STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER AND LIGHT ANDYTOWN-OASIS 500/230kV TRANSMISSION LINE SITING APPLICATION NO. TA26-21

Case No. 26-2609TL

Miami-Dade County Agency Report and Proposed Conditions for FPLs Proposed Andytown-Oasis Transmission Line Site Certification Application
August 18, 2026
(revised 09/01/26)

In accordance with the Transmission Line Siting Act, Section 403.526(2)(a)(5), Florida Statutes, Miami-Dade County (MDC) submits the following agency report and conditions for the Florida Power & Light Company (FPL) proposed Andytown-Oasis Transmission Line Site Certification Application. Florida law states that each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

In addition, this report includes information to address Florida Administrative Code Rule 62-17.590 (Rule language summarized below):

> *62-17.590 Agency Reports, Project Analysis.*
> *(1) The agency reports shall contain:*
> *(a) A report as to the impacts of the project related to matters within the agency's jurisdiction as required by Section 403.526(2), F.S.;*
> *(b) 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;*
> *(c) 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.*
> *(d) Conclusions and recommendations regarding certification including reasons for recommendations and legal basis of denial, if the agency recommends denial of certification;*
> *(e) 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:*

1. Any impact monitoring or postcertification review that needs to be conducted including reasons and legal basis; and,
2. Applicable conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified.
(2) The Project Analysis prepared by the Department shall contain a statement of whether the proposed transmission line meets the electric and magnetic field standards adopted in Chapter 62-814, F.A.C.

In accordance with state law, Miami-Dade County submits the following report on jurisdictional matters related to the proposed transmission lines.

PROJECT SUMMARY

FPL is seeking certification of the proposed Andytown-Oasis Transmission Line Project (Project) under the Florida Electric Transmission Line Siting Act (TLSA) pursuant to Sections 403.52 through 403.539, Florida Statutes (F.S.), and Chapter 62-17, Part II, Florida Administrative Code (F.A.C.). As presented in FPL's Application for Certification dated May 2026, FPL is proposing to construct two new 500-kilovolt (kV) transmission lines and two new 230kV transmission lines as part of a single project, the Andytown-Oasis Project (Project), in a single corridor that is planned to be in service by December 2033. The Proposed Corridor will extend approximately 31 miles through unincorporated Broward and Miami-Dade counties, maximizing co-location with existing linear features to the extent practicable. The Project originates at FPL's existing Andytown substation located in the Town of Southwest Ranches, with a portion of the Project terminating at FPL's planned Oasis substation located in unincorporated Miami-Dade County (MDC), a portion terminating at FPL's existing Levee substation in unincorporated MDC, and a portion terminating at FPL's existing Quarry substation in unincorporated MDC.

CONCLUSIONS AND RECOMMENDATIONS REGARDING COMPLIANCE and CERTIFICATION

The portion of the proposed corridor located within Miami-Dade is entirely within unincorporated areas of the County and includes both public and private lands. The proposed corridor alignment encompasses portions of Everglades National Park (ENP), regionally significant canals, and important regional as well as local wetland restoration projects.

Where FPL's proposed new transmission lines would be co-located with existing transmission lines in established FPL rights-of-way, these transmission lines would be allowed in all land use categories. Otherwise, the Miami-Dade County Comprehensive Development Master Plan (CDMP), Land Use Element, states that transmission facilities shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. Where FPL's proposed corridors intersect land use categories other than those listed above, compatibility will be based upon reviews of CDMP Objective LU-4, Policy LU-4G, the specific language of each land use category, and other goals, objectives, and policies in the CDMP. In addition, in all locations, impacts of the proposed transmission line corridors have been reviewed for compliance with County regulations including Chapters 18A, 18B, 24, 33 and Chapter 33B of the Miami-Dade County Code.

