



DEPARTMENT OF
ENVIRONMENTAL PROTECTION

FEB 22 2007

February 21, 2007

SITING COORDINATION

Mr. Michael Halpin, P.E.
Siting Administrator
Department of Environmental Protection
2600 Blair Stone Road
Mail Stop 48
Tallahassee FL 32399-2400

RE: Bobwhite- Manatee Transmission Line Siting Application – Completeness Responses

Dear Mr. Halpin,

Enclosed are six (6) hard copies of Florida Power & Light Company's (FPL's) responses to agency completeness requests for additional information. We are also providing these via e-mail for your convenience.

FPL is concurrently distributing copies of these responses to the statutory parties, and to others who have received courtesy copies of the application. A copy of the distribution list is attached.

If you have any questions, please do not hesitate to call me at 561-691-7059.

Sincerely,

A handwritten signature in black ink, appearing to read 'Florette Braun', is written over a faint, larger signature.

Florette Braun
Environmental Licensing Manager
Environmental Services

cc: Carolyn Raepple, HGS
Phil Simpson - ECT

BOBWHITE-MANATEE 230-kV TRANSMISSION LINE PROJECT

RESPONSES TO AGENCY COMPLETENESS QUESTIONS

Prepared for:



FPL

Juno Beach, Florida

Prepared by:



***Environmental Consulting & Technology, Inc.
3701 Northwest 98th Street
Gainesville, Florida 32606***

ECT No. 060502-0200

February 2007

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

- 1. Please revise the aerial surveys, submitted under Attachment 2-1, to include:**
- *The limits of any wetlands located within the proposed corridor.*
 - *The location of any listed species from the Florida Natural Areas Inventory or observed during site visits.*

Refer to Chapter 62-343.900(1), Section E, F.A.C.

Response:

The detailed information on specific wetland limits and endangered species survey results will be provided for the eventual right-of-way. This will be done as a postcertification condition submittal once the right-of-way has been selected, surveys have been completed, and transmission line design has been completed, as authorized in Section 403.5317(2), Florida Statutes (F.S.), Rule 62-17.665, Florida Administrative Code (F.A.C.), and Florida Department of Environmental Protection (FDEP) TLSA Application Guide at Section 3.2.1.

Florida Power & Light Company's (FPL's) application for corridor certification does include wetland land cover types shown in Attachment 2-4. There were no known endangered/threatened species locations within the corridor based on available records from the Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (USFWS), and Florida Natural Areas Inventory (FNAI).

- 2. Map 9 of 9 on Attachment 2-1 shows the location of the proposed Bobwhite Substation Site being constructed over an existing wetland. Attempts to minimize or avoid impacts to wetlands will be required. If attempts to minimize or avoid wetland impacts are unsuccessful, a UMAM form must be completed and mitigation must be proposed by the applicant that will offset wetland impacts within all areas of the proposed right of way. Refer to Chapter 3.2.1.1 of the SWFMD Basis of Review, and Chapter 62.345, F.A.C.**

Response:

As allowed by the Transmission Line Siting Act (TLSA), Section 403.522(22), F.S., FPL has opted to seek the necessary permits for the proposed Bobwhite substation separate

from this proceeding. Information demonstrating compliance with the requirements noted in this completeness request about the Bobwhite substation will be included in the separate environmental resource permit (ERP) application for that facility.

- 3. Chapter 3 page 7 of the submitted corridor certification application states that disturbed areas will be allowed to revegetate as each section of the transmission line is completed. Pursuant to Chapter 3.2.4.1 of the Basis of Review, the applicant must address the short term water quality impacts of a proposed system by (1) providing turbidity barriers or similar devices for the duration of construction activities in or adjacent to wetlands or other surface waters, and (2) stabilizing newly created slopes or surfaces in or adjacent to wetlands and other surface waters to prevent erosion and turbidity. Please show the location of erosion control barriers on the plan view drawings and describe the specific soil stabilization methods to be used at each site. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings.**

Response:

Site-specific erosion/sediment control methods will be supplied to FDEP as a postcertification condition requirement, once the right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

- 4. In areas where temporary roads will be installed in wetlands, mitigation will be required for the temporal loss of wetland function. In addition, a restoration plan will need to be provided for the impact areas. See Chapter 62.345, F.A.C.**

Response:

Site-specific wetland impacts for any permanent or temporary roads will be quantified after the corridor has been certified, the right-of-way has been selected, and the transmission line/road design has been completed. This information, along with the proposed mitigation plan for such impacts, will be provided to FDEP as a postcertification condition requirement, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

1. APPLICATION AND APPLICATION CERTIFICATION:

The applicant shall submit documentation to demonstrate the applicant owns or controls the project area. Refer to Section 2.0 of the ERP Basis of Review and 40D-4.101 (1)(e), F.A.C.

