

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE:

**FLORIDA POWER & LIGHT COMPANY;
DUVAL – RAVEN 230kV
TRANSMISSION LINE SITING APPLICATION
NO. TA16-17**

**DOAH CASE No. 16-0276 TL
DEP OGC CASE No. 16-0012**

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S
NOTICE OF FILING AGENCY REPORT**

The St. Johns River Water Management District files this Notice of Filing Agency Report. The Agency Report, contains the District's assessment of Florida Power and Light Company's application for certification of a corridor for the Duval-Raven 230kV Transmission Line Project and the District's recommendations for specific conditions to be placed on the certification if the application is approved. The Agency Report was approved on April 11, 2016. A copy is attached hereto.

Respectfully submitted,

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**ST JOHNS RIVER WATER MANAGEMENT DISTRICT
ELECTRIC TRANSMISSION LINE SITING
AGENCY REPORT
April 11, 2016**

Permittee: Florida Power and Light Company

Project: Duval-Raven 230kV Transmission Line Project

Subject: Certification Application for the Duval-Raven 230kV
Transmission Line Project.
DOAH Case No. 16-0276
DEP OGC Case No. 16-0012
SJRWMD File of Record No. 2016-02

Background

The Florida Power and Light Company (applicant, FPL) is seeking certification for an electric transmission line and proposed corridor pursuant to the Florida Transmission Line Siting Act (TLSA). See Sections 403.52 - 403.5465, Florida Statutes (F.S.) The Florida Department of Environmental Protection (DEP) coordinates the interagency review for certification of electric transmission lines which are 230 kilovolts (kV) or larger, cross a county line, and are 15 miles or longer. The applicant's proposed transmission line project meets the requirements for centralized processing by DEP under TLSA.

A TLSA application was submitted to the DEP on January 11, 2016, for certification of the FPL Duval-Raven 230kV Transmission Line Project (Duval-Raven Project). The application was determined to be incomplete on February 17, 2016. On March 2, 2016, the applicant provided responses to the comments and questions of the reviewing agencies related to the completeness of the TLSA application. On March 23, 2016, FDEP deemed the TLSA application to be complete.

Pursuant to the TLSA, the St. Johns River Water Management District (District) is required to prepare an agency report as to the impact on water resources and other matters within its jurisdiction, for a transmission line or corridor proposed to be constructed within the water management district's boundary. Subsection 403.526(2)(a), F.S.

The Agency Report must contain:

1. A report as to the impacts of the project related to matters within the agency's jurisdiction.

2. Expected compliance with agency standards and an identification of any nonprocedural requirements not specifically listed in the application from which a variance or exemption is needed in order for the board to certify the corridor, including a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.
3. A summary of potential impacts the proposed project may have on any proposed use of, connection to, or crossing over of properties or works of the agency, inclusive of the agency's position on the request (i.e., support or opposition of the request) and any standards which the agency proposes the applicant should satisfy in order for the applicant to use, connect, or cross over the agency's properties or works.
4. Conclusions and recommendations regarding certification including reasons for recommendations and legal basis of denial, if the agency recommends denial of certification.
5. Proposed Conditions of Certification, if the agency intends to recommend certification, on matters within the agency's jurisdiction, listing the specific statute, rule, or ordinance, as applicable, that authorizes the proposed condition; and including:
 - a. Any impact monitoring or post-certification review that needs to be conducted including reasons and legal basis; and
 - b. Applicable conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified.

Proposed Project

The proposed project is for the construction, operation, and maintenance of approximately 39 miles of new 230- kV transmission line, traversing four counties and three municipal jurisdictions. The proposed line will begin at the existing Duval Substation in SW Duval County and will terminate at a newly constructed Raven substation in Columbia County. Approximately 96% of the new line will be located in existing FPL right-of-way. The typical right-of-way width to be utilized for the Duval-Raven transmission line is 100 feet. The typical existing right-of-way width along the length of the project area is either 100 feet or 170 feet.

The corridor is co-located with a 230-kV transmission line from the Duval to Baldwin substations and with a 115-kV transmission line from Baldwin to a point approximately 700 feet from the northern parcel line of the Raven substation. The proposed 230-kV transmission line will be located within the existing 115-kV transmission line right-of-way except in the vicinity of the City of Macclenny, the Raven substation, and potentially at several points where a new angle or corner structure is anticipated to be needed. In the portion of the project area from the Baldwin substation to the City of Macclenny, the new

230kV line will be co-located on existing monopoles servicing an existing 115kV line. Within the City of Macclenny, FPL will install new monopoles to service the new line. West of the City of Macclenny, FPL intends to replace existing H-frame structures with monopole structures that will serve the two co-located transmission lines.