Miami-Dade County finds some sections of the Proposed Corridor to be inconsistent with the County Code and CDMP and recommends denial of certification for those portions of the Andytown-Oasis Corridor within Everglades National Park and Environmental Protection Subarea B as proposed by FPL; detailed impact analysis and citations explaining this conclusion is provided in Section 1 of this report. The proposed corridor also crosses through other significant ecosystem restoration areas including Water Conservation Area A ("Environmental Protection Subarea A" in CDMP) and Bird Drive Basin ("Open Land Subarea 3" in CDMP). Miami-Dade County stresses the importance of design solutions within these areas that maintain current and projected levels of sheetflow and limit wetland impacts. Incorporation of the recommended Conditions of Certification presented in this report are necessary to make the project consistent with the CDMP and Chapter 24 of the Code. Miami-Dade County cannot recommend approval of certification for the Proposed Corridor unless the project is modified to comply with the following:

a) No transmission line infrastructure is placed within the boundaries of the area designated as Environmentally Protected Parks (Everglades National Park, and
b) No transmission line infrastructure is placed within the area designated as Environmental Protection Subarea B in the CDMP, except where co-located with existing transmission line right-of-way or where no reasonable alternative exists, and
c) The project is modified to comply with all requirements of Miami-Dade County Code and the CDMP. This includes compliance with all requirements of Chapter 33B, including Section 33B-28 for any work in the East Everglades Area of Critical Environmental Concern, and
d) For construction of all segments, FPL commits to all conditions of certification proffered within this report, to minimize the impacts of the proposed Corridor and meet substantive Code requirements.

FPL has indicated in their "Response to First Determination of Completeness for FPL Andytown-Oasis Transmission Line Certification Application" dated July 10, 2026 that they are seeking a variance to the requirements of Chapter 33B through this application, however, they have failed to provide adequate demonstrations that ensure compliance with the requirements for the granting of a variance under Section 33B-31 of the Code which requires compliance with the provisions of Section 33B-28 (general standards for conditional use). The County further asserts that the application also fails to demonstrate compliance with the criteria for the granting of a variance under s. 403.201, Florida Statutes, since the proposed corridor affords the opportunity for construction of the transmission lines east of the L-31N, outside of the area governed by Chapter 33B (East Everglades Area of Critical Environmental Concern) of the County Code. For this reason, Miami-Dade County recommends that the requested variance to the requirements of Chapter 33B of the Miami-Dade County Code be denied.

Miami-Dade County notes that the application identifies improvements to existing roadways and construction of new roadways that will be needed to provide access to the Corridor and that project construction and operation is not practicable without adequate access roads. Despite their criticality to the project, these improvements have not been submitted for certification as part of the application. The County's CDMP notes that "Because of the critical relationships between transportation facilities and the land uses served and impacted by those facilities, land use and transportation planning decisions must be made in direct concert with one another" (CDMP, page I-68) and further notes that "uncoordinated single-purpose decision making can be fiscally damaging to government and can undermine other comprehensive plan objectives" (CDMP, page I-84). Roadway improvements and new roadways are actions that must be consistent with the

CDMP and the CDMP text limits roadway improvements outside of the Urban Development Boundary.

CONDITIONS SECTION 1:
ANDYTOWN-OASIS CORRIDOR SEGMENT DESCRIPTIONS AND IMPACTS

Potential impacts associated with the Proposed Corridor generally include impacts to rural residential communities, environmentally protected lands, and lands within County wellfield protection areas. Additional impacts will affect wetlands, including hydrology and freshwater flows that benefit the Everglades National Park and associated estuaries, habitat supporting threatened and endangered plant and animal species. Impacts relevant to specific segments of the Proposed Corridor are described in more detail in relevant subsections of this report below.

FPL's proposed Andytown-Oasis Corridor has been divided into segments to organize the description of impacts and conditions based upon County Code provisions which apply to defined geographic locations and distinct CDMP text, policies, and CDMP land use map categories with different allowed uses. The Figure 1 below depicts relevant CDMP land uses and transmission line segments described in narrative form throughout this section of the report. The subsections below include conditions designed to address potential impacts relevant to the Andytown-Oasis Corridor.

