



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 18, 2022

Sent via email

Ann Seiler  
Florida Department of Environmental Protection  
Siting Coordination Office  
2600 Blainstone Road, MS 5500  
Tallahassee, FL 32399-2400

Subject: FPL Sweatt-Whidden 230 kV Transmission Line Siting  
Application, TA22-19  
Final Agency Report

Dear Ms. Seiler:

Attached is the South Florida Water Management District approved Agency Report for the project known as FPL Sweatt-Whidden 230 kV Transmission Line Siting Application.

The report is attached and should you need assistance regarding this report please contact me at (561) 682-2705, or via email at [ssunder@sfwmd.gov](mailto:ssunder@sfwmd.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Simon Sunderland".

Simon Sunderland, P.G.  
Bureau Chief – Water Use  
Regulation Division  
South Florida Water Management District

c: Frank Leblanc, Florida Power & Light Company (via email)

**FPL Sweatt-Whidden 230 kV Transmission Line Siting  
Application TA22-19**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT  
STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS**

Purpose:

Florida Power & Light Company (FPL) is seeking certification for an electric transmission line and proposed corridor pursuant to the Florida Electric Transmission Line Siting Act (TLSA) under Sections 403.52 – 403.539, Florida Statutes (F.S.). Pursuant to Subsection 40-3.526(2)(a), F.S., of the TLSA, the South Florida Water Management District (SFWMD) is required to prepare an agency report as to the impact on the water resources and other matters within its jurisdiction, for a transmission line or corridor proposed to be constructed within the SFWMD's boundaries.

Project Description:

FPL plans to construct, operate, and maintain a new 230 kilovolt (kV) electrical transmission line that will connect the existing Sweatt substation, located in Okeechobee County, to the existing Whidden substation, located in DeSoto County. The transmission line is needed to improve reliability to customers served by the existing 69 kV line between the Okeechobee and Whidden substations, establish an additional transmission path to increase east-to-west power transfer capabilities, and mitigate potential overloads and low voltage conditions under contingency events. Accordingly, FPL filed Application Number TA22-19 (Application) for certification of the proposed Sweatt-Whidden 230 kV Transmission Line Project (Project) with the Florida Department of Environmental Protection (FDEP) pursuant to the TLSA.

The proposed transmission line will be approximately 80.5 miles long, traversing through multiple counties in a combination of new and existing right of ways. The width of the transmission line corridor described in the application ranges from 200 feet to approximately 5,150 feet, which allows FPL flexibility when selecting the final alignment of the right-of-way (ROW). The maximum width of the new ROW will be up to 100 feet.

The proposed corridor from the Sweatt substation to the intersection of County Road (CR) 721 and State Road (SR) 70 in Highlands County is collocated along existing linear facilities. From the intersection of CR 721 and SR 70 in Highlands County to the Whidden substation, the corridor is largely proposed to be collocated with or along a 69 kV transmission line. The 69 kV transmission line will be rebuilt for the new 230 kV transmission line wherever practicable.

Staff Recommendation:

The SFWMD has reviewed the Application for FPL's proposed 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 of certification, included as Exhibit A, required by Chapter 373 of the Florida Statute, and Chapter 40E-2 and 40E-6 of the Florida Administrative Code, and as required to address the SFWMD's proprietary interests in lands within the Project's proposed corridor.

**Exhibit A**  
**SFWMD Proposed Conditions of Certification**  
**FPL Sweatt-Whidden 230 kV Transmission Line Siting**  
**Siting Application TA22-19**

**III. SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**A. *Applicable General Agency Standards***

**1. Minimum Standards**

This certification is based on the Licensee's submitted information to SFWMD which reasonably demonstrates that harm to the water resources will not be caused by the authorized activities. The plans, drawings, and design specifications submitted shall be considered minimum standards for compliance.

*[Sections 373.085, 373.086, 373.113, 373.118, 373.219, 373.223, 373.229, 373.308, and 373.316, 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, and 40E-3.500-531, and 40E-6.381, F.A.C.]*

**2. Compliance Requirements.**

The Project must be constructed, operated, and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), 40E-3 (Water Wells), and 40E-6 (Utilization of District Works), F.A.C., as applicable.

**3. Liability**

The Licensee shall hold and save SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, removal, abandonment, and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

*[Sections 373.223, 373.443, and 373.423, F.S.; Rules 40E-2.091, 40E-2.381, and 40E-6.381, F.A.C.]*

**4. Access**

With advance notice to the Licensee, SFWMD staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of licensed facilities to determine compliance with the Conditions of Certification and approved plans and specifications. The Licensee shall either accompany SFWMD staff onto the property or make provision for SFWMD to access the property.

