation, where he noted specific wet and dry areas. Stan had concern that the OCPUD maintenance vehicles could not pass through the wet areas without getting stuck.

The scope of services includes providing typical cross sections for both wet and dry areas where improvements will meet these intentions.

Universal Engineering Sciences had been involved in the pre-development geotechnical evaluations and the construction materials testing on the utility backfill. Our records show various pockets standing water, organic sand, and muck throughout the proposed alignment.

Our recommendations are based upon the above considerations. If any of this information is incorrect or if you anticipate any changes, inform Universal Engineering Sciences so that we may review our recommendations.

The site is located . A general location map of the project area appears in Appendix A: Site Location Map.

Project No. ^C
Report No. ^C

B. PURPOSE

The purposes of this investigation were:

- to investigate the general subsurface conditions at the site;
- to interpret and review the subsurface conditions with respect to the proposed construction; and
- to provide geotechnical engineering recommendations for vehicle access subgrade support.

C. FIELD INVESTIGATION

Our field investigation was limited to a "walk-through" of the area. With the assistance of Orange County Public Works, we were able to transverse the alignment in a tracked vehicle with floatation capabilities. Visual observations were made and recorded.

Project No. ^C

Report No. ^C

III..0 FINDINGS

A. SURFACE CONDITIONS

The visual data reported was correlated with recent aerial photographs and our 1988 muck probe data presented to International Corporate Park (Order No. 88-5401-1). Ten areas have been identified as wet areas where special consideration will be required to achieve your intended goal.

Our 1988 data was reported prior to any clearing or utility placement. Therefore, we believe that the subsoil conditions have changed substantially. If muck or organic soils were encountered in the path of the force main or water main, it would have been replaced with clean sands during the backfilling operation. This theory was proven out from our field observations. In all areas along the alignment, no obvious muck pockets were noted. Additionally, in the water prone areas, the "mud" line was apparently clean sands. Some areas had up to three feet of water in them.

Project No. ^C
Report No. ^C

IV..0 RECOMMENDATIONS

A. GENERAL

In Appendix B, we have indicated the ten areas where water and "un-passible" conditions exist. In these areas we recommend that you install a lightweight geogrid (Tensar BX1100) with a minimum of 12 inches of an open grade rock. The rock should be granite and must not be a calcium based limestone material, for it will solidify with time and inhibit the drainage characteristics required to maintain groundwater flow. A typical cross section is presented in Appendix C.

Water was less than one foot above the ground surface, in all but two of the "un-passible" areas. In the two areas in the center of the project (Southernmost area on sheet B-1 and the northernmost area on sheet B-2) water was noted on the order of three feet.

In the two areas where water is greater than two feet, we recommend constructing a cellular confinement system (geoweb or terracell) ramp or weir structure.

The confinement system is a cellular reinforcement filled with granite stone to allow vertical flow of water. Catalog samples for geoweb and terracell are attached in Appendix C.

The confinement system is placed on a 15:1 (horizontal:vertical) slope downward two feet from the dry "passible" area to a horizontal plateau. At this level, the confinement system should be placed for a minimum length of 15 feet. Then the confinement system should be placed on a 15:1 slope upward back to the next dry area. In profile the confinement system crates a weir with a 15-foot notch o the bottom of 30-foot side slopes.

We do not believe that any special treatment is required for your maintenance vehicles, in the "passible" or dry sections of the project. If your vehicles are in the area weekly, they will help control vegetation and maintain the desired access. The soils appear to be a typical sandy soil with enough strength to support vehicles. Isolated rutting may occur and periodic repair may be required if vehicle clearance becomes a problem.

In some areas there may be alignment shifts within the right-of-way where you will not have water concerns and therefore have not been addressed in this report.

Project No. ^C
Report No. ^C

V..0 LIMITATIONS

During the early stages of most construction projects, geotechnical issues not addressed in this report may arise. Because of the natural limitations inherent in working with the subsurface, it is not possible for a geotechnical engineer to predict and address all possible problems. An Association of Engineering Firms Practicing In the Geosciences (ASFE) publication, "Important Information About Your Geotechnical Engineering Report" appears in Appendix D, and will help explain the nature of geotechnical issues.

Further, we present documents in Appendix D: Constraints and Restrictions, to bring to your attention the potential concerns and the basic limitations of a typical geotechnical report.