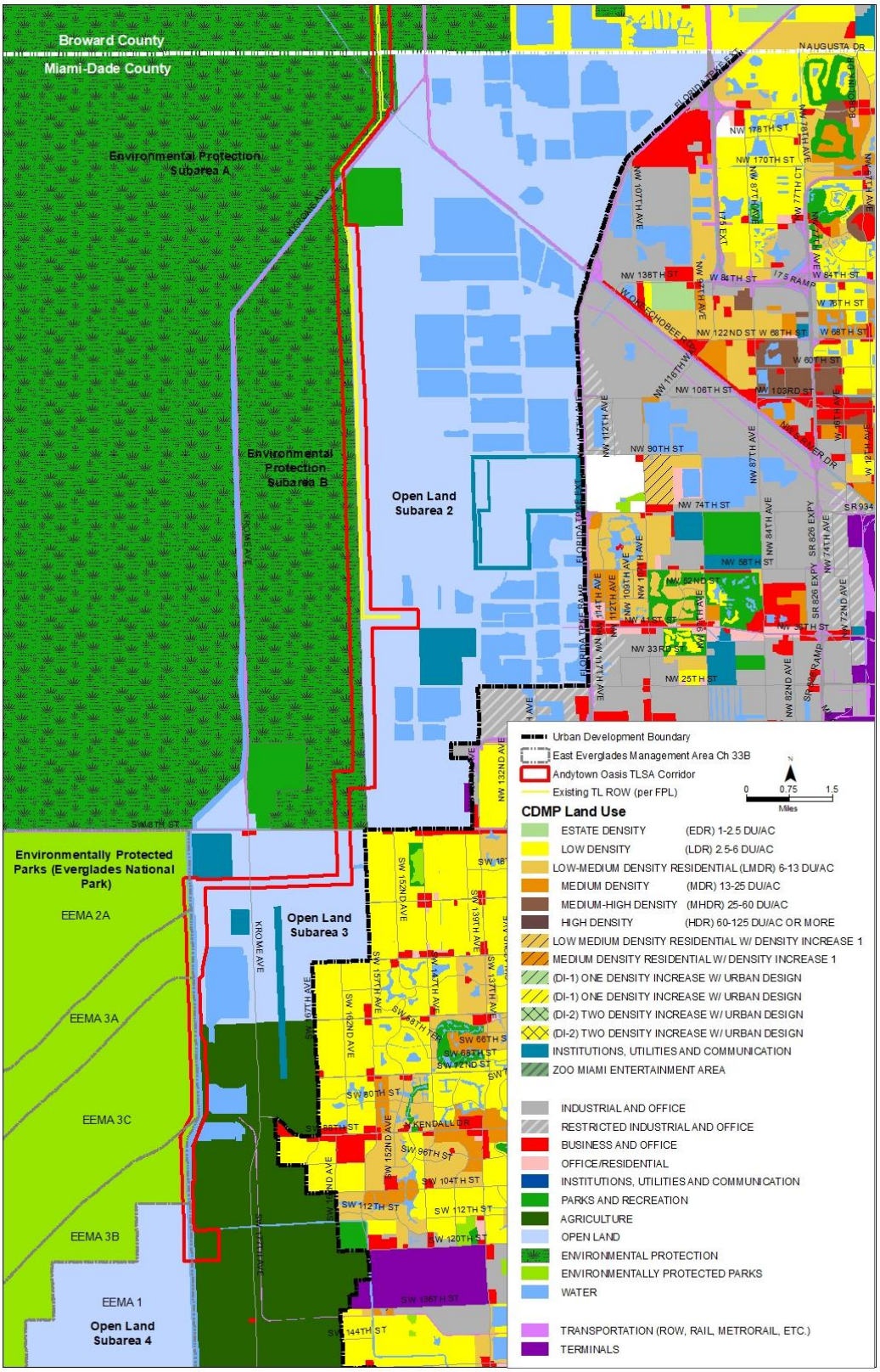

Figure 1: CDMP Land Use Plan Map Designations along the Proposed Corridor

Environmental Protection Subareas A and B and Open Land Subarea 2 Segment. The northern portion of the Andytown-Oasis Corridor originates at the Broward County line, intersects Krome Avenue (SW 177 Avenue), and terminates at SW 8 Street. As depicted on Figure 1, CDMP land use categories intersected by this segment include Environmental Protection Subarea A (State Water Conservation Area), Environmental Protection Subarea B (Miami-Dade-Broward Levee Basin), and Open Land Subarea 2. There is existing transmission line right-of-way, generally around 200' to 285' wide, that traverses the full length of the proposed corridor located within Environmental Protection Subarea A and the northern approximately 0.8 miles of Environmental Protection Subarea B where it then crosses east to Open Land Subarea 2 and terminates at the Levee substation. This existing Midway-Levee transmission line corridor was certified in 1989. The Site Certification Application (SCA) submitted by FPL notes the potential for a "line-swap" with the existing Levee-Midway 500kV transmission line in the segment between the Andytown and Quarry substations.