*[Sections 373.223 and 373.319, F.S.; Rules 40E-2.301, 40E-2.381, and 40E-6.381, F.A.C.]*

5. Construction, Operation, and Maintenance Responsibilities

The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the Project authorized by this Certification. All structures on SFWMD works or lands constructed by the Licensee shall remain the property of the Licensee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition and comply with all applicable federal, state, and local standards and regulations. The SFWMD assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The SFWMD further assumes no duty to ensure that the licensed use complies with the safety standards of other governmental entities. The SFWMD is not responsible for any damages to installations located within its rights-of-way. The Licensee shall be responsible for the repair and/or replacement of existing facilities located within the SFWMD's rights-of-way. Canal right-of-way disturbed during construction, installation, or maintenance of the licensed facility shall be restored to original or better condition.

*[Sections 373.309, 373.413, and 373.416, F.S.; Rules 40E-2.301, 40E-3.301, and 40E-6.381, F.A.C.]*

6. Non-interference with SFWMD Operations

a. Except as may be authorized by this certification, the Licensee shall not engage in any activity regarding the authorized use which interferes with the construction, alteration, maintenance, or operation of the works of the SFWMD, including, but not limited to:

- (1) discharging pollutants, debris or aquatic weeds into SFWMD works or lands;
- (2) causing erosion or shoaling within SFWMD works or lands;
- (3) degrading the existing condition and/or adversely impacting the performance, required specifications, or standards of SFWMD property interests in any manner; and
- (4) planting trees or shrubs or erecting structures that limit or prohibit access by SFWMD equipment and vehicles.

b. The Licensee shall be responsible for any costs incurred by the SFWMD resulting from any such interference.

*[Sections 373.016, 373.085, 373.086, 373.117, and 471.003 F.S., Rule 40E-6.221, F.A.C.]*

7. Enforcement

The SFWMD may take any and all lawful actions to enforce any condition of this certification that is based on SFWMD's rules or Chapter 373, F.S.. Prior to initiating such action, SFWMD may confer with DEP. SFWMD shall seek modification of this Certification for any change in any activity resulting from the SFWMD's enforcement of this Certification which change will have a duration longer than 60 days.

*[Sections 373.223, 373.319, 373.603, and 403.514, F.S.; Rules 40E-2.091, 40E-2.301, 40E-2.381, 40E-3.461, and 40E-6.501, F.A.C.]*

8. Revisions to Site Specific Design Authorizations

The Licensee shall submit any proposed revisions to the site-specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations, and/or any other applicable data. Such requests may be included as part of the appropriate additional information submittals required by this Certification, provided they are clearly identified as a requested amendment or modification to the previously authorized design.

*[Sections 373.085, 373.086, 373.219, 373.223, 373.313, and 373.342, F.S.; Rules 40E-2.091, 40E-2.301, 40E-3.461, 40E-6.091, 40E-6.201, and 40E-6.221, F.A.C.]*

9. Changes to Information Requirements

The SFWMD and the Licensee may jointly agree in writing to vary the informational requirements.

*[Sections 373.085, 373.086, and 373.229, F.S.; Rules 40E-2.101 and 40E-3.101, F.A.C.]*

10. Off-site Impacts

The Licensee is responsible for ensuring that harm to the water resources does not occur during construction, operation, and maintenance of the Project.

*[Sections 373.223, 373.309, and 373.413; Rules 40E-2.091, 40E-2.381, 40E-3.301, and 40E-6.381, F.A.C.]*

**B. Water Use**

1. General

a. Water Shortage Compliance. Nothing in this Certification should be construed to limit the authority of the SFWMD to declare a water shortage and issue orders pursuant to Chapter 373, F.S. In the event of a declared water shortage, the Licensee must adhere to the water shortage restrictions, as specified by the SFWMD. The Licensee is advised that during a water shortage, reports shall be submitted as required by SFWMD rule or order. The Licensee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by SFWMD orders issued pursuant to Chapter 40E- 21, F.A.C.

*[Sections 373.223 and 373.246, F.S.; Rules 40E-2.301, 40E-21.231, 40E-21.251, and 40E-21.271, F.A.C.]*

b. Interference with Existing Legal Uses. The Licensee shall mitigate interference with existing legal uses that was caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to

offset the interference, mitigation may include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10-year drought event that results in the:

(1) Inability to draw water consistent with the provisions of these Conditions for Certification, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

*[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]*

c. Harm to Existing Off-Site Land Uses. The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

*[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]*

d. Harm to Natural Resources. The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to these Conditions for Certification. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

- (2) Reduction in water levels that harm the hydroperiod of wetlands;
- (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;
- (4) Harmful movement of contaminants in violation of state water quality standards; or
- (5) Harm to the natural system including damage to habitat for rare or endangered species.