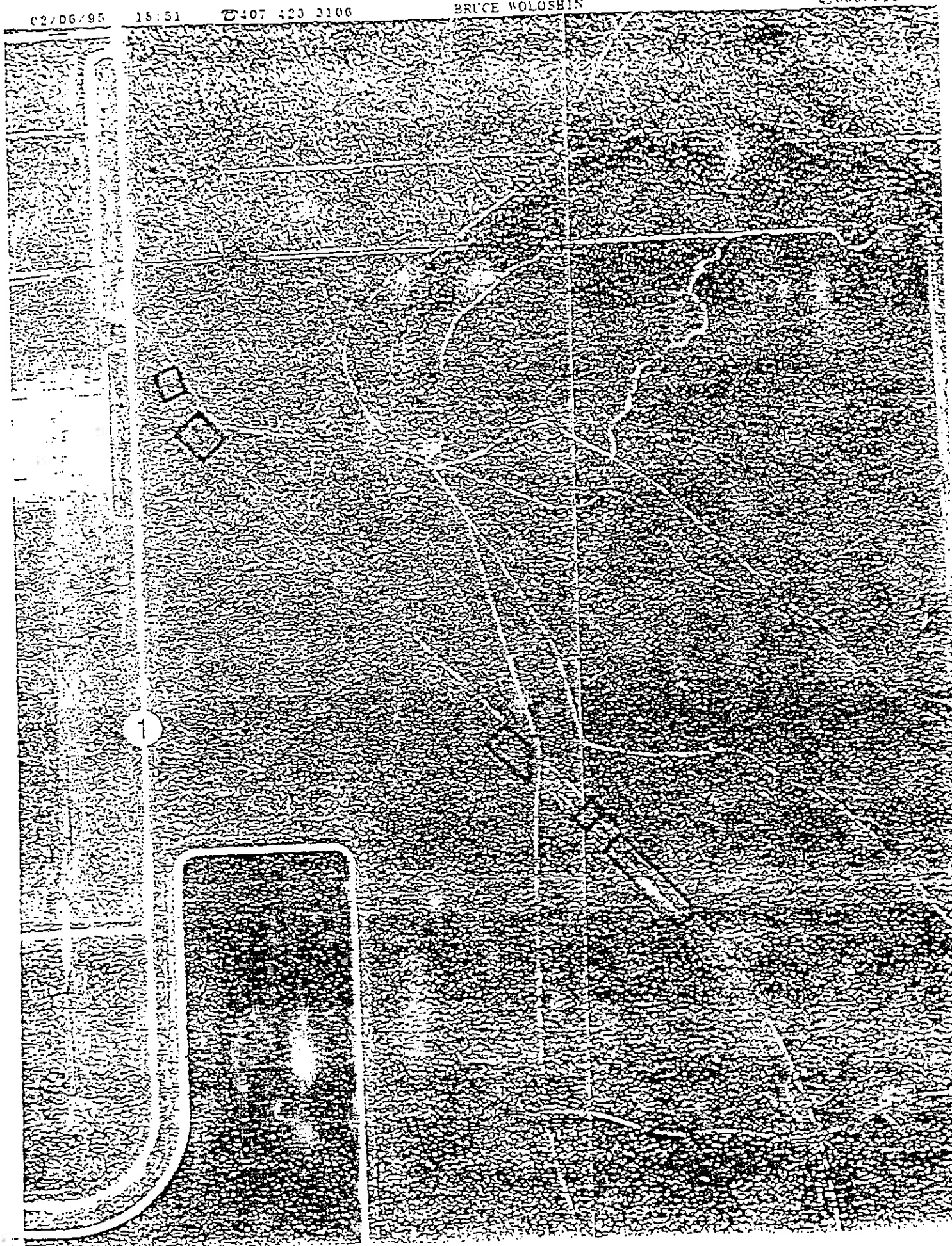
02/06/95

15:51

0407 423 3106

BRUCE WOLOSHEIN

0008.013



02/06/95

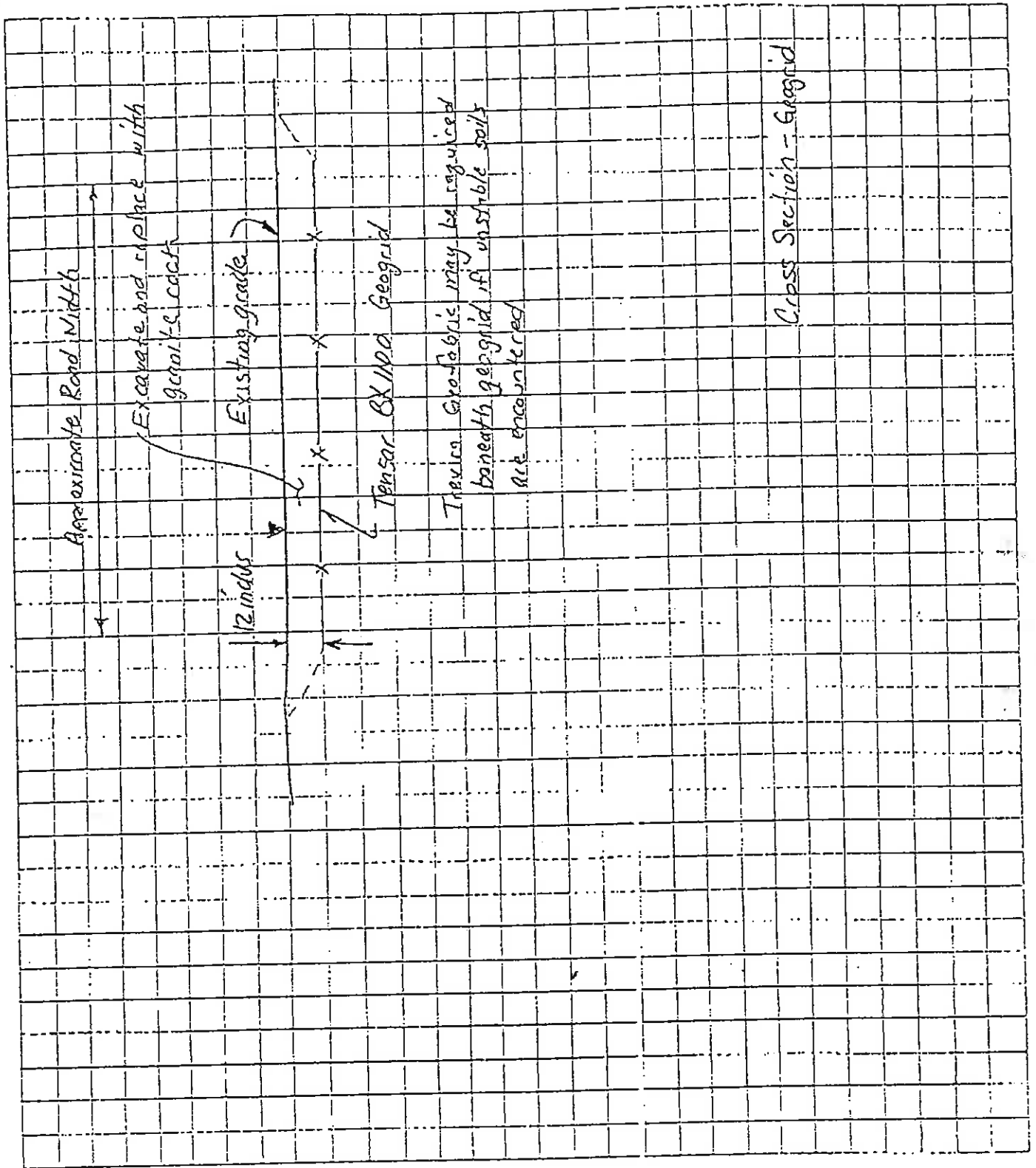
18:55

2407 423 3106

BRUCE WOLOSHEIN

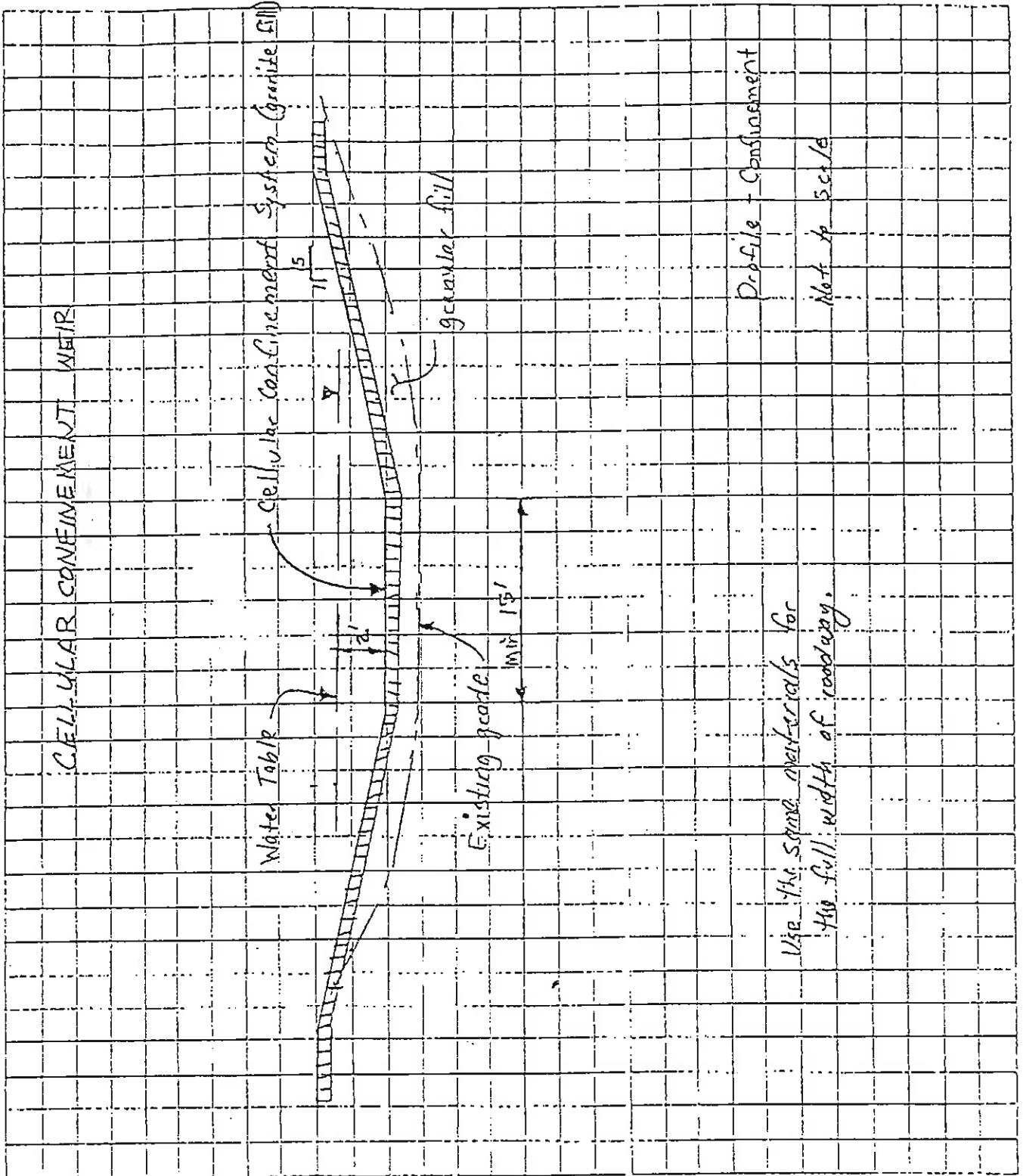
00000000





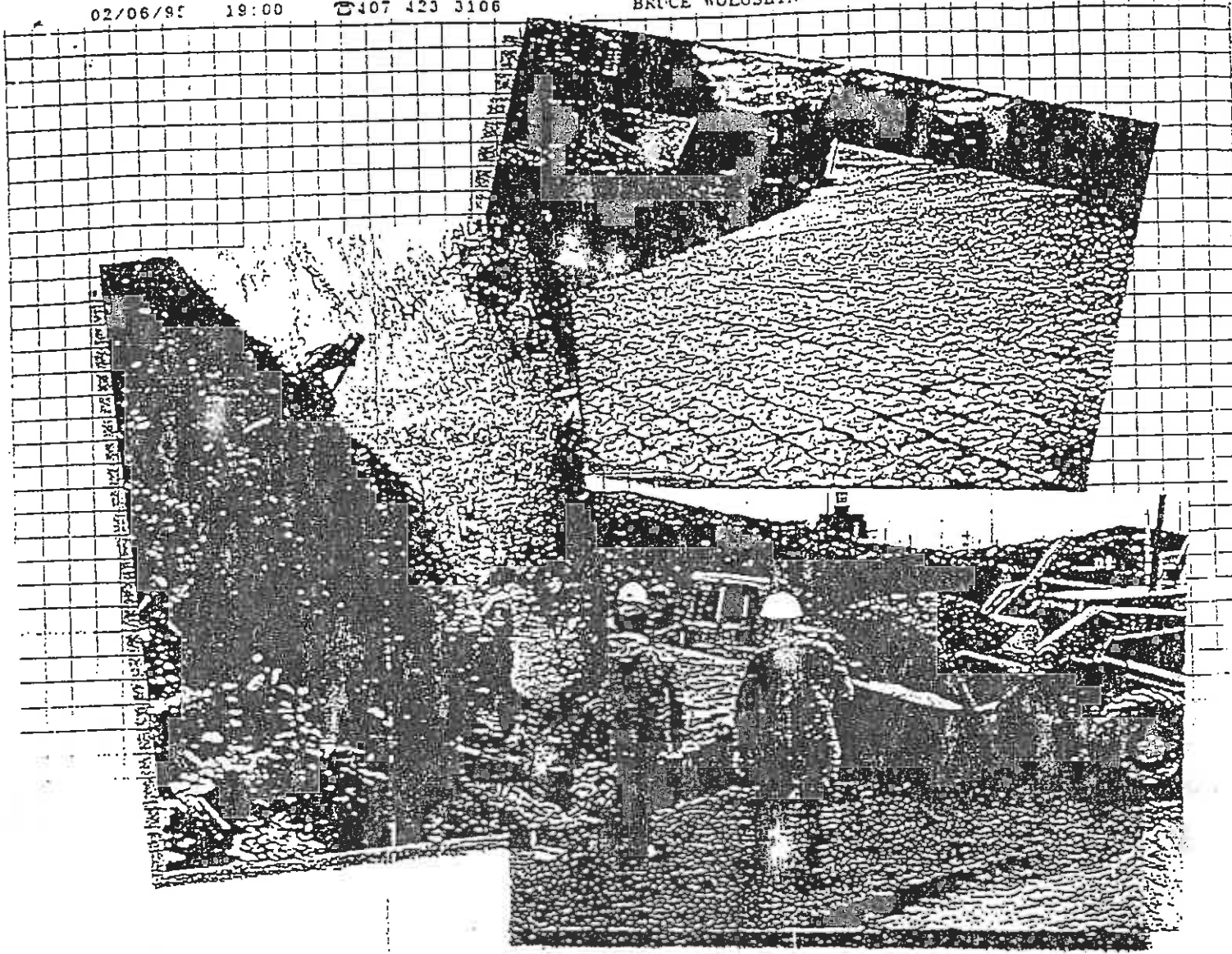
Computed by _____ date _____
 Ckd by _____ date _____
 Rev _____ sheet _____ of _____





Computed by _____ date _____
 Rev _____ sheet _____ of _____





Hold your ground

...with the Presto GEOWEB® Cellular Confinement System.

Stop soil erosion. Prevent channel scouring. Erect versatile, cost-effective retaining walls. Support heavy loads over soft soil subgrades.

Presto's GEOWEB cellular confinement system has solved these and other soil stabilization problems all over the world. Engineers use it with confidence for some very good reasons:

The GEOWEB system was developed during the late 1970s as part of a cooperative research effort with the U.S. Army Corps of Engineers. It's backed by years of research and testing by

independent laboratories. Best of all, it has long in-ground experience and is proven to be the long-term solution to soil stabilization problems.

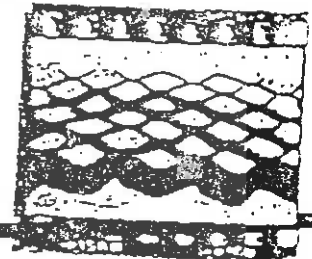
The GEOWEB system offers long-term cost savings. It installs easily and requires virtually no maintenance.

Learn more about the GEOWEB cellular confinement system. Contact Presto Products Company at 800-548-3424 or your local Presto Products distributor today.



Presto Products Company
GEOSYSTEMS®

P.O. Box 2395 Appleton, WI, USA 54913-2395
414-735-5471 Fax: 414-735-1418



The function of the TERRACELL cellular confinement system in ground stabilization applications is to spread the loads imposed upon the system. It accomplishes this by confining the aggregate layer.