As previously noted, where proposed new transmission lines would be co-located with existing transmission lines in established FPL rights-of-way, these transmission lines would be allowed in all land use categories. Otherwise, the Miami-Dade County Comprehensive Development Master Plan (CDMP), Land Use Element, states that transmission facilities shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. Where FPL's proposed corridors intersect land use categories other than those listed above, compatibility will be based upon reviews of CDMP Objective LU-4, Policy LU-4G, the specific language of each land use category, and other goals, objectives, and policies in the CDMP.

While all areas within this segment are identified as Wetlands of Regional Significance on Figure 14 of the CDMP Land Use Element, Environmental Protection Subareas A and B are specifically identified and afforded heightened protection in the associated policies. The CDMP notes that the areas designated as 'Environmental Protection' on the CDMP Land Use Plan Map represent the County's most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems of County, regional, State or national importance.

Environmental Protection Subarea A (Water Conservation Area 3). As previously noted, FPL has existing transmission lines, generally consisting of 220' to 285' right-of-way, located along the full length of the portion of the corridor within Environmental Protection Subarea A. The application would provide for an additional approximately 410' of transmission line right-of-way through this area. This area is comprised of Water Conservation 3 which is managed by the South Florida Water Management District and has been the subject of numerous ecosystem restoration efforts including Decompartmentalization and Mod Waters, both designed to enhance freshwater deliveries to Everglades National Park which, in turn, support water deliveries to Biscayne Bay and Florida Bay. The CDMP text for Environmental Protection Subarea A (page I-79) states that "Land uses and activities in Water Conservation Area 3 are governed by the SFWMD. Miami-Dade County supports the implementation of land use and management policies and programs established by the SFWMD."

Environmental Protection Subarea B. Environmental Protection Subarea B represents an area where there has been significant ecosystem restoration to mitigate for the loss of wetland value and functions as a result of mining activities in the Miami-Dade Lake Belt, as outlined in Section 373.41492, Florida Statutes. The CDMP text relative to Environmental Protection Subarea B

notes that the subarea is predominantly wetland and all land use and site alteration proposals will be closely evaluated on a case-by-case basis by federal, State, regional and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan. The text further states that land uses that may be considered for approval include necessary, compatible public facilities and specifically references water management facilities as an example. The majority of Environmental Protection Subarea B is within the Northwest Wellfield Protection area. The CDMP text states that "Within the Northwest Wellfield Protection area, uses will be closely regulated to ensure the protection of water quality".

As previously noted, the portions of the corridor located within Environmental Protection Subarea B are identified as Wetlands of Regional Significance on Figure 14 of the CDMP Land Use Element. CDMP Policy CON-7A states that "the degradation or destruction of Wetlands of Regional Significance that may be contained within the areas depicted on Figure 14 in the Land Use Element shall be limited to activities that 1) are necessary to prevent or eliminate a threat to public health, safety or welfare; or 2) are water dependent and no other reasonable alternative exists; or, 3) clearly in the public interest and no other reasonable alternative exists; or 4) are carried out in accordance with an approved basin management plan; or 5) are in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible. Habitats critical to endangered or threatened species shall not be degraded or destroyed."