Statutory Requirements

Pursuant to subparagraph 403.507(2)(a)2, F.S., the District is required to prepare a report as to matters within its jurisdiction. The District regulations relevant to this proposed project include Chapter 40C-2 (Consumptive Uses of Water), Florida Administrative Code (F.A.C.). Pursuant to the Operating Agreement between the St. Johns River Water Management District and the Department of Environmental Protection, jurisdiction to review electrical transmission lines and facilities projects for compliance with Part IV, Chapter 373, F.S., is with the Department, not the District. (Operating Agreement, dated July 1, 2007, Section II., A.1. f.) Accordingly, environmental resource requirements under Part IV, Chapter 373, F.S., will not be addressed in this report.

Review of Consumptive Uses of Water

The consumptive use of water for this application is regulated by Part II of Chapter 373, F.S. Two of the key statutory requirements are set forth in sections 373.219 and 373.223, F.S. Subsection 373.219(1), F.S., provides:

The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the District or department and is not harmful to the water resources of the area.

Subsection 373.223(1), F.S., and Section 40C-2.301, F.A.C. require an applicant to establish that the proposed use of water:

- (a) is a reasonable-beneficial use;
- (b) will not interfere with any presently existing legal use of water; and
- (c) is consistent with the public interest.

In addition, the above-requirements are detailed further in the District's Applicant's Handbook: Consumptive Uses of Water, November 3, 2015 (A.H.).

The District has reviewed the TLSA application for the Duval-Raven Project pursuant to the above-described regulatory requirements and recommends approval of the application, as the consumptive use of water associated with the project appears to be an exempt use. A summary of the District review is presented below.

Expected Compliance with Agency Standards

Staff evaluated the TLSA application to determine whether potential water uses within the project area would require a consumptive use permit, be authorized as a general permit by rule, or be an exempt use subject to certain conditions.

The applicant did not identify any specific water use activities within the project. However, staff identified dewatering to facilitate construction, as a potential water use during pole installation in areas of high water tables. Staff identified two (2) such areas with high water tables that may require dewatering. The location of these areas, as depicted in the application, are found on Duval-Raven Corridor Location maps (20 of 36) and (25 of 36).

In the application, the typical pole configurations, typical spacing, and construction techniques were described. Concrete monopoles will be installed to a depth 18 to 20 feet below land surface and pole spacing was shown to typically be 600 to 800 feet. Staff estimated an excavated construction volume of 1,570 cubic feet, with a conservative estimated dewatering volume of 20,000 gallons per pole, where dewatering is needed. Based on the size of the areas within the proposed corridor with high water tables, and applying the 600-foot pole spacing, staff calculated that the maximum number of new poles requiring dewatering would not exceed 25 poles. Applying the conservatively estimated dewatering volume of 20,000 gallons per pole, staff estimates a maximum potential water use of 500,000 gallons to facilitate construction and installation of the poles may be needed for the new transmission line.

The applicant has not proposed any water use and the maximum potential water use, as identified by staff, does not exceed the thresholds for an individual consumptive use permit, or a general permit by rule. The estimated maximum potential water use for construction dewatering within the jurisdiction of the District, would be an exempt use pursuant to Rule 40C-2.051(7), F.A.C., subject to the applicable conditions listed in that rule.

Exemption

The District issues consumptive use permits in two forms, individual permits and general permits by rule, unless the consumptive use is expressly exempted in Rule 40C-2.051, F.A.C. Rule 40C-2.051, F.A.C., provides that no permit shall be required for the following water uses:

(7) Withdrawals of ground or surface water to facilitate construction (not including borrow or mining excavations) on or below ground surface (dewatering) subject to the following conditions:

(a) The withdrawal is conducted by one of the following:

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These

wellpoints shall be installed in variable spacings, and connected to a common header pumped by one or more wellpoint pumps.

2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.
3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well, and connected to a common header pumped by one or more pumps.
4. Hydraulic pumps to dewater stormwater management ponds and basins, as part of their construction or maintenance, through the discharge control structures. The stormwater management pond or basin and associated discharge control structure must have been permitted by the District and be in operational phase at the time the dewatering is to occur.

(b) The withdrawal is 300,000 gallons per day or less.