*[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-2.381, F.A.C.]*

## 2. Site Specific Design Authorizations/Requirements

### a. Water Use

- (1) The Licensee shall submit all data as required by the implementation schedule for each of the above Conditions for Certification to: SFWMD at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting), or Regulatory Support, 3301 Gun Club Road, West Palm Beach, FL 33406.

*[Section 373.223, F.S.; Rules 40E-2.091, 40E-2.301 and 40E-2.381, F.A.C.]*

b. Dewatering Activities. Prior to commencement of construction of those portions of the licensed Project that involve dewatering activities, the Licensee shall submit a detailed plan for any such activities to the SFWMD for a determination of compliance with the applicable non-procedural requirements of Chapters 40E-2, F.A.C., in effect at the time of Certification. The following information, referenced to NGVD or NAVD where appropriate, shall include:

- (1) A detailed site plan which shows the location(s) for each proposed dewatering area;
- (2) The method(s) used for each dewatering operation;
- (3) The maximum depth for each dewatering operation;
- (4) The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- (5) The duration of each dewatering operation;
- (6) The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);



(7) An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

(8) The location of any infiltration trench(es) and/or recharge barriers; and

(9) All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

*[Section 373.229 and 373.308, F.S.; Rules 40E-2.091, 40E-2.301, and 40E-3.500-531, F.A.C.]*

### **C. Right-of-Way**

#### **1. General**

a. Prior to commencing construction of any portion of the licensed Project, which may cross over, on, under, or otherwise use, the SFWMD's right-of-way, the Licensee must submit complete drawings showing the proposed facilities to the SFWMD for documentation of compliance with Chapter 40E-6, Florida Administrative Code (F.A.C.), and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C. These drawings must depict the proposed crossing in both plan and profile views and must show, at a minimum:

(1) The canal right-of-way lines;

(2) The top of the canal bank and its elevation;

(3) The centerline of the levee and its elevation;

(4) The canal maintenance berm and its elevation at its highest point;

(5) The location of any poles, tower, and/or access roads located within the SFWMD's right-of-way;

(6) The location of any anchors, down-guys or span-guys within the SFWMD's right-of-way;

(7) The elevation of the lowest line, wire, or cable crossing over the SFWMD's right-of-way, given at the lowest point of sag in the span within the SFWMD's right-of-way;

(8) The location and elevation of any buried facilities installed as part of this Project; and

(9) The location of the licensed facilities in relation to a section line, major road or other prominent well-known landmark by which the licensed facilities may be located in the field.

b. Any parallel run of transmission line within the SFWMD's is prohibited.

c. Any improvement which requires a waiver from the SFWMD's rules or Criteria Manual referenced in paragraph 1.a. above shall be prohibited under this certification, unless the Licensee modifies this certification and follows the requirements for obtaining a waiver set forth in Chapter 120, F.S.

d. The Licensee shall submit all data and information as required by the above Conditions for Certification to: rowpermits@sfwmd.gov, or Right-of-Way Section, 3301 Gun Club Road, West Palm Beach, FL 33406.

*[Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221, 40E-6.381, F.A.C.]*

## 2. Access

a. Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the Project and/or for inspection, maintenance, and/or operation of the Project after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the following: proposed route; type, weight, length, and number of vehicles to be used; daily trips for each vehicle; proposed material and/or vehicle/equipment storage within the right-of-way; and dates of proposed access of the right of way. If travel over a District bridge or facility is required, Licensee shall submit engineering analysis required by the District to determine if the bridge or facility can support the vehicles/equipment proposed to travel over the bridge or facility. Prior to the use of any portion of the SFWMD right-of-way, the Licensee must post a financial assurance, which shall be a minimum of \$5,000 per one-half mile, or a greater amount as determined by SFWMD, depending on the scope of work, the route, use of or travel over SFWMD bridges and/or facilities, types of vehicles, and duration. In addition, Licensee must obtain liability insurance covering the Licensee use of that portion of the right-of-way. Licensee shall comply with all safeguards and guarantees, financial or otherwise, required by SFWMD to ensure that no damage, liability or loss occurs to the District's right of way, including its bridges and facilities. All use of the SFWMD's right-of-way by Licensee shall be in accordance with Chapter 40E-6, F.A.C., and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C.

*[ Sections 373.085, 373.086, F.S.; Rules 40E-6.091, 40E-6.201, 40E-6.221 40E-6.361, 40E-6.381, F.A.C.]*