In FPL's 'Response to First Determination of Completeness for FPL Andytown-Oasis Transmission Line Certification Application' dated July 10, 2026, FPL asserts consistency with CDMP Policy CON-7A based on Criteria #1, #3, and #5 but fails to provide adequate demonstrations. On Criterion #1, the Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI did not identify a threat to public health, safety or welfare that is being eliminated by the proposed corridor making application of CON-7A Criterion #1 inapplicable. With respect to Criterion #3, the Public Service Commission did issue Order No. PSC-2026-0179-FOF-EI within its statutory authority to act in the broader public interest and can, therefore, serve as documentation that the proposed corridor is clearly in the public interest. However, Criterion #3 further requires demonstration that no other reasonable alternative exists. The opportunity to co-locate the transmission line right-of-way with existing facilities located east of the Dade-Broward Levee presents a reasonable alternative to wetland impacts in Environmental Protection Subarea B. With respect to Criterion #5, Environmental Protection Subarea B is characterized by high-quality wetlands that have been the subject of significant ecosystem restoration efforts. Criterion #5 is, therefore, not applicable.

The 1999 Final Integrated Feasibility Report and Programmatic Environmental Impact Statement for the Comprehensive Everglades Restoration Plan identified improvements to the Dade Broward Levee that runs along the east side of the Environmental Protection Subarea B (Pennsuco Wetlands). The purpose of the CERP Project (Component BB5) is to reduce seepage to the east from the Pennsuco Wetlands and southern Water Conservation Area (WCA) 3B, enhance hydroperiods in the Pennsuco Wetlands, and to improve recharge to the Northwest Wellfield. CDMP Policy CON-7J states that "In evaluating applications that will result in alterations or adverse impacts to wetlands Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied."

The certification of new transmission line corridors within Environmental Protection Subarea B would not be compatible with the subareas' environment, objectives of the Comprehensive Everglades Restoration Plan (CERP), and may adversely affect long-term ecosystem viability, form and/or function. Environmental Protection Subarea B is a wetland area and all land use and site alteration proposals will be closely evaluated for conformity with all prevailing environmental regulations, including Chapter 24 restrictions related to protection of the Northwest Wellfield Protection Area, and objectives of CERP.

Miami-Dade County asserts that the placement of transmission lines in Environmental Protection Subarea B, where not otherwise co-located with existing transmission line right-of-way, is not compatible with the subareas' environment, objectives of the Comprehensive Everglades Restoration Plan (CERP), and may adversely affect long-term ecosystem viability, form and/or function. Further, FPL has not demonstrated consistency with Policy CON-7A of the CDMP related to Wetlands of Regional Significance. In order to address the aforementioned issues, the below condition should be included in any final certification for this application:

- No transmission line infrastructure shall be placed within the area designated as Environmental Protection Subarea B in the Miami-Dade County Comprehensive Development Master Plan, except where co-located with existing transmission line right-of-way or where no reasonable alternative exists.

If the placement of transmission lines in this portion of the corridor is certified despite Miami-Dade County's objection, conditions specific to Environmental Protection Subarea B to minimize the impacts are outlined in Section 2 of this report.

Open Land Subarea 2. There is existing transmission line right-of-way, generally around 200' wide, that traverses 6.5 miles from north to south of the area identified as Open Land Subarea 2 on the CDMP Land Use Plan Map where it then turns east and terminates at the Levee substation. However, proposed expansion/modification of these facilities must be consistent with the CDMP. The CDMP text relative to Open Land Subarea 2 provides that necessary and compatible utility facilities may be considered for approval in this area, in keeping with the Northwest Wellfield Protection Plan (Board of County Commissioners Resolution R-1541-85) and Chapters 24 and 33 of the Miami-Dade County Code, and wetland protection requirements. Uses that could compromise groundwater quality shall not occur in this area. Multiple public wells are located in this Subarea and could be impacted by any spills or leaching of contaminants into the ground. Conditions to ensure protection of the Northwest Wellfield are included in Section II of this report. Section 24-48.4 of the Miami-Dade County Code requires projects to avoid and minimize project-related impacts and maximize preservation of natural resources. Design solutions must be implemented within these areas to limit wetland impacts.

Open Land Subarea 3 (Tamiami-Bird Canal Basin) Segment. The CDMP text relative to the Open Land Subarea 3 land use category provides that uses that could be considered for approval in this area include compatible utility facilities. Uses that could compromise groundwater quality shall not occur in this area. Any land alteration and development in the Bird Drive or North Trail basins shall conform to the wetland basin plans adopted for those basins pursuant to policies of the CDMP.