The applicant shall quantify the activities proposed in, on or over wetlands and/or other surface waters. Refer to 40D-4.101(1), F.A.C.

Response:

The applicant will provide documentation of control of the eventual right-of-way once the corridor is certified and a right-of-way is selected. This will be provided as a postcertification condition submittal, as well as detailed information on wetlands, as required by FDEP, which has jurisdiction over wetland permitting for transmission lines. This will be provided as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

2. SITE INFORMATION:

The applicant shall provide sufficient topographical information for the project area to establish drainage patterns along the corridor so as to ensure the construction of the access road will not block historical drainage patterns or disrupt the watershed of wetlands. The topographic data must extend at least 100 feet on each side of the corridor. Refer to Part C.3 of Section E, of the ERP application form and Rule 40D-4.301(1)(a) and (b), F.A.C.

The applicant shall provide copies of the FEMA FIRM maps along the corridor and show the 100-year floodplain limits on the plans. If encroachment into the floodplain occurs due the proposed activities, the applicant shall quantify the encroachment volume and provide reasonable assurance that no net encroachment into the floodplain, up to that encompassed by the 100-year event, will adversely affect either the conveyance, storage, water quality or adjacent lands. Refer to Parts C.4 and E.4, of Section E, of the ERP application form,, Section 4.3 of the ERP Basis of Review and Rule 40D-4.301(1)(a) and (b), F.A.C.

The applicant shall provide additional information to demonstrate that all District authorizations (e.g., Environmental Resource Permits, Water Use Permits, Agricultural Ground and Surface Water Management, other District authorized activities) located within the proposed corridor have been reviewed and provide

comments on these projects to clearly demonstrate that the proposed activity will not have any adverse impacts to prior District authorizations and/or water resources located within those District authorized projects. Refer to Part 7.8 of Section A, of the ERP application form and 40D-4.101(1), F.A.C.

Response:

The detailed information requested regarding potential impacts to drainage will be provided as part of FPL's postcertification requirements to FDEP once a right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

3. ENVIRONMENTAL CONSIDERATIONS:

Wetland and/or surface waters are located within and adjacent to the project limits and reasonable assurance must be provided to determine if secondary dredging and/or filling impacts are proposed. Therefore, an environmental consultant should schedule a field review with agency staff to review the wetland and/or surface water features located within the project area. Please be aware that additional questions in regards to wetland and surface water impacts, proposed mitigation, performance bonds and Uniform Mitigation Assessment Method assessments pursuant to Ch. 62-345, F.A.C. may be required following the field visit. Refer to 40D-4.101(1)(c), 40D-4.301(1)(d)(e)(f) and (i), and 40D-4.302(1)(a), F.A.C.

The applicant shall provide reasonable assurance that the existing wetland hydroperiods will be maintained in the post-developed condition and that adverse wetland impacts to hydrology and water quality will not occur within and adjacent to the project as a result of the proposed project design. Refer to Chapter 3 of the ERP Basis of Review and Rule 40D-4.101(1)(e), F.A.C. Rules 40D-4.101(1)(c), 40D-4.301(1)(d), and 40D-4.302(1)(a)(2), F.A.C.

The applicant shall address reduction and elimination of wetland impacts and provide a detailed alternative analysis to justify impacts caused by the layout of the proposed transmission line corridor. These analyses should clearly show that you have made every effort through practicable design modifications to eliminate and reduce wetland and surface water impacts within the project. Refer to Section 3.2.1 of the ERP Basis of Review and to Rules 40D-4.101(1)(c), 40D-4.301(1)(d), and 40D-4.302(1)(a)(2), F.A.C.

The narrative for the project comments on construction within wetlands, surface waters, and buffer areas. If impacts to wetlands or surface waters cannot be avoided, the applicant shall provide a narrative of any proposed mitigation

plans, including purpose, maintenance, monitoring, and construction sequence and techniques. If mitigation is not proposed, please provide appropriate justification to show that the proposed impacts will not cause violations of water quality standards or adverse impacts to the functions of wetlands or surface waters. Refer to Section 3.3 of the ERP Basis of Review and Rule 40D-4.101(e), 40D-4.301((b),(c),(d),(e),(f), (2) and 40D-4.302(1)(a) 2, 5, and 7, and (1)(b), F.A.C.