In many situations, TERRACELL makes it possible to use a reduced quantity of lower quality, locally available granular material. Benefits include savings in aggregate and improved long-term performance. TERRACELL can be used in a variety of stabilization projects including:

- STREETS, ROADS and HIGHWAYS
- PARKING LOTS, STORAGE AREAS and CONSTRUCTION ENTRANCES
- ACCESS LANES FOR FIRE / EMERGENCY VEHICLES
- RUNWAYS, TAXIWAYS, APRONS, and OVERRUN AREAS
- RAILROAD TRACK BEDS
- TEMPORARY ACCESS ROADS / LOGGING ROADS
- STREAM CROSSINGS / BOAT RAMPS
- WATER and SEWER LINES

round Stabilization

MECHANICS

In a ground stabilization application, the function of the aggregate layer is to spread the loads imposed on it so that the pressure, or force per unit area, exerted on the subgrade is reduced below a critical value. The aggregate layer transfers the load outward as well as downward and away from the source. Spreading of loads is accomplished by the interlocking and friction that occur between individual granular particles. The aggregate must be well compacted during construction and remain compacted and free from fines during the life of the project. In other words, for the aggregate layer to perform as designed throughout its intended life, the original quality and degree of compaction must be preserved.

Aggregate support systems are improved with the use of a geotextile fabric. Fabrics contribute to the long-term performance of aggregate layers because of their ability to separate and confine. Fabric acts as a permeable barrier between the aggregate and the subgrade, keeping the aggregate layer free from the fines that can destroy its load bearing characteristics. Fabric also provides a high friction surface that resists lateral movement by the lowest layer of aggregate, thereby confining those particles in direct contact with the fabric. Quality and state of compaction of the aggregate determine how well this layer can withstand lateral pressures above the lowest level.

