

FO Mod I



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 6, 2008

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Denise Stalls
Vice President, Environmental Affairs
Orlando Utilities Commission
500 South Orange Avenue
Orlando, Florida 32802

RE: Orlando Utilities Commission
Curtis H. Stanton Energy Center, PA 81-14I
OGC No. 07-1723

ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Stalls;

On August 30, 2007, the Department received an amendment request for the Curtis H. Stanton Energy Center to allow construction of a new substation (North) and associated 115kV transmission line. This request was determined to be a modification to the Conditions of Certification. The Conditions of Certification for the Stanton Energy Center are hereby modified as follows:

VII. WETLANDS RESOURCE MANAGEMENT

A. – O. No Change

P. North Substation and Transmission Line

1. The proposed wetland impacts for the proposed Stanton North Substation and Transmission line are as follows:

0.42 acres of impact (clearing and fill) within isolated wetlands less than ½ acre in size

0.41 acres of impact (fill) within forested connected wetlands

0.85 acres of impact (clearing) within forested connected wetlands

Prior to any construction activities, the applicant shall submit revised wetland impact drawings 35-S-100 thru 35-S-104 indicating the acreage of the proposed impacts.

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2. To offset and mitigate for the wetland impacts, the applicant shall purchase 1.2 forested wetland mitigation bank credits from the TM-Econ Mitigation Bank (4-095-84310-1erp). Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with documentation that 1.2 credits have been deducted from the credit ledger of the TM-Econ Mitigation Bank (4-095-84310-1erp).

3. The applicant shall restore the entire impact and work areas to original ground contours and elevations, with the allowance of native vegetation recruitment.

4. All species listed in the attached 2005 List of Florida's Most Invasive Species shall be eradicated from the impact and work areas.

5. The permittee shall eradicate the exotics/nuisance species for five consecutive years following the anniversary date of the initial eradication. Status surveys shall take place at least annually. A copy of the survey results shall be provided to the Department and submitted with the monitoring report required in Specific Condition VII.P.9. Any newly germinated seedlings will either be hand pulled and removed from the wetlands and deposited on a Department approved upland site, or when the seedlings are less than one (1) foot in height may be subject to herbicide treatments. The herbicide treatments shall be applied at a time when the treatments will have minimal impact to non-target plants.

6. The removal of the exotics/nuisance species shall be conducted in a manner, which will have the least impact on the wetland. Mechanical equipment is prohibited within the wetland areas for exotic/nuisance removal. No aerial spraying of chemicals is authorized. No chemicals shall be applied to any desirable species, threatened or endangered species.

7. If eradication takes place in standing water, the herbicide Arsenal will be used in accordance with EPA label requirements. If the eradication will take place while the area is dry, Garlon 4 and a suitable adjuvant (no diesel fuel) will be used for basal bark treatment, or Garlon 3A and a suitable adjuvant will be used for cut-stump treatments in accordance with label requirements.

8. Wetland Restoration Success Criteria:

Wetland restoration described above in item 3 shall be deemed successful when the following conditions are met:

a. Nuisance/Exotics occupy less than 5 percent of the total cover on the parcel (as listed in the 2005 List of Florida's Most Invasive Species – Appendix 7) :

b. Percent cover by non-nuisance, non-exotic (desirable) wetland species shall be 95 percent or greater within the remaining wetlands on the parcel. Percent cover shall be reported for the aggregate of those wetland species, relative to the total area, bare ground and water. A list of the wetland species included in the aggregate shall be included. Wetland species shall be those listed in Florida Administrative Code (F.A.C.) Rule 62-340;

c. Wetland species shall be reproducing naturally in the ground, shrub and canopy stratum;

d. The vegetation monitoring data for the wetland areas of the enhancement shows that not less than 95 percent of the vegetation cover comprises of Rule 62-340, F.A.C. listed species.

The final success determination shall not be made less than three years from the completion of implementation of the initial enhancement measures and when the above mentioned criteria have been continuously met for a period of at least one growing season without intervention in the form of removal of undesirable vegetation.

9. Monitoring Reports Required:

The permittee shall furnish to the Central District, with an electronic copy submitted to the Siting Coordination Office, annual status reports which describe in detail the following:

- a. status of construction (with a description of the extent of work completed since previous report or since permit was issued);
- b. problems encountered and solutions undertaken;
- c. anticipated work for the following year;
- d. panoramic photographs taken from the same permanent stations (at least 4 stations to be approved by the Department);
- e. status of nuisance eradication on the parcel;
- f. status of enhancement on the parcel;
- g. herbicide listing and date of application;
- h. percentage survival, density and cover trees and herbaceous species using acceptable methods.

These methods are described in Daubenmire (1968), Oosting (1956), and Mueller-Dombois and Ellenberg 1974).