The applicant shall address secondary wetland impacts to both on and offsite wetlands (e.g. water quality, water quantity, wetland buffer setbacks, threatened and endangered species, etc.) pursuant to 3.2.7 of the Basis of Review (B.O.R.). In addition, please be aware that the upland buffer should consist of undisturbed habitat around the limits of all wetlands and other surface waters within and adjacent to the project area. This buffer should average 25 feet in width and never be less than 15 feet wide. Refer to Section 3.2.7 of the ERP Basis of Review and Rule 40D-4.101(1)(c), 40D-4.301(1)(a)(b)(c)(d), (f), (i), and 40D-4.302(1)(a), F.A.C.

Response:

Detailed information on extent of wetlands and buffers affected, quantification of impacts through the state's Uniform Mitigation Assessment Methodology (UMAM), and methods for avoiding, minimizing, or mitigating impacts will be provided to FDEP as part of FPL's postcertification condition requirements. This information will be provided after a right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

4. PLANS:

The applicant shall provide Best Management Practices (BMP) Plans signed by the applicant that provides reasonable assurance water quality violations will not occur during construction. Refer to Section 2.8.4 of the ERP Basis of Review, Part C.16 of Section E of the ERP application form and Rule 40D-4.301(1)(e), F.A.C.

The applicant shall provide scaled stationed cross-sections of the corridor that show existing and proposed grades, including the maintenance access drive. The drawings shall be signed and sealed by a Professional Engineer registered in the State of Florida. Refer to Part C.3 of Section E, of the ERP application form and Section 1.2.1 Basis of Review.

Response:

FPL will provide detailed best management practices (BMP) plans for minimizing water quality impacts, as well as detailed engineering drawings of the right-of-way cross-sections, as part of its postcertification condition requirements to FDEP. This will be provided once a right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

5. DRAINAGE INFORMATION:

The applicant shall provide reasonable assurance that the construction of the access road will not cause adverse water quality or water quantity impacts. Please consider the use of water quality buffers to address water quality. Refer to Parts E1 and E4, of Section E, of the ERP application form and 40D-4.301(l)(a),(b) and (e), F.A.C.

For crossings of wetlands and/or other surface waters, the applicant shall provide assurance, including hydraulic analyses, that the access drive will not have adverse water quantity impacts on upstream property outside of the corridor. Refer to Part E.4, of Section E, of the ERP application form, Section 4.8 of the ERP Basis of Review and Rule 40D-4.301(1)(a) and (b), F.A.C.

Response:

FPL will provide reasonable assurances that its transmission line construction or access road location will not adversely affect water quality or quantity as part of its postcertification condition requirements to FDEP. This will be done after the right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

6. WATER USE:

It appears that there are numerous existing irrigation wells associated with a large number of water use permits located within the proposed power line corridor. Please provide a detailed list of those Water Use Permits and associated wells that may be affected by the construction of this transmission line. Also include the disposition of any wells that may be adversely impacted due to the construction of the proposed transmission line. Refer to 40D-2.301, F.A.C.

Response:

No water use well permits or wells themselves will be affected by the transmission line. FPL works with landowners to ensure pole placement does not coincide with any well locations.

7. PART II - PROPRIETARY:

Please note that state owned Sovereign Submerged Lands (SSL) may exist within the project area. If activities are determined to take place in/on or over SSL lands, appropriate proprietary authorizations, and additional information may be required before the application may be considered complete. Refer to Chapter 18-21 and 40D-4.301, F.A.C., and Chapter 253, F.S.

Response:

FPL has identified in its application for corridor certification that Sovereign Submerged Lands (Gilley Creek and Manatee River) will be crossed by the eventual right-of-way. FPL will provide the required information to FDEP for authorization of these crossings as a postcertification condition requirement. This will be done after the right-of-way is selected and the transmission line design at these crossings has been completed, as authorized in Section 403.5317(2), F.S.