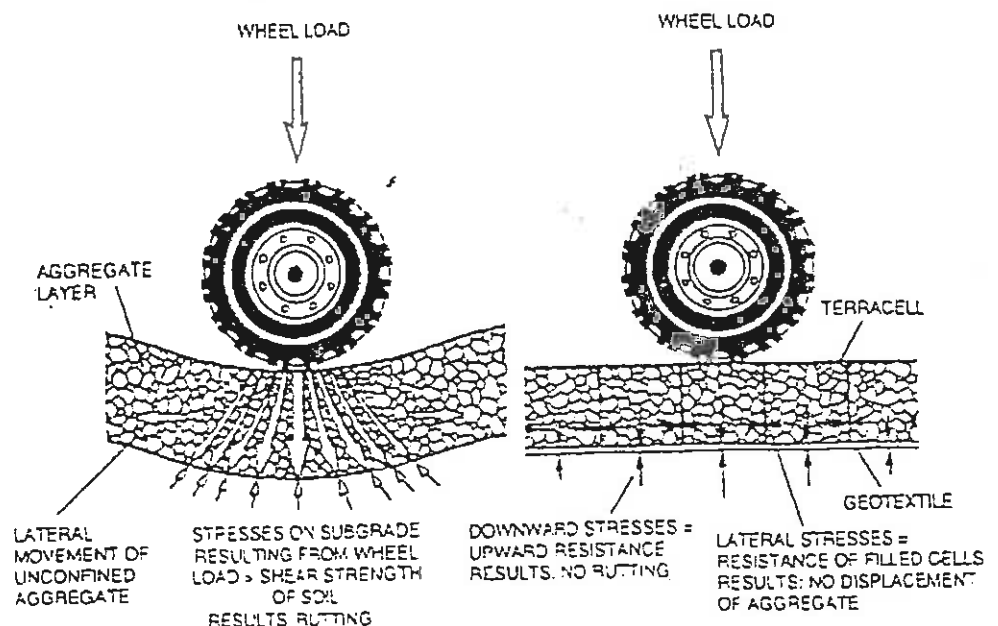


EXHIBIT "C"

ALAFAYA TRAIL ALTERNATIVE COMPARISON

March 21, 1995

Parameters	East Alt.	Total ROW	West Alt. (Boundary)	1st 2 Lanes
Wetland Impacts	Onsite & Offsite Impacts	Much of corridor cleared		
Cypress Swamp*	1.44 ac			
Mixed Swamp*	0.24 ac			
Wet Prairie*	5.56 ac			
Cypress Swamp**	5.59 ac	21.27 ac		10.78 ac
Pond Pine**		0.30 ac		0.30 ac
Wet Prairie**	4.48 ac	10.50 ac		5.75 ac
Total Wetland Area Impacted	17.24 ac already cleared 10.07 ac not cleared	32.07 ac	not cleared+	16.83 ac
RCW Habitat Impacts	23.74 ac	43.69 ac		21.85 ac
Cavity Trees Impacted	None	2 abandoned cavity trees		
Foraging Habitat Impact	17.6 ac already cleared 6.2 ac not cleared	56.99 ac 33.97 ac	not cleared++ add'++ pinelands without RCW	35.15 ac 22.75 ac
Foraging Quality#	Poor, 6.2 ac good	Good		
Previous Disturbance	Yes	Historic Only		
Wetlands Impacted	Yes	Historic Only		
Uplands Impacted	Yes	No		
RHPZ Impacted	Yes	No		
Permits Approved By	EAP, FWS, COE, O.C.	None		
Land Acquisition	Completed	Not Completed		

Source: DeLoelle & Guthrie, Inc. and Environmental Management & Design, Inc.

* Impacts were completed during clearing for pipeline and sewer line construction. Historic impacts for clearing of uplands for Unit 1 solid waste disposal area and others.

Pine foraging habitat rated as poor, good, or excellent.

** Areas not previously impacted.

+ Revised in accordance with field visit on 03/10/95.

++ Acreage number includes stormwater facilities.

ROW = Right-of-Way.

James L. Clark, SCV

Licensed Real Estate Broker - Consultant

Telephone 407/876-2755
Fax 876-5284

P.O. Box 885
Windermere, FL 34786

March 21, 1995

Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

Attn: Mr. Thomas Beck

Re: Alafaya Trail Alternate Alignment

Dear Mr. Beck:

In response to your request, we herewith provide a revised outline of the expected future changes within the ICP Development of Regional Impact that may be necessary as a direct result of the proposed change of alignment of Alafaya Trail to a westerly alignment.

LAND USE:

No land use changes will occur as a direct result of the relocation of Alafaya Trail. It is contemplated that there will be a slight reduction of usable acreage within section 25 (north of Beeline) as a result of the location of retention ponds in upland areas. (Please see attached Site Plan and Location Map-Figure 1.1-1 indicating the approximate location of Alafaya Trail and attendant drainage facilities.)

TRANSPORTATION SYSTEM:

The internal road structure of the ICP DRI will require future modification together with a re-design of the existing and proposed interchanges as a result of the relocation of Alafaya Trail. Upon completion of this re-design, the resulting changes shall be processed in accordance with normal Orange County requirements. As Lochrane Engineering states in their attached letter, offsite traffic assignments will remain unchanged from the original DRI approvals.

UTILITY SYSTEMS:

Modification of the Utility Master Plan contained in the Water and Waste Water agreements currently in effect with Orange County will be required. It is contemplated that these modifications will be in the form of re-alignment and/or relocation of proposed Lift Stations and attendant facilities and shall be processed in accordance with normal Orange County requirements.

Thomas Beck
March 21, 1995
Page 2

CONSERVATION MITIGATION/WILDLIFE MANAGEMENT PLAN: (The Plan)

Portions of the environmental impacts of Alafaya Trail in the proposed westerly alignment occurring in the north west 1/4 of Section 25- Twp. 22 S- Rng. 28 E shall include the removal of two inactive RCW cavity trees and the removal of several southern pine having a diameter of 8" DBH or greater. The location of this road and the removal of the aforementioned trees shall be incorporated into The Plan. Under the terms of the stipulation, these impacts are deemed to be equivalent to those encountered in the eastern alignment and shall be mitigated for by implementation of the RCW mitigation plan previously approved by the Army Corps of Engineers, the U.S. Fish and Wildlife Agency, Environmental Protection Agency, and St. Johns River Water Management District.

The Xeric Oak preservation areas identified in the Plan, located adjacent to the power and gas easements in the southern portion of the ICP DRI will not be impacted by the relocation of Alafaya Trail.

PROJECT PHASING:

It is envisioned that future modifications to the ICP DRI development phasing plan will be necessitated as a result of the relocation of Alafaya Trail. Such request shall be processed in accordance with standard Orange County procedures. Expected changes shall include geographical relocation of sequencing but not include changes in amount or timing of development.

SUMMARY:

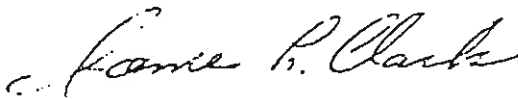
Following receipt of all final permits for the construction of Alafaya Trail in the proposed Western Alignment, the necessary engineering and planning analysis embodying the above revisions shall be performed and shall be submitted to Orange County for their review.

However, before ICP can agree to the change of alignment to the westerly location, it must receive assurance from DCA that the relocation of this arterial and the changes to the ICP Development of Regional Impact and Planned Development District necessitated by the relocation of Alafaya Trail to the proposed westerly alignment shall be considered to be non-substantial so as not to adversely affect the approvals and vesting achieved to date.

Thomas Beck
March 21, 1995
Page 3

We herewith request your approval of the draft stipulation in this matter which would permit treating changes to the ICP DRI, necessitated by the proposed relocation of Alafaya Trail to the westerly alignment, as a non-substantial deviation.