This area was identified for a Comprehensive Everglades Restoration Program (CERP) project through the April 1999 "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement". As originally envisioned, it was to include an above-ground 11,500 acre-foot capacity recharge area designed to recharge groundwater and reduce seepage from Everglades National Park buffer areas. Subsequent analysis questioned the feasibility of the CERP project as originally planned but identified the potential for an alternate project in the area that would align with the original project goals. CDMP Policy CON-7J states that "In evaluating applications that will result in alterations or adverse impacts to wetlands Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives, projects or features shall be denied."

The portions of the proposed corridor within Open Land Subarea 3 are identified as Wetlands of Regional Significance on Figure 14 of the CDMP Land Use Element. CDMP Policy CON-7A states that "the degradation or destruction of Wetlands of Regional Significance that may be contained within the areas depicted on Figure 14 in the Land Use Element shall be limited to activities that 1) are necessary to prevent or eliminate a threat to public health, safety or welfare; or 2) are water dependent and no other reasonable alternative exists; or, 3) clearly in the public interest and no other reasonable alternative exists; or 4) are carried out in accordance with an approved basin management plan; or 5) are in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible. Habitats critical to endangered or threatened species shall not be degraded or destroyed." Further, Section 24-48.4 of the Miami-Dade County Code requires projects to avoid and minimize project-related impacts and maximize preservation of natural resources. Where no reasonable alternative exists to locate outside of Open Land Subarea 3, design solutions must be implemented within these areas that maintain current and projected levels of sheetflow and limit wetland impacts.

Environmentally Protected Parks (Everglades National Park). The proposed Andytown-Oasis Corridor would intersect Everglades National Park for approximately 5.6 miles of its length overlapping the SFWMD L-31N canal and levee. As proposed, the transmission lines could be constructed within the current boundaries of the National Park if this corridor were to be approved, and access roadways could extend from the transmission lines eastward across additional wetlands owned by the South Florida Water Management District (SFWMD) located between the boundary of the Park and the L-31N canal which is also owned by the SFWMD. Although this segment largely follows the West Consensus Corridor certified under PA 03-45A3, Conditions of Certification imposed on that certification, specifically those listed in Section XVI (Siting Board) provided adequate assurance that such transmission line infrastructure would be located in the area east of the L-31N, outside of Everglades National Park.

The following paragraphs provide basis for the determination that transmission line uses are not consistent or compatible with the Everglades National Park. The Everglades National Park is a land area designated as an Environmentally Protected Park on the Miami-Dade County Land Use Plan map and in the adopted text of the CDMP Land Use Element. The CDMP states, "Land uses and activities which may occur in the National Parks and Big Cypress National Preserve, are outlined in management plans for those areas prepared and adopted by the National Park Service" (CDMP Land Use Element, p. I-52 and I-52.2). This text goes on to state, "Miami-Dade County supports the implementation of the National Park Service's management policies" and "Because of their wetlands value, areas within the boundaries of Everglades National Park that

are not owned by the National Parks Service are subject to careful evaluation on a case-by-case basis…". Land use restrictions for private properties that fall within the Everglades National Park boundary are outlined by the Land Protection Plan (LPP) published by the United States Department of the Interior, National Park Service, in April 1991. The LPP specifies the following:

> *Section III. Land Ownership and Uses, B. Compatible and Incompatible Uses of Private Land: Major additions to existing developments or agricultural activities, as well as the construction of utility lines and roads, also would not be compatible… Basically, any activity that would alter the ecological values and integrity of the wildlife habitat, or the restored hydrology, would not be compatible.*

The federal 1991 East Everglades Land Protection Plan also explicitly states that the proposed transmission line land use is incompatible with the restoration purposes that justified federal acquisition of the East Everglades area. Additionally, the CDMP states that the County-adopted East Everglades Resource Management Program (Chapter 33-B, Code of Miami-Dade County) shall continue to govern private land use and site alteration for privately-owned areas within the Everglades National Park. (CDMP Land Use Element, p. I-52.2 The CDMP Policy LU-3C also provides direction as to how development in the East Everglades shall be managed.