MANATEE COUNTY

- I. *The following portions of the Comprehensive Plan need to be addressed by the Application in terms of sufficiency of comprehensiveness of data or in quality of information provided as part of the completeness review as defined in Section 403.522(9), Florida Statutes. These portions of the Comprehensive Plan of Manatee County were omitted from the Application. This list is not exhaustive; there may be other relevant provisions pointed out by County staff during the ongoing review process of this Application.*
 - A. *It should be noted that the following attachments are taken from the Comprehensive Plan of Manatee County as amended on December 12, 2006 by the adoption of Ordinance No. 06-13. These Amendments are the Evaluation Appraisal Report (EAR) Based Amendments and have an anticipated effective date of approximately mid-February 2007 (i.e., prior to the date of April 2, 2007, the deadline in the approved schedule for the filing of Manatee County's report required by Section 403.526, Florida Statutes). (Note: The text indicated by redlining are the changes made by the EAR-Based Amendments).*
 1. *Conservation Element: Goal 3.3, Wetlands Protection policies enumerated in Objective 3.3.1, Policies 3.3.1.1 through 3.3.1.10. Wildlife and Upland Habitat Protection Policies enumerated in Objective 3.3.2 and Policies 3.3.2.1 through 3.3.2.8. Greenways Development and Protection listed in Objective 3.3.3 and Policies 3.3.3.1 through 3.3.3.3. Protection of land, water and air resources in Goal 3.4, Objective 3.4.1 and Policies 3.4.1.1 through 3.4.1.8.*
 2. *Recreation and Open Space Element: Goal 8.1, Objective 8.1.1 and Policies 8.1.1.1 through 8.1.2.5, Objective 8.1.3 and Policies 8.1.3.1 through 8.1.3.4 regarding Parks. Goal 8.2, Objective 8.2.1 and Policies 8.2.1.1 through 8.2.1.5 regarding Public Access to Recreational Facilities. Objective 8.2.2.2 and Policies 8.2.2.1 through 8.2.2.2 regarding Multi-Modal Access. Goal 8.3 and Policies 8.3.1 through 8.3.1.3 regarding Natural Resource Areas, Conservation and Open Space. Objective 8.3.2 and Policies 8.3.2.1 through 8.3.2.4 Recreational Use of Public Lands, Goal 8.4, Objective 8.4.1, Policies 8.4.1.1 through 8.4.2.3 regarding Greenways and Trails Master Plan.*
 3. *Drainage and Groundwater Sub-Element Goal 9.4, Objective 9.4.1 and Policies 9.4.1.1 through 9.4.1.6 regarding Stormwater Management Standards. Objective 9.4.2 and Policies 9.4.2.6 through 9.4.2.5 regarding Major Public Facilities Design and Maintenance. Objective 9.4.3, Objective 9.4.4, Stormwater Design Standards and Policies 9.4.4.1 through 9.4.4.9. Objective 9.4.5 and Policies 9.4.5.1 through 9.4.5.3 regarding Private Drainage Systems.*

Response:

The Bobwhite-Manatee transmission line will be a power line constructed within an established right-of-way. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a right-of-way to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in rights-of-way) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) ("... the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC) Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line"). Nevertheless, as explained more fully in other responses to Manatee County's completeness requests, FPL is willing to accept a condition of certification requiring the postcertification submittal of its detailed design of the Bobwhite-Manatee transmission line to Manatee County, as authorized by Section 403.5317(2), F.S., so that Manatee County can monitor for compliance with its applicable regulatory requirements. (FPL notes that utility installations, such as the proposed Bobwhite-Manatee transmission line, are exempt from the Manatee County Land Development Code [LDC], pursuant to Section 103.2.4.1, LDC.)

II. *Land Development Code: The following Sections of Land Development Code and the Code of Ordinances of Manatee County were omitted from the Application and need to be addressed by the Applicant as to consistency of their proposed transmission line corridor with all applicable local ordinances, regulations and standards, and land development regulations. The list is not exhaustive; there maybe other relevant provisions of Land Development Code pointed out by County staff during the review process of this Application:*

A. *Section 714, Tree Protection (Section 714.1 through 714.13, LDC).*

Response:

The environmental regulations contained within the Manatee County LDC and Manatee County Code or Ordinances will be complied with as follows:

- A. Manatee County LDC Section 714, Tree Protection—Subsection 714.2.2 delineates various activities that are exempted from this section, including Trees within the Rights-of-Way, which provides: “[t]rees within the rights-of-way for the purpose of improvements, roadway widening, sidewalks and utility installations” (Subsection 714.2.2.6, Manatee County LDC). Since the Bobwhite-Manatee transmission line will be a utility installation constructed within an established right-of-way, it is exempted from the requirements of this section. Similarly, Section 163.3209, F.S., exempts vegetation maintenance and tree pruning for electric transmission and distribution lines in established rights-of-way from local government permits and approvals.