Sincerely,

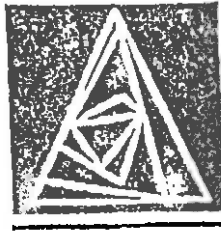


James L. Clark,
Agent for ICP

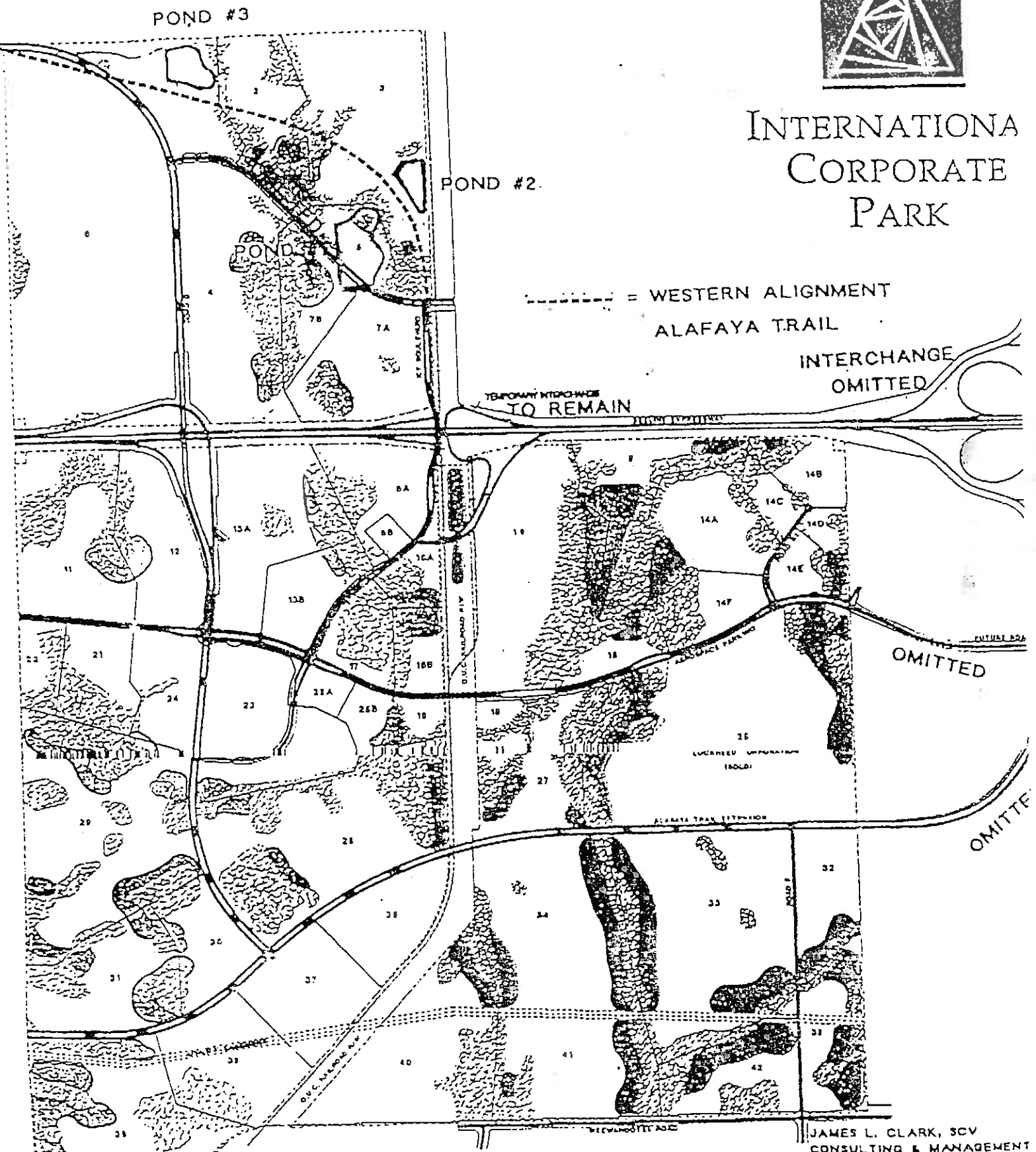
cc: Distribution List

Lawrence Watson, Esq., Carlton Fields
Kathy Hale
Mark B. Cohen, SBC
Paul Chipok, Esq., Orange County
Charles Lee, Fla. Audubon
Charles Gauthier, DCA
Bridget Ffolkes, DCA
Carmen Bishop, DCA

SITE PLAN

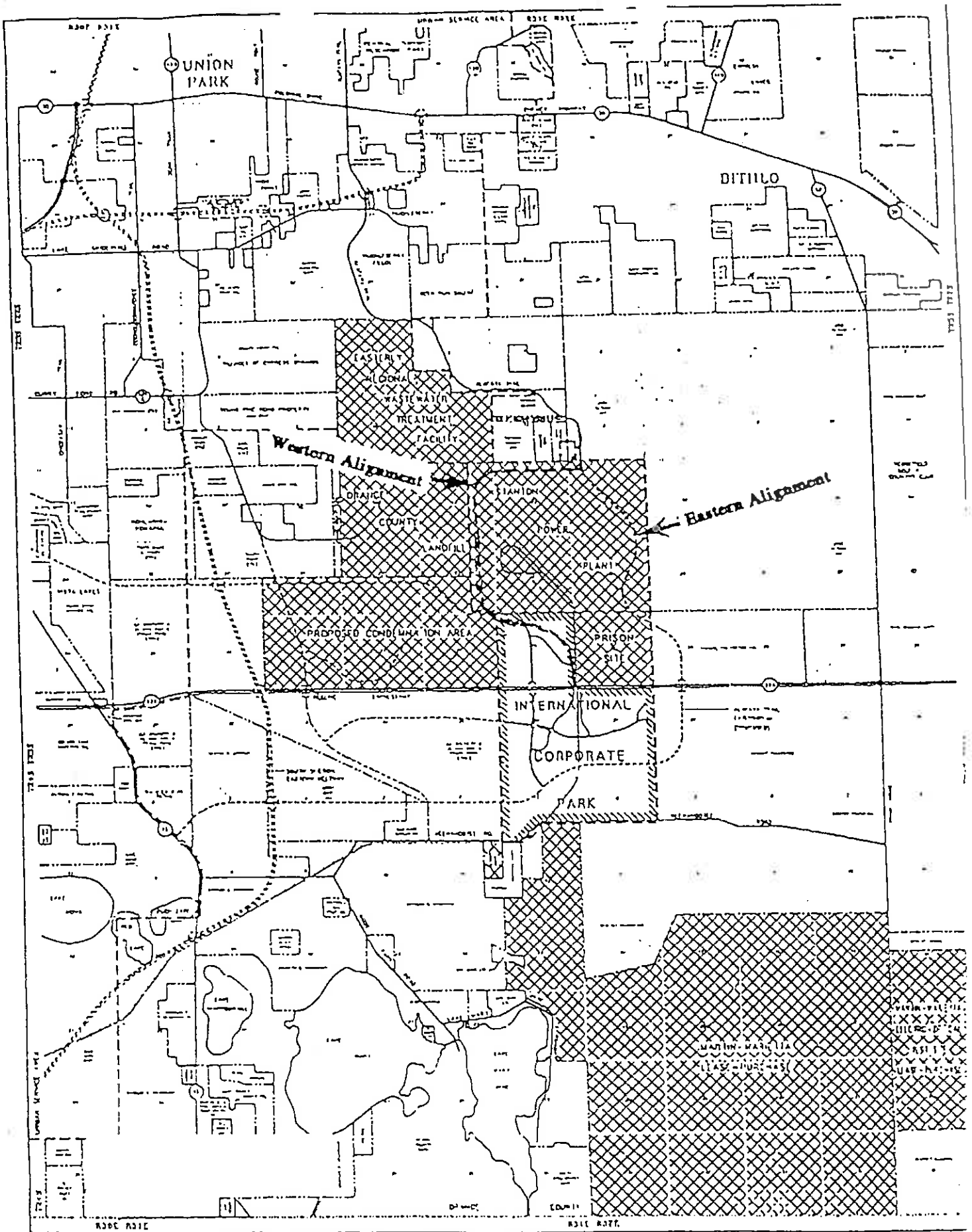


INTERNATIONAL CORPORATE PARK



JAMES L. CLARK, SCV
CONSULTING & MANAGEMENT

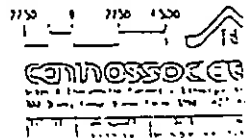
NOTE: For graphic illustration purposes only. Without notice, developer retains the right to change the location and configuration of land uses, sites, roads, and other features shown herein. The contractor shall be responsible for the construction of all features shown herein.