> *Policy LU-3C. Development in the Big Cypress Area of Critical State Concern, and in the East Everglades as defined in Section 33B-13, Code of Miami-Dade County, Florida (1981) shall be limited to uses, designs, and management practices which are consistent with adopted State regulations and policies, the Comprehensive Everglades Restoration Plan, and related federal, State or County policies, plans or regulations as may be formulated, consistent with the goals, objectives and policies of this comprehensive plan. Miami-Dade County shall improve its enforcement of East Everglades development regulations and shall improve such regulations if necessary to enable effective enforcement."*

The ecological resources of the East Everglades Addition to Everglades National Park are of extraordinary quality and this includes very high quality wetlands in either of the proposed corridors that would be impacted as a result of the project. Construction and operation of transmission infrastructure as proposed within and adjacent to Everglades National Park will significantly impact the Park's ecological, hydrologic, and aesthetic resources. There would be significant direct impacts including but not limited to hydrology, wetlands values, aesthetics, threatened and endangered species and their habitats, as well as associated impacts from noise and disruption of the viewshed for a considerable distance from the transmission corridor.

Everglades wetlands are of national significance and include large expanses of contiguous wetlands that experience uninterrupted sheet flow of surface water, they contain foraging and nesting areas critical to several listed species, and they provide breathtaking vistas of undisturbed Everglades wetlands. All of the wetlands proposed to be eliminated within Everglades National Park are also located within the Miami-Dade County-designated East Everglades Area of Critical Environmental Concern which is governed by Chapter 33B of the County Code, as are additional wetlands adjacent to the National Park that would also be impacted if transmission lines were constructed in this area. This designation by Miami-Dade County was made due to the significant environmental and natural resource values provided which were found by the Miami-Dade County Board of County Commissioners to be inextricably related to the health, safety and welfare of the present and future inhabitants of, and visitors to, Miami-Dade County.

Information provided in the application indicates that impacts associated with construction of the Andytown-Oasis Corridor will include direct filling to as much as 134 acres of wetlands. Analysis of the project related impacts, as presented in this report, indicates a clear opportunity for further reductions in project related impacts. Therefore, the project as proposed does not adequately avoid and minimize impacts in the East Everglades area, including impacts to wetlands and important habitat for rare, threatened, and endangered species as required pursuant to County Code. Section 24-48.4 of the Miami-Dade County Code requires projects to avoid and minimize project related impacts and maximize preservation of natural resources.

The project as proposed has the potential to adversely impact sheet flow in significant wetland areas and may constrain Comprehensive Everglades Restoration or other regional restoration projects. Consistency with CERP is required pursuant to the CDMP and Chapter 24 of the Code of Miami-Dade County, Florida. In addition, FPL's application has not demonstrated consistency with Policy CON-7C of the CDMP which requires support for restoration and maintenance of surface water flow through wetland systems of the Shark River Slough, Everglades National Park, and the saline wetlands of southeastern Miami-Dade County.

The Andytown-Oasis Corridor would result in significant negative avian impacts, including state and federally listed threatened and endangered bird species. Scientific literature indicates that the presence of electric power lines, whether for transmission or distribution, raises the risk of collision and electrocution for a wide variety of avian species, including state and federally listed threatened and endangered species. The scientific literature reports that the risk is particularly elevated where power lines cross wetlands and/or avian travel corridors. Much of the proposed Andytown-Oasis Corridor, as currently described in the SCA and supplementary documentation, may elevate the risk of avian collision to an unacceptable level because the transmission lines are proposed to be located in wetlands, near bird rookeries, in habitats utilized by state and federally listed threatened and endangered avian species, and they cross avian travel corridors.