(c) The withdrawal does not exceed 30 days in duration.

(d) The water withdrawn is not discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.

(e) The following turbidity control measures are implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.
2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.
3. If the above turbidity control measures are inadequate to retain

sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

Staff concludes the proposed activities described in the TLSA application may involve a consumptive use of water for dewatering to facilitate the installation of some of the transmission line poles, but that the consumptive use would fall within the exemption from permitting established in Rule 40C-2.051, F.A.C., as long as the listed conditions are met.

Impacts of the project related to matters within the District's jurisdiction

The District reports there will be no adverse impacts to water resources within the District's regulatory jurisdiction if the conditions listed below are met.

Nonprocedural requirements not specifically listed in the application from which a variance or exemption is needed.

The District reports there are no nonprocedural requirements within the District's regulatory jurisdiction from which a variance or exemption is needed.

Potential impacts the proposed project may have on any proposed use of properties of the agency and any standards which the agency proposes the applicant should satisfy in order for the applicant to use, connect, or cross over the agency's properties or works.

The District holds a conservation easement over a portion of the proposed corridor that applicant identified as additional right-of-way which may need to be acquired to construct the project.

As shown on replacement figure 2-6 (1 of 2) attached hereto as Exhibit A, the proposed transmission line between the Duval Substation and Baldwin borders the northern edge of the Loblolly Mitigation Preserve, also known as the Loblolly Mitigation Bank. As shown in greater detail on FDEP SO-01 (2 of 36) attached hereto as Exhibit B, a triangular shaped parcel in the extreme northwest corner of the Loblolly Mitigation Bank is included in the proposed corridor as additional right-of-way that may need to be acquired by the applicant. This parcel is located just south of a portion of the proposed corridor owned by FPL and adjacent to and east of the CSX Railroad, as shown on Exhibit B.

The Loblolly Mitigation Bank is encumbered by a conservation easement in favor of the District and the Board of Trustees of the Internal Improvement Trust Fund. The conservation easement, recorded in 2003, contains language that expressly prohibits the construction of utilities or other structures on or above the ground. (Official Records of Duval County in Book 11505, pages 1760 through 1788.)

An amendment to, or partial release of, the conservation easement would be needed from both the Board of Trustees of the Internal Improvement Trust Fund and the District to allow the proposed activities to be conducted within the conservation easement area. The portion of the mitigation bank to be released from the restrictions of the conservation easement includes areas of managed and protected forested wetlands where mitigation credits have been released, allocated, and utilized as compensatory mitigation for permitted projects located in the Upper St. Mary's Basin (Basin 1). It is anticipated that the proposed project would negatively impact the values and functions of the mitigation activities in the mitigation bank.

If this additional area of right-of-way is ultimately determined, post certification, to be required for the construction of the project, the long and short-term impacts to the values and functions of the mitigation bank related to the installation and operation of the electrical transmission line, and the reduction in value of the preservation of that portion of the mitigation bank, will need to be addressed to determine how the number of mitigation credits authorized for the Loblolly Mitigation Bank would need to be adjusted for the project to proceed. This reevaluation will require a permit modification to the existing environmental resource permit for Loblolly Mitigation Bank.

The applicant advises that they will be able to avoid impacting the Loblolly Mitigation Bank area entirely and they have proposed a condition to the certification that no project activities will be conducted within the Loblolly Mitigation Bank. The District recommends this language be included as a condition of certification.

Conclusions and recommendations regarding certification.

The District has reviewed the TLSA application for the Duval-Raven Project as to the impact on water resources and other matters within its jurisdiction and recommends certification of the project, subject to the applicable conditions required by Rule 40C-2.051(7), F.A.C. and to address the District's proprietary interest in lands within the proposed corridor.

CONDITIONS RECOMMENDED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT Chapter 40C-2, Florida Administrative Code (F.A.C)

1. Any withdrawals of ground or surface water to facilitate construction (dewatering) shall be conducted by one of the following methods:

a. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings, and connected to a common header pumped by one or more wellpoint pumps.

b. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water

conveyed through the underdrain and discharged from the pump.

c. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well, and connected to a common header pumped by one or more pumps.

[Rule 40C-2.051(7)(a), F.A.C.]

2. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 300,000 gallons per day or less. [Rule 40C-2.051(7)(b), F.A.C.]

3. The withdrawal of ground or surface water to facilitate construction (dewatering) does shall not exceed 30 days in duration. [Rule 40C-2.051(7)(c), F.A.C.]