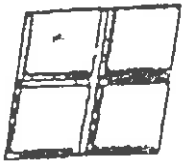


International Corporate Park

LEGEND

- PROPERTY OWNERSHIP LINES
- PROPOSED ROADWAYS
- URBAN SERVICE BOUNDARY
- (XX) UNDEVELOPED PROPERTY





LOCHRANE
ENGINEERING, INC.
Consulting Engineers • Surveyors

Orlando • Gainesville

March 13, 1995

Mr. Thomas Cloud, Esquire
Gray, Harris, Robinson
201 East Pine Street
Orlando, FL 32801

*Westerly Extension of Alafaya Trail - International Corporate Park
Orange County, Florida - Traffic Assignments*

Dear Mr. Cloud:

Pursuant to our discussion with Mr. James Clark, representing International Corporate Park and its ownership, we understand that there needs to be a clarification as to the revised westerly extension for Alafaya Trail, as compared to its original alignment previously designed east of the existing Curtis-Stanton Energy Plant between the present terminus point of Alafaya Trail and its intersection with the Bee-Line Expressway in Orange County, Florida.

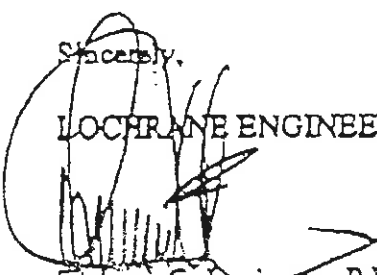
The major difference between the original easterly alignment and the proposed westerly extension, is in the realignment of the roadway to the west of the Curtis-Stanton Energy Plant. As the engineers of record for the easterly alignment as well as the westerly realignment, we indicate that the original traffic analysis developed in the original DRI study for the International Corporate Park Project, was the basis of both designs and has not changed with respect to our approach and design considerations on the roadway.

The traffic assignments associated with the original easterly alignment, should be the same for both alignments because nothing changes except its physical location around this plant property. The projected traffic for the design year between 1989 and 2008, will apply for both corridors since they have the same origin and destination highway facilities.

We trust that this will clarify any concerns about any potential changes in the traffic assignments along either alignment for this roadway facility. Should you have any questions pertaining to this please do not hesitate to call.

Sincerely,

LOCHRANE ENGINEERING, INC.


Thomas G. Lochrane, P.E.
President

cc: James Clark, President, J.L. Clark Consulting Company
95009.39

l:\doc\thcloud\11

EXHIBIT "E"

1. SJRWMD Permit 12-095-0040 M3
2. SJRWMD Permit 04-095-0246 M5
3. SJRWMD Permit 04-095-0033 M
4. SJRWMD Permit 04-095-0033 M2

ICP ASSOCIATES

Post Office Box 560279
Orlando, Florida 32856-0279

April 11, 1995

C. Laurence Keeseey, Esquire
225 S. Adams Street, Suite 200
Post Office Box 1833
Tallahassee, FL 32302-1833

Re: ICP Agreement between OUC and ICP

Dear Mr. Keeseey:

I am in receipt of a copy of the third version of your letter to Tom Cloud, dated April 4, 1995. ICP Associates is in agreement with the two principles you have stated as underlying OUC's commitment to support a western alignment of the Alafaya Trail across the Stanton site as follows:

(a) that the alignment of the Alafaya Trail should not interfere with OUC's existing or future construction and operations for the generation and transmission of electrical power, and

(b) that OUC shall not be required to pay any amount of the costs, fees, or expenses related to the realignment across the Stanton Energy site.

As per your request to receive written confirmation and acknowledgement from the owner of the land on which the ICP development will be located, ICP Associates is the sole owner of the land in question. Therefore, ICP Associates is acceding to OUC's request that ICP formally acknowledge, accept and enter into a mutual agreement with OUC as follows:

(1) ICP agrees that it or any successor in interest to it shall be responsible for and shall pay in full the legal, design and construction costs, expenses and fees that are incurred by OUC in connection with the

EXHIBIT

2

ICP ASSOCIATES

C. Laurence Keeseey, Esquire
April 11, 1995
Page 2

relocation of the Alafaya Trail along the northern and western boundaries of the Stanton Energy Center site; provided, however, that such costs, expenses, and fees shall be related to actions initiated by ICP (such as a post-certification review), shall be reasonable, and shall be approved in advance by ICP. Such costs, expenses, and fees specifically may include, but are not limited to, all engineering and costs associated with permitting and relocation of approximately 44-acres of OUC's certified combustion waste storage area and relocation of monitoring wells, located on the western side of the Stanton Energy Center which must be relocated because of the western alignment of the Alafaya Trail. Such costs, fees and expenses may also include, but are not limited to, those connected with providing drainage and any mitigation for impacts to wetlands, RHPZ, Red Cockaded Woodpecker habitat, relocation of gopher tortoises, and any other costs resulting from meeting the requirements of the Stipulation of the Parties Concerning the Alafaya Trail Extension in Case No. 92-6153-EPP, plus the costs of any additional state, local or federal regulatory agency permitting requirements directly related to work contemplated by said Stipulation.

(2) All reasonable attorneys' fees and costs incurred by OUC after March 1, 1995, directly related to the representation of OUC with regard to the negotiation of the Stipulation of the Parties Concerning the Alafaya Trail Extension in Case No. 92-6153-EPP, shall also be paid by ICP or its successor in interest within 45-days after they are submitted to ICP. Reimbursement of legal fees described herein shall end with the filing of the Stipulation, provided, however, that this does not limit the fees reimbursed under paragraph (1) above, which shall include post-certification review.

(3) ICP acknowledges its commitment, which shall be binding on any successor in interest, to provide a pipe chase under the Alafaya Trail extension for conveyance of refuse-generated fuel between the Orange County landfill and the Stanton Energy Center.

ICP ASSOCIATES

C. Laurence Keeseey, Esquire
April 11, 1995
Page 3

(4) ICP further agrees and commits that it or any successor in interest, except an electric power cogeneration plant, shall be bound to purchase all electrical power required for or utilized by any development located within the boundaries of the ICP Development of Regional Impact ("DRI") approved by Orange County in 1986 pursuant to Section 380.06, Florida Statutes, so long as such development area is within the territory within which OUC is authorized to provide electrical service pursuant to a Territorial Agreement approved by the Florida Public Service Commission and so long as the power is provided to ICP by OUC as the lowest cost and rate then available to any similarly sized industrial customer class at OUC. Nothing in this paragraph shall be interpreted to limit or prevent the location of an electric cogeneration plant within the boundaries of the ICP DRI. However, any excess electric power produced by any such electric cogeneration plant shall not be sold to any customer within the boundary of the ICP DRI.

(5) In the event ICP does not initiate a post-certification review and/or does not commence constructing Alafaya Trail within five (5) years from the date of this letter, then the commitments contained in paragraphs (1), (2) and (3) above shall become null and void.

I trust this addresses your concerns, and that this mutually binding letter will be approved and accepted by OUC as a part of our mutual agreements with regard to the Stipulation.

Subject to the above terms and conditions, I, Mark B. Cohen, President of ICP1, Inc., the managing general partner of ICP Associates, a Florida general partnership, do hereby acknowledge and agree on behalf of ICP to the terms and conditions of the agreement with OUC as stated in this letter so long as said terms and conditions are binding on OUC, and further agree that ICP shall make these terms and conditions binding upon its successor in interests after the date of this letter to property within the ICP DRI approved by Orange County in 1986. I acknowledge that this agreement shall be admissible in any legal or administrative proceeding that may be brought to enforce the terms and conditions stated in this letter by either ICP or OUC or their respective successors and assigns.