Further, FPL notes that utility installations such as the proposed Bobwhite-Manatee transmission line are exempt from the Manatee County LDC, pursuant to Section 103.2.4.1, LDC.

B. *Section 719, Wetland Protection (Section 719.1 through 719.14, LDC).*

Response:

- B. Manatee County LDC Section 719, Wetland Protection—FPL will provide details of the wetland impacts and proposed mitigation after the corridor is

certified, the right-of-way has been selected, and final transmission line design has been completed. This information will be provided to FDEP and Manatee County as a postcertification condition submittal, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

Further, FPL notes that utility installations, such as the Bobwhite-Manatee transmission line, are exempt from the Manatee County LDC, pursuant to Section 103.2.4.1, LDC.

C. Section 709, Lighting (Section 709.1 through 709.8.7, LDC).

Response:

- C. Manatee County LDC Section 709, Lighting—FPL does not plan to install permanent lights as part of the Bobwhite-Manatee transmission line. Moreover, lighting for construction, renovation, or repair of utilities, like the Bobwhite-Manatee transmission line, are exempt from the provisions of this section (Subsection 709.3.5, Manatee County LDC).

Further, FPL notes that utility installations, such as the Bobwhite-Manatee transmission line, are exempt from the Manatee County LDC, pursuant to Section 103.2.4.1, LDC.

D. Section 718, Floodplain Management (Section 718.1 through 718.8, LDC).

Response:

- D. Manatee County LDC Section 718, Floodplain Management—FPL's transmission structures are exempt from the Manatee County Floodplain Code, pursuant to Section 103.2.4.1, LDC.

FPL will provide details of any construction proposed in a floodplain after the corridor is certified, the right-of-way is delineated, and final transmission line design has been completed. This information will be provided to FDEP as a postcertification condition submittal, as authorized in Section 403.5317(2), F.S.

E. *Right-of-Way Issues - See Chapter 2-28, Article II, Utilization of County Rights-of-Way codified as Sections 2-28-2 1 through 2-28-38, Manatee County Code of Ordinances.*

Response:

- E. Manatee County Code of Ordinances Section 2-28, Right-of-Way Issues— Subsection 2-28-30 (g) provides that “[t]he quality and placement of all installations in county rights-of-way shall be in accordance with the Manatee County Department of Public Works Highway and Engineering Standards, as amended or revised, and the Florida Department of Transportation Utility Accommodation Guide, as amended or revised, insofar as those publications are not inconsistent with any other requirement of this article.” Subsection 2-28-36(b) further provides that “[t]he Florida Department of Transportation Utility Accommodation Guide (as amended or revised) shall govern as to types of work in county rights-of-way which will require a right-of-way utilization permit.” As stated in the Bobwhite-Manatee Application for Corridor Certification, Section 2.2.3, page 2-30, all crossings of state roads will conform to the specifications contained in the Florida Department of Transportation’s (FDOT’s) Utility Accommodation Manual (2004).

FPL will agree to a condition of certification that requires compliance with that FDOT Utility Accommodation Manual, as well as the Manatee County Department of Public Works Highway and Engineering Standards, for all crossings of county roads, as required by Subsection 2-28-30(g) of the Manatee County Code of Ordinances. FPL will also agree to a condition of certification that requires FPL to: (1) provide to Manatee County as a post-

certification submittal the detailed design of the Bobwhite-Manatee transmission line, within county rights-of-way, prior to construction to demonstrate compliance with the requirements of Manatee County Code of Ordinances, Section 2-28; and (2) provide notification to the Manatee County Engineering Department no less than 24 hours prior to beginning work and immediately upon completion of work as required by Subsection 2-28-30(a).

Question from Manatee County Attorney—Since the proposed corridor follows the rights-of-way in Manatee County, whether the cement poles can be located outside the future right-of-way lines to avoid having to move the poles or related facilities if the road is widened. The northern portion of Manatee County is a high growth area and some of the two-lane roads are planned for four lanes. If FPL needs the widths of future rights-of-way from Manatee County, please let me know.