4. The water withdrawn to facilitate construction (dewatering) shall not be discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation. [Rule 40C-2.051(7)(a), F.A.C.]

5. The following turbidity control measures shall be implemented, as appropriate, for any discharges off-site:

a. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.

b. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.

c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

[Rule 40C-2.051(7)(e), F.A.C.]

6. All portions of FPL's Duval-Raven 230 kV transmission line project shall remain outside of the property boundaries of the Loblolly Mitigation Bank, identified as parcel 000983 0000 (City of Jacksonville) by the Duval County Property Appraiser. This includes all facilities and rights-of-way necessary for the construction, operation and maintenance of the project. No project activities, either during or after construction, shall be permitted to traverse through or enter within the property boundaries of Loblolly

Mitigation Bank, and therefore no impacts to the Bank will occur as a result of project activities. [Condition provided by the Applicant on April 6, 2016.]

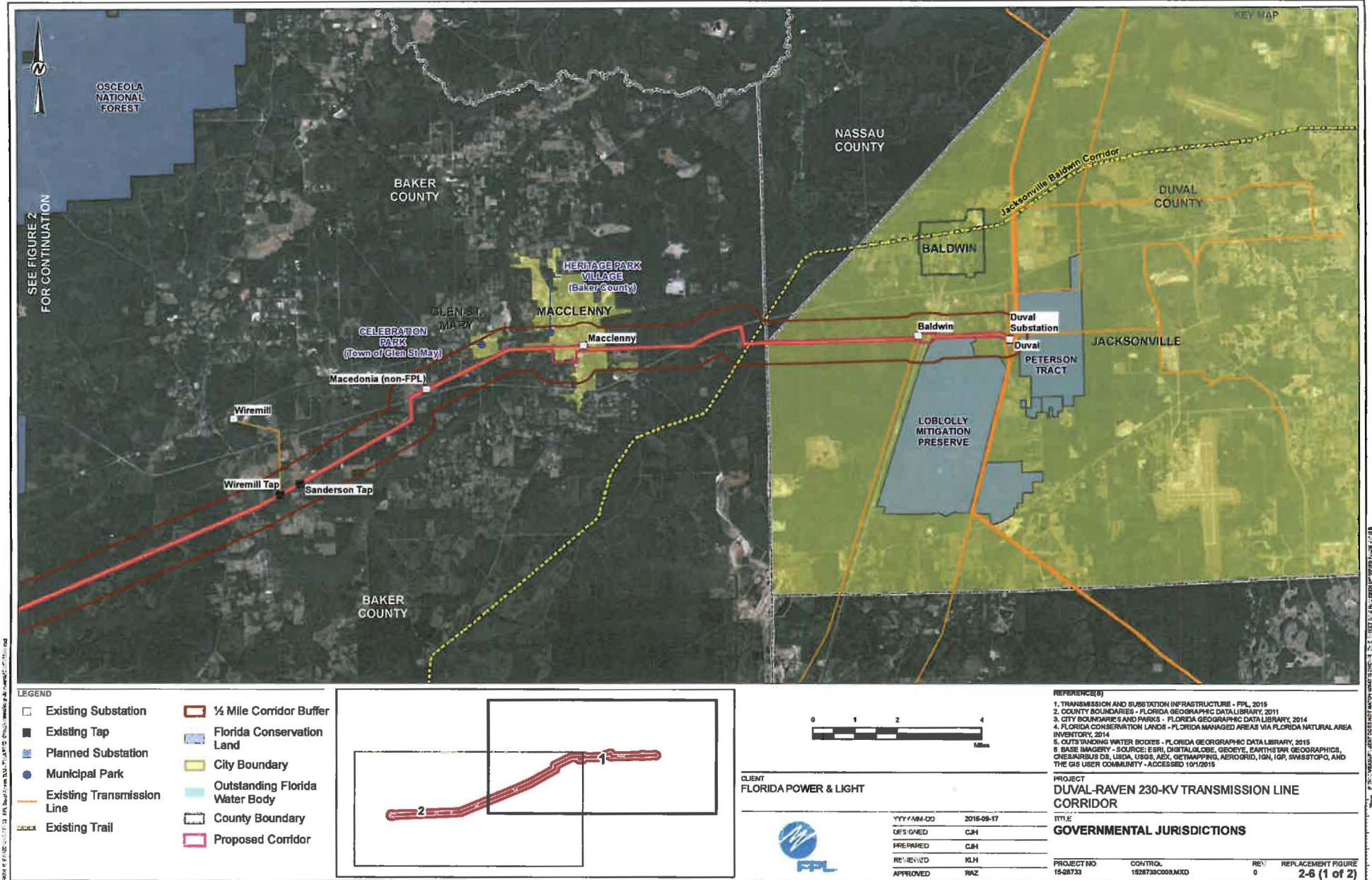


Exhibit A

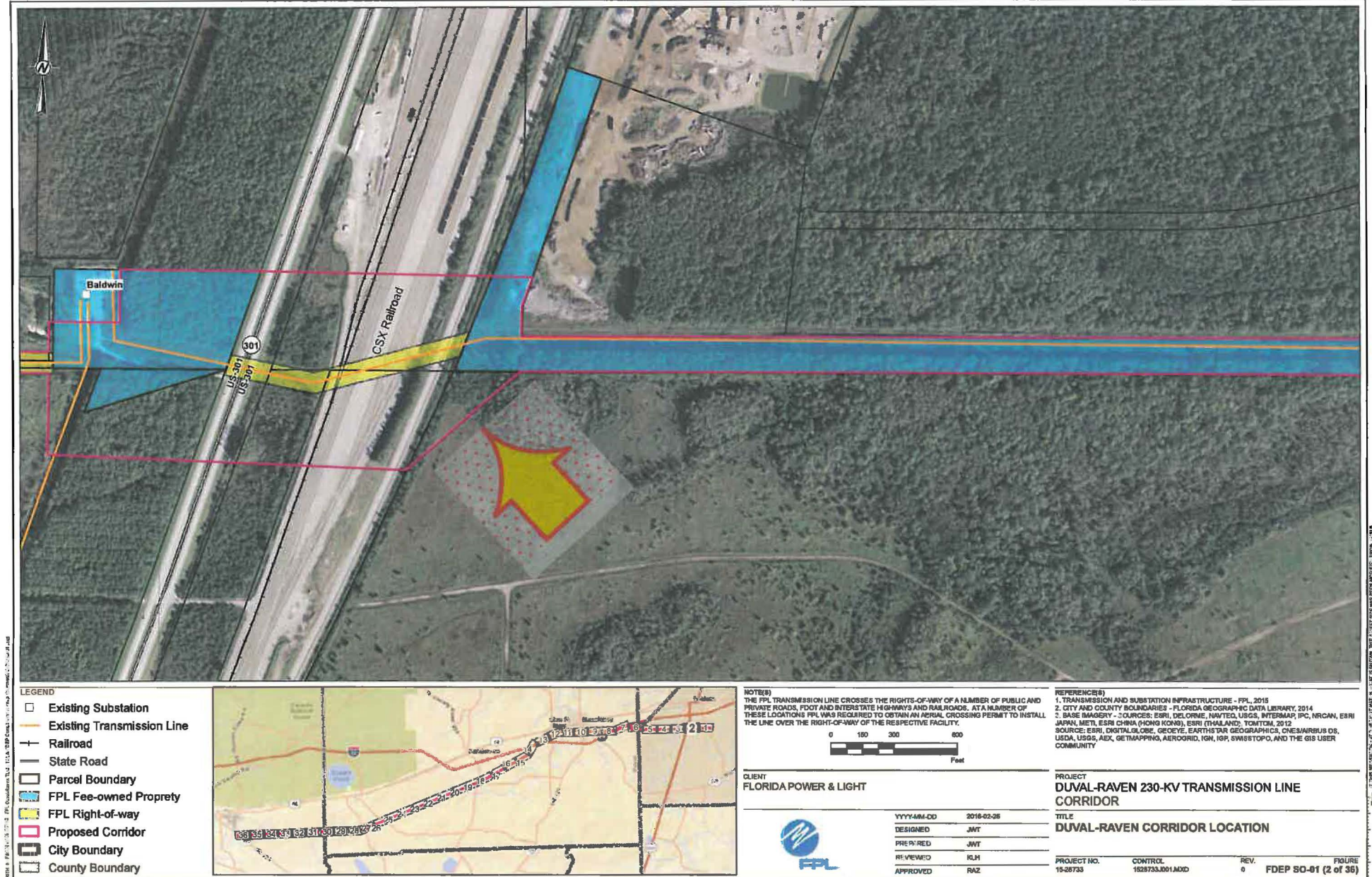


Exhibit B