The first monitoring report shall be submitted within 6 months of permit issuance and prior to construction commencement. The remaining monitoring reports shall be submitted annually on the anniversary date of the permit, for five years after completion of construction and all enhancement work. If work authorized in this permit does not start immediately, the Permittee shall submit to the Department a site status letter as notification that "No Work" has occurred. The site status letter is due within 6 months after permit issuance and any additional site status letters shall be submitted on the anniversary date of the permit.

The monitoring reports should include a cover page with the following information:

- a. permittee name;
- b. permit number;
- c. who performed the assessment;

d. signed and attested: "To the best of the undersigned's knowledge, this report represents a true, accurate and representative description of the site conditions present at the time of the monitoring."

Other information may be included by the permittee at their discretion.

Executed in Tallahassee, Florida



Michael P. Halpin, P.E.
Administrator
Siting Coordination Office

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

Landa Karakows 2-6-08
Clerk Date

cc. Toni Sturtevant, Esquire
 Lea Crandall

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Tot Denise Stalls Vice President, Environmental Affairs Orlando Utilities Commission 500 South Orange Avenue Orlando, Florida 32802	
PS Form 3800, June 2002 See Reverse for Instructions	

Korokous, Landa

From: Crandall, Lea
To: Korokous, Landa
Sent: Wednesday, February 06, 2008 3:48 PM
Subject: Read: OUC Stanton Energy Center, PA 81-14I

Your message

To: kelly.martinson@dca.state.fl.us; OUC-Tart, Tom (ttart@ouc.com); James Antista (james.antista@fwc.state.fl.us);
plaurien@ecfrpc.org; Biegalski, Leon; scibula@psc.state.fl.us; clea@audubon.org; khdavis@sjrwmd.com; Buford, Tasha-OUC atty
(tbuford@yvlaw.net); tom.drage@ocfl.net; Sturtevant, Toni; Crandall, Lea
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC Stanton Energy Center, PA 81-14I
Sent: 2/6/2008 3:48 PM

was read on 2/6/2008 3:48 PM.

Korokous, Landa

From: Tart, Thomas [TTart@ouc.com]
To: Korokous, Landa
Sent: Thursday, February 07, 2008 3:30 PM
Subject: Read: OUC Stanton Energy Center, PA 81-14I

Your message

To: TTart@ouc.com
Subject:

was read on 2/7/2008 3:30 PM.

Korokous, Landa

From: Andrew Landis [andrew@ecfrpc.org]
Sent: Monday, February 11, 2008 9:10 AM
To: Korokous, Landa
Subject: RE: OUC Stanton Energy Center, PA 81-14I

The agency received the document concerning OUC Stanton Energy Center, PA 81-141.

Thank you,

Andrew Landis
Regional Planner
ECFRPC

From: Phil Laurien [mailto:plaurien@ecfrpc.org]
Sent: Monday, February 11, 2008 8:10 AM
To: 'Kimberly Loewen'
Cc: 'Andrew Landis'
Subject: FW: OUC Stanton Energy Center, PA 81-14I

Please respond.

Phil

From: Korokous, Landa [mailto:Landa.Korokous@dep.state.fl.us]
Sent: Wednesday, February 06, 2008 3:48 PM
To: kelly.martinson@dca.state.fl.us; ttart@ouc.com; james.antista@fwc.state.fl.us; plaurien@ecfrpc.org; Biegalski, Leon; scibula@psc.state.fl.us; clec@audubon.org; khDavis@sjrwm.com; tbuford@yvlaw.net; tom.drage@ocfl.net; Sturtevant, Toni; Crandall, Lea
Cc: Seiler, Ann; Halpin, Mike
Subject: OUC Stanton Energy Center, PA 81-14I

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<http://www.adobe.com/products/acrobat/readstep.html>.

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2/12/2008

Korokous, Landa

From: Tasha Buford [Tbuford@yvlaw.net]
Sent: Wednesday, February 06, 2008 4:10 PM
To: Korokous, Landa
Subject: Re: OUC Stanton Energy Center, PA 81-14I

Tasha O. Buford
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, FL 32301
(850) 222-7206

>>> "Korokous, Landa" <Landa.Korokous@dep.state.fl.us> 2/6/2008 3:48 PM

>>>

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<http://www.adobe.com/products/acrobat/readstep.html>.

The Siting Coordination Office is issuing electronic documents for modifications and other correspondence in lieu of hard copies through the United States Postal System to provide greater service to the applicant, agencies and other parties. Please advise this office of any changes to your e-mail address.

Thank you,

Landa F. Korokous

Administrative Assistant

Dept. of Environmental Protection

Florida Energy Office and Siting

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Tallahassee, Florida 32399-2400

(850) 245-8002

landa.korokous@dep.state.fl.us

The Department of Environmental