ICP ASSOCIATES

C. Laurence Keesey, Esquire
April 11, 1995
Page 4

Signed, sealed and delivered
in the presence of:

ICP ASSOCIATES, a Florida
general partnership

By: ICP1, INC.,
managing general partner of
ICP Associates

x: Dorothy Edwards

By: Mark B. Cohen
Mark B. Cohen
President

x: Elizabeth Burnett

[CORPORATE SEAL]



STATE OF NEW YORK
COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me this 11th
day of April, 1995, by MARK B. COHEN, President on behalf of ICP
Associates. He is (personally known to me) (or has produced) (type
of identification) as identification.

[Signature]
(Signature)

(Print Name)
Notary Public
My Commission Expires:

CYNTHIA L. PEREZ
Notary Public, State of New York
No. 31-4972096
Qualified in New York County
Commission Expires Sept. 17, 1996

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RECEIVED

JUN 7 3 41 PM '95

DIVISION OF
ADMINISTRATIVE
HEARINGS

IN RE:

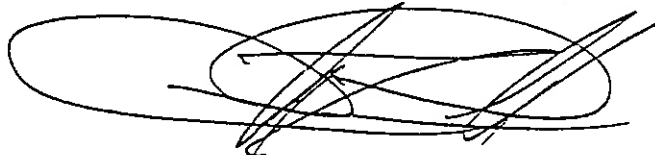
APPLICATION FOR MODIFICATION OF)
SUPPLEMENTAL POWER PLANT SITE)
CERTIFICATION OF ORLANDO)
UTILITIES COMMISSION FOR CURTIS)
H. STANTON ENERGY CENTER)
PA 81-14C)

CASE NO. 92-6153EPP
OGC NO. 92-1943

AMENDED NOTICE OF FILING MODIFICATION OF
CONDITIONS OF CERTIFICATION

All parties please take notice that the Department of Environmental Protection files the attached Modification of Conditions of Certification in the above-styled case, as have been agreed upon.

Respectfully submitted,



CHARLES T. "CHIP" COLLETTE
Assistant General Counsel
Florida Department of
Environmental Protection
2600 Blair Stone Road, MS 35
Tallahassee, FL 32399-2400
(904) 488-9314

Attorney for the Department of
Environmental Protection

EXHIBIT

3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 7th day of June, 1995, that a true and correct copy of the foregoing has been sent by U.S. Mail to the following listed persons:

Thomas B. Tart, Esquire
General Counsel
Orlando Utilities Commission
500 South Orange Avenue
Orlando, FL 32801

Kenza Van Assenderp, Esquire
C. Lawrence Keeseey, Esquire
Young, Van Assenderp, Varnadoe
& Benton, P.A.
P.O. Box 1833
Tallahassee, FL 32302

Preston T. Robertson, Esquire
Florida Game and Fresh Water
Fish Commission
620 Meridian Street
Tallahassee, FL 32399-1600

Brigitte Fflokkes
Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100

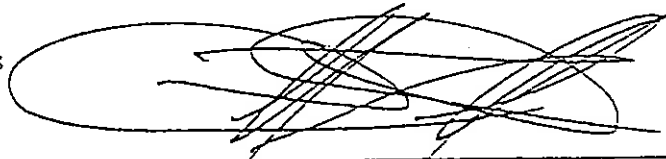
Wayne Flowers, Esquire
Eric Olsen, Esquire
General Counsel
St. Johns River Water Management
District
P.O. Box 1429
Palatka, FL 32178-1429

Toni Leidy, Esquire
General Counsel
South Florida Water Management
District
P.O. Box 24680
West Palm Beach, FL 33416-4680

Charles Lee
Florida Audubon Society
460 Highway 436 Ste 200
Casselberry, FL 32707

Gerald S. Livingston, Esquire
Kreuter & Livingston
800 N. Magnolia Ave., Suite 1625
Orlando, FL 32803

Paul H. Chipok, Esquire
Orange County Administration Ctr.
Post Office Box 1393
Orlando, FL 32802-1393



Charles T. "Chip" Collette

I. The following changes should be made to the conditions in Section II/II of the supplemental certification conditions (PA81-14SA).

1. The proposed transmission line from the Stanton Energy Center to the Mud Lake transmission line and the proposed alternate access road to the Stanton Energy Center from the south shall be routed as shown in the supplemental application. The proposed Alafaya Trail Extension shall be routed as shown in Exhibit A of the stipulation. Prior to construction of any of the projects referenced above, the permittee shall submit drawings on 8.5" by 11" paper showing the final design, including plan view and cross-sections for each area of filling or clearing in wetlands. The drawings shall show the existing and proposed ground elevations and all existing and proposed structure locations, sizes and invert elevations.

2. All clearing and construction activities shall be confined to the limits of the clear zone necessary for the transmission line as shown on Figures 6.1-5 and 6.1-6 of the application drawings. For the Alafaya Trail Extension, all work shall be confined to the road right-of-way (which term is deemed to include the stormwater ponds numbers 1 through 6 and the pond 4 outfall structure as shown in Exhibit "A" of the Stipulation) and the combustion waste storage relocation area. Within 30 days of the completion of construction, the permittee shall arrange a site visit by DER District personnel from the Central Florida District office in Orlando to verify that no wetland damage has occurred outside the transmission line clear zone or the road right-of-way. If wetland damage occurs outside the transmission line clear zone or the road right-of-way during construction, the permittee shall submit to the Bureau of Wetland Resource Management for review a plan to restore the wetland area which was damaged and to provide mitigation for the damage. The plan shall be implemented with 30 days of the Department approving the restoration and mitigation plan. This condition does not preclude the Department from taking enforcement action if unauthorized activities occur.

3. Prior to initiating construction, the permittee shall submit a map and aerial photographs showing the location of all staging areas for the Alafaya Trail Extension, transmission line and alternate access road construction to the Bureau of Wetland Resource Management for review and written approval. These areas shall be upland areas which are not currently providing red-cockaded woodpecker nesting or forage habitat. The

staging areas shall not be used prior to receiving DER approval.

4. Drainage structures shall be placed in the transmission line ROW and under the alternate access road at the same locations where drainage structures currently exist under the CSX Railroad berm. For the portion of the Alafaya Trail Extension that parallels the railroad berm, drainage structures shall be placed under the road at the same location where drainage structures currently exist under the berm. The drainage structures shall be the same type structure (bridge, RCP or box culvert) and the same size or larger than the corresponding drainage structure currently existing in the CSX Railroad berm.

II. The following conditions should be added to Section II/II:

8. Mitigation for the impacts of the first two lanes of the proposed four-lane road shall be accomplished through the implementation of one of the following two options:

a. the 37.31 ac. wetland creation and upland enhancement plan proposed in the original October 5, 1992, Request to Modify the certification and subsequently modified in a May 5, 1993, submittal to SJRWMD, which is attached hereto.

b. upon approval by ACOE, USFWS, EPA, and SJRWMD the 37.31 ac. mitigation area shall be placed under a conservation easement to the Department and \$430,000 shall be contributed toward the purchase of lands deemed acceptable for mitigation by SJRWMD with an effort towards locating such mitigation parcel(s) within Orange County, if feasible. The land purchased with the money would be conveyed to SJRWMD. This option may be exercised up to 30 days prior to the commencement of construction of the roadway.

9. The final two lanes of the proposed four-lane Alafaya Trail Extension are approved conceptually, although detailed plans for these two lanes must be submitted to the agencies for review pursuant to the conditions of certification. The conceptual approval is contingent on the road design being acceptable and acceptable mitigation being proposed to offset the impacts of the final two lanes. The mitigation for the final two lanes shall provide benefits for RCW habitat in east Orange County and RHPZ and wetland habitat of the Econlockhatchee River. The mitigation plan shall

contain the information listed in condition 7 of this section and shall be submitted to the Department, SJRWMD and the FGFWFC for review. Construction of the final two lanes shall not be initiated until the road design and a mitigation plan has been approved.

III. The following changes should be made to the titles of the existing SJRWMD conditions to clarify which conditions refer only to the transmission line and alternate access road.