Response:

Concrete poles for Bobwhite-Manatee may be placed inside or outside public right-of-way lines depending on specific circumstances associated with the design at each pole location. FPL recognizes that poles placed inside public right-of-way may be subject to relocation at FPL's expense. After certification, during the route selection and during the line design process, FPL will work with the Florida Department of Transportation and local governments to coordinate line construction plans for future road widening projects to the extent practicable.

1. Clearly indicate in the introduction and overview that this is for a single transmission line, not multiple lines.

Response:

FPL's application for corridor certification for the Bobwhite-Manatee Project is for a single transmission line (single-circuit) as specified on the Applicant's Information Form (page ix) of the application. In this case, a single-circuit is represented by three sets of wires (three phases) with two bundled wires on each phase. All six wires plus an overhead ground wire are connected to a single pole structure as depicted in the application (Figures 1.3-1 through 1.3-4).

2. *In Figure 1.3-4, what are the communication cables? Is that to allow for phone line collocation?*

Response:

The term “communications cables” typically refers to telephone lines and may include other communications cables, such as television cables. The communication cables illustrated in Figures 1.3-2 and 1.3-4 represent communications cables that could be collocated on FPL poles adjacent to public rights-of-way. FPL structures can be designed to accommodate collocation of communications cables.

3. *On page 143, 4th paragraph, it indicates that the vertical clearances will vary for the transmission line, but from what to what?*

Response:

Typical bottom transmission conductor height for this project will range between 45 and 65 feet (ft) above ground. Figures 1.3-5 and 1.3-6 illustrate typical conductor profiles for both vertical and triangular pole configurations.

4. *Same page, 5th paragraph, here and in other places in the packet there is mention of new access road. Please be clear if they are to be pervious or impervious surfaces. If impervious, what about the drainage for these roads?*

Response:

All new access roads associated with this project will be constructed with pervious materials and not paved.

5. *In 2.1.3.2, it makes perfect sense to share right of way, but has it been discovered whether or not any of the road rights of way will need to be increased to accommodate road widenings?*

Response:

Concrete poles for Bobwhite-Manatee may be placed inside or outside public right-of-way lines, depending on specific circumstances associated with the design at each pole location. FPL recognizes that poles placed inside public right-of-way may be subject to

relocation at FPL's expense. After certification, during the route selection, and during the line design process, FPL will work with Manatee County, other local governments, and FDOT to coordinate line construction plans for future road widening projects to the extent practicable.

6. *On page 2-11, last paragraph, is this not running right through the Lake Club portion of the University Lakes DRI? There are approvals in that area for residential units.*

Response:

The aerials in the application do not show the full build-out of University Boulevard, making it difficult to see the detail of the corridor and road on them. The corridor in this area runs from east to west with its north boundary along the centerline of University Boulevard. It follows the centerline of University Boulevard as it curves to the north of the Manatee-Sarasota County line and straightens back to the south along the county line when it approaches Lorraine Boulevard. The southern boundary of the corridor that parallels University Boulevard starts at the eastern end approximately 500 ft south of the county line and continues west where it expands as the corridor turns south along Lorraine Road Extension. Therefore, the corridor does not include the southern boundary of The Lake Club development.

7. *In pages 2-23--27 you include Manatee and Sarasota County Noise Ordinances, but could not find any indication of what the amount of noise generated by the daily use of these lines actually is. Please provide this information.*

Response:

The noise levels produced by this transmission line will comply with all applicable noise ordinances in Manatee County. The most stringent noise level requirement in the Manatee County Code of Ordinances, Section 2-21-31(2)(a), requires noise levels to be no more than 50 A-weighted decibels (dBA) at night.

During fair weather and under normal operating conditions, the audible noise levels will be less than normal background noise. For a portion of time, when the conductors are wet

from rainfall or heavy fog, the transmission line noise will increase. Under these wet or foggy conditions, the audible noise levels could reach 35 dBA, which is well below the most stringent noise level requirement in the Manatee County ordinance, Section 2-21-31(2)(a).

As a point of reference, typical background noise levels are as follows:

- 00 to 10 dBA—Threshold of hearing
- 20 to 30 dBA—Bedrooms at night
- 30 to 40 dBA—Libraries
- 50 to 60 dBA—Typical business office
- 70 to 80 dBA—Average traffic on a street corner

Source: Electric Power Research Institute, Transmission Line Reference Book, Second Edition, 1982.