Much of the proposed Andytown-Oasis Corridor is located in wetlands that are utilized for nesting and/or foraging by a variety of water-dependent birds, including but not limited to wading birds and waterfowl. A number of the water-dependent birds, such as the Everglades snail kite, are listed at either the state or federal levels as Endangered or Threatened. Populations of the Everglades snail kite, in particular, have fallen to critically low levels, with juvenile survival being the key to population recovery. The transmission infrastructure, as proposed, would involve the filling of wetlands and installation of infrastructure that will permanently degrade a significant amount of this habitat (the habitat under the wires) and permanently destroy additional habitat (the habitat that is lost to filling of wetlands), thereby disrupting the local hydrology and impacting local feeding conditions for water-dependent birds. The portion of the proposed Corridor that is within the East Everglades Area of Critical Concern passes through or near well-documented nesting habitat for the Everglades snail kite. Transmission line activities that would adversely affect habitat that is critical to federal or State designated, endangered or threatened species, are prohibited unless FPL sufficiently demonstrates there is a public necessity and there are no possible alternative sites where the activity(ies) can occur. (CDMP Policy CON-9A). The County CDMP states that all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities (CON-9B). The CDMP also specifies that rookeries and nesting sites used by these designated species shall not be moved or destroyed (CON-9C).

As noted above, transmission infrastructure in the proposed corridor would, as conceptually designed, disrupt scenic views across Miami-Dade County's local, state, and federallyprotected

conservation lands. Public enjoyment of conservation lands includes aesthetic characteristics of those lands. The proposed corridor passes through, adjacent to, or near lands designated as conservation lands, including but not limited to Miami-Dade County's Environmentally Endangered Lands and Everglades National Park. The viewshed is likely to be dominated by the transmission infrastructure for a significant distance from the actual transmission corridor because of the number of lines proposed and the size of the transmission infrastructure proposed to support these lines. This is of particular concern in the East Everglades area of Everglades National Park, where no transmission lines currently exist.

The portions of the corridor located within Everglades National Park are also identified as Wetlands of Regional Significance on Figure 14 of the CDMP Land Use Element. CDMP Policy CON-7A states that "the degradation or destruction of Wetlands of Regional Significance that may be contained within the areas depicted on Figure 14 in the Land Use Element shall be limited to activities that 1) are necessary to prevent or eliminate a threat to public health, safety or welfare; or 2) are water dependent and no other reasonable alternative exists; or, 3) clearly in the public interest and no other reasonable alternative exists; or 4) are carried out in accordance with an approved basin management plan; or 5) are in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible. Habitats critical to endangered or threatened species shall not be degraded or destroyed."

In FPL's 'Response to First Determination of Completeness for FPL Andytown-Oasis Transmission Line Certification Application' dated July 10, 2026, FPL asserts consistency with CDMP Policy CON-7A based on Criteria #1, #3, and #5 but fails to provide adequate demonstrations. On Criterion #1, the Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI did not identify a threat to public health, safety or welfare that is being eliminated by the proposed corridor making application of CON-7A Criterion #1 inapplicable. With respect to Criterion #3, the Public Service Commission did issue Order No. PSC-2026-0179-FOF-EI within its statutory authority to act in the broader public interest and can, therefore, serve as documentation that the proposed corridor is clearly in the public interest. However, Criterion #3 further requires demonstration that no other reasonable alternative exists. The opportunity to locate the transmission line right-of-way east of the L-31N, outside of Everglades National Park, presents a reasonable alternative to wetland impacts in Everglades National Park. With respect to Criterion #5, Everglades National Park is characterized by high-quality wetlands of national importance. Criterion #5 is, therefore, not applicable.

Open Land Subarea 4 (East Everglades Residential Area). The text of the CDMP (page I-77) provides for authorization of compatible and necessary utility facilities in Open Land Subarea 4. Conditions are provided in Section II of this report to ensure compatibility with residential uses in this area. Open Land Subarea 4 corresponds to the area identified as Management Area 1 in the East Everglades Area of Critical Environmental Concern which is discussed in more detail in the following paragraphs.

County Code Section 33B, East Everglades Area of Critical Environmental Concern. This section of the report describes how the provisions of Section 33B and Chapter 24 of the County Code reflect and support protections for the Everglades National Park in the adopted CDMP. Figure 1 of this report depicts the various management areas of the East Everglades Area of

Critical Environmental Concern which relate to specific requirements contained in Section 33B. Management Areas 2A, 3A, 3B and 3C correlate with the boundary of Everglades National Park. Management