V/XXI. BACKGROUND ASSESSMENT PLAN FOR MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXII. COMPLETION OF BACKGROUND ASSESSMENT FOR MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXIII. INITIATION AND COMPLETION OF ENHANCEMENT MITIGATION PLAN FOR MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXIV. CRITERIA FOR SUCCESS OF ENHANCEMENT AND MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXV. MONITORING PLAN FOR ENHANCEMENT AND MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXVI. SURVEY OF ENHANCEMENT AREAS FOR MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXVII. MONITORING REPORTS FOR THE ENHANCEMENT AND MITIGATION AREAS ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

V/XXVIII. REVISIONS TO ENHANCEMENT AND MITIGATION ASSOCIATED WITH THE TRANSMISSION LINE AND ALTERNATE ACCESS ROAD

IV. The following changes should be made to the existing SJRWMD conditions to incorporate the proposed mitigation plan for the Alafaya Trail Extension into the conditions of certification.

V/XXXI. INCORPORATION OF MITIGATION PLANS

The proposed mitigation plan submitted to SJRWMD by OUC for the Curtis H. Stanton Energy Center, Unit 2, dated June 21, 1991, July 20, 1991, September 22, 1991, September 18, 1991 and September 19, 1991 and the proposed mitigation plan submitted to SJRWMD for the

Alafaya Trail Extension dated October 5, 1992, and
subsequently modified on May 5, 1993, which is attached
hereto, are incorporated...

V. The following conditions should be incorporated as follows:

V/XXXVII. STORMWATER MANAGEMENT AND EROSION CONTROL FOR
THE ALAFAYA TRAIL EXTENSION

1. Within 30 days after completion of the stormwater management system, OUC must submit to the SJRWMD Form EN-45 (As Built Certification By a Registered Professional), signed and sealed by an appropriate professional registered in the State of Florida, and two sets of "As Built" drawings if: (a) the professional uses "As Built" drawings to support the As Built Certification, or (b) the completed system substantially differs from permitted plans.

2. One year after completion of the stormwater management system, and every two years thereafter, OUC, its successors, or assigns shall submit inspection reports to the SJRWMD on SJRWMD Form EN-46. The inspection form must be signed and sealed by an appropriate, registered professional.

3. All wetland areas or water bodies that are outside of the specific limits of construction authorized by this certification must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.

4. OUC must construct and maintain a permanent protective vegetative and/or artificial cover for erosion and sediment control on all land surfaces exposed or disturbed by construction or alteration of the certified project. This protective cover must be installed within fourteen (14) days after final grading of the affected land surfaces. A permanent vegetative cover must be established within 60 days after planting or installation. OUC must maintain cover on adjacent ground surfaces which may be impacted by construction activities until the SJRWMD receives the P.E. certification that the project is constructed according to the permitted plans.

5. Prior to beginning construction, OUC shall submit to the SJRWMD plans, data, analyses, and other similar information demonstrating that the construction of the roadway and associated stormwater management facilities meet SJRWMD's criteria and requirements with regard to water quality and water quantity impacts.

V/XXXVIII. MITIGATION CRITERIA FOR THE ALAFAYA TRAIL EXTENSION

1. If mitigation is performed pursuant to the proposed 37.31 acre wetland creation and adjacent upland enhancement plan submitted to SJRWMD for the Alafaya Trail Extension dated October 5, 1992, and subsequently modified on May 5, 1993, which is attached hereto, the following conditions shall apply to these areas:

A) OUC must submit to the Department and SJRWMD two copies of an as-built survey of the wetland creation and upland enhancement areas certified by a registered surveyor or professional engineer showing dimension, grades, ground elevations, and water surface elevations. This as-built survey must be submitted with the first monitoring report.

B) Within the wetland creation areas, non-native vegetation, cattails (Typha spp.) and primrose willow (Ludwigia peruviana), must be controlled by hand clearing or other methods approved in writing by the Department and SJRWMD so that they constitute no more than 10% of the areal cover in each stratum at any time.

C) The wetland creation and upland enhancement areas must be planted prior to use of the infrastructure for its intended purpose.

D) Within 30 days of any monitoring event that indicates 50% or greater mortality of planted wetland and upland species in any stratum within the mitigation area, OUC must submit a remediation plan to the Department, SJRWMD and FGFWFC for review. The plan shall not be implemented until written approval has been issued by the Siting Coordination Office.

E) OUC must furnish, the Department, SJRWMD, and FGFWFC two copies of monitoring reports for the wetland creation and upland enhancement area describing:

1) Percent survival and recorded growth via established parameters for planted trees and shrubs.

2) Percent cover for all species within each stratum;

3) Total percent cover of herbaceous species;

4) Ground and surface water monitoring data including:

i) surface water elevation referenced to N.G.V.D., or if surface water is not present, ground water elevation referenced to N.G.V.D.;

ii) location of staff gauges and piezometers; and,

iii) date and time of measurements.

5) observations of wildlife utilizations;

6) Panoramic photographs of the mitigation site taken from approved permanent stations;

7) A description of any problems encountered, including removal of any non-target species, replacement and maintenance dates, and solutions; and,

8) Any anticipated work for the successive six month period following each assessment.

The data must be collected and submitted semi-annually, once during the wet season (August-September) and once during the dry season (March-April) until the created and enhanced areas achieve the success criteria.

G) Successful establishment of the planted vegetation in the wetland creation and upland enhancement areas will have occurred when:

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

2) at least 80 percent cover by appropriate wetland herbaceous species in the wetland creation area has been obtained; and

3) the above criteria has been achieved by the end of a five (5) year period following initial planting.

H) If successful establishment has not occurred as stated above, or is unlikely based upon the monitoring reports or trends, OUC must, within 30 days, submit a mitigation correction plan to the Department, SJRWMD and FGFWFC. The mitigation correction plan must include a narrative describing the type and causes of failure and contain a complete set of plans for the redesign and/or replacement planting of the wetland creation or upland enhancement areas so that success criteria will be achieved. Within 30 days of approval of the mitigation correction plan by the Siting Coordination Office, OUC must implement the redesign and/or the replacement planting. Following completion of such work, success criteria as stated above or as modified by the mitigation correction plan must again be achieved. In addition, the monitoring required by these certification conditions must be conducted.

I) OUC must plant herbaceous wetland species, approved by the Department and SJRWMD, to supplement ground cover, if natural recruitment of desirable species does not occur in the cover stratum of the wetland creation

area. If planted, such species must achieve 80 percent coverage after a three year period.

J) Irrigation and fertilization of the wetland creation or upland enhancement areas may occur in the first year after initial planting in accordance with Rule 40C-21, F.A.C.

K) The use of non-native grasses, or the placement of sod, in the wetland creation or upland enhancement areas is specifically prohibited.

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

M) Prior to initiating any construction, OUC must record a conservation easement in favor of the Department and SJRWMD over the wetland creation and upland enhancement areas prohibiting all construction, including clearing, dredging, or filling, except that which is specifically authorized by this certification. The easement must contain provisions as set forth in paragraphs 1(a)-(h) of section 704.06, F.S.

N) Within 30 days of the date of issuance of this certification and prior to recording, the conservation easement language must be submitted to the Department, SJRWMD and FGFWFC for approval. The easement shall not be recorded until the proposed language has been approved in writing by the Siting Coordination Office.

O) Within 30 days of receipt of the Siting Coordination Office's approval, OUC must provide the Department with the original recorded conservation easement and provide copies of the same to SJRWMD and FGFWFC. The copies of the recorded easement must show the date conservation easement was recorded and the official records book and page number.

P) Local access, at least 15 feet in width, must be provided to the wetland creation and upland enhancement area for the Department and SJRWMD staff and equipment.

VI. Other applicable conditions for PA81-14 & PA81-14SA dealing with construction, monitoring and reporting shall also apply to the construction of the Alafaya Trail Extension and any related relocation of the combustion waste storage area.

1