8. *You should also include the Manatee County Tree Protection regulations in Section 714 of the Land Development code.*

Response:

Manatee County LDC Section 714, Tree Protection—Subsection 714.2.2 delineates various activities that are exempted from this section, including Trees within the Rights-of-Way, which provides: “[t]rees within the rights-of-way for the purpose of improvements, roadway widening, sidewalks and utility installations” (Subsection 714.2.2.6, Manatee County LDC). Since the Bobwhite-Manatee transmission line will be a utility installation constructed within an established right-of-way, it is exempted from the requirements of this section. See Section 103.2.4.1, LDC.

9. *Under 3.1.1 I cannot find any indication of tree protection methods for existing trees to remain.*

Response:

During transmission line construction, site-specific, appropriate, protective measures shall be taken throughout the entire construction stage to prevent the destruction or dam-

age of all trees to be retained outside the right-of-way along the line route. FPL will agree to a condition of certification requiring FPL to submit to Manatee County as a postcertification submittal the site-specific protective measures to be taken at each location. Tree removal within the right-of-way will be required and is consistent with the exception from Manatee County's tree protection requirements as set forth in the Manatee County LDC Sections 714.2.2.6 and 103.2.4.1.

10. *Figure 3.1-1, it indicates a structure pad . . . what structure other than the pole? Will parking be provided? Will this be paved?*

Response:

The poles will be the only structures on these pads. The pad has no provisions for routine parking of vehicles or equipment. Instead, the pad provides a working surface for construction and maintenance of the transmission line. The pad surface will be constructed with pervious materials. There will be no paving of the structure pads.

11. *Will County Staff receive a future opportunity to review specific site plans?*

Response:

Yes. FPL will agree to a condition of certification requiring postcertification submittals, as authorized by Section 403.5317, F.S., providing Manatee County with the detailed design of the Bobwhite-Manatee transmission line, including access road and structure pads, within Manatee County so that the county can monitor for compliance with its applicable regulatory requirements.

12. *Please show the locations of the proposed access roads on the corridor plans.*

Response:

At this time, only certification of an appropriate corridor is being sought. A specific right-of-way for construction and the location of any access roads have not yet been determined. Plans for access road locations will be provided as part the postcertification submittals.

13. *There are other County Land Development Code sections that do need to be referenced, including 712 for access and 717 for drainage.*

Response:

Utility installations, such as the Bobwhite-Manatee transmission line, are exempt from the Manatee County LDC, pursuant to Section 103.2.4.1, LDC.

FPL will agree to a condition of certification requiring detailed design of the Bobwhite-Manatee transmission line, including any access requirements and drainage plans to be provided to Manatee County as postcertification submittals after right-of-way surveys and transmission line design are completed, as authorized in Section 403.5317(2), F.S., and Rule 62-17.665, F.A.C., so Manatee County can monitor for compliance with its applicable regulatory requirements.

14. *Please provide copies of any SWFWMD drainage permits that you have received.*

Response:

FPL has not received and will not receive any drainage permits for this project. No drainage permits from the Southwest Florida Water Management District (SWFWMD) will be required for this project as the final certification order from the Siting Board will constitute the sole state, regional and local approval required for the Project. FDEP has jurisdiction for any potential effects to drainage for this line, since it is being approved under the Transmission Line Siting Act. Details of FPL's transmission line construction in or over wetlands or surface waters will be provided to FDEP as part of a postcertification requirement once a right-of-way has been selected and the transmission line design has been completed, as authorized in Section 403.5317(2), F.S., Rule 62-17.665, F.A.C., and FDEP TLSA Application Guide at Section 3.2.1.

DIVISION OF HISTORICAL RESOURCES

Excerpt from DHR Letter to FDEP Dated February 5, 2007

Since the corridor contains environmental conditions consistent with those found at other archaeological sites in Manatee and Sarasota Counties and has not been subjected to systematic professional archaeological or historical investigations, undiscovered sites may be present. Therefore, it is the opinion of this office that Phase I cultural resource survey should be conducted for the transmission line right-of-way once it has been determined.

Response:

FPL will perform a Phase I cultural resources survey after the corridor is certified and FPL identifies and gains access to a right-of-way. FPL therefore would agree to a condition of certification that requires these surveys be performed as a postcertification requirement. Results will be presented to DHR for review, as authorized in Section 403.5317(2), F.S., and Rule 62-17.665, F.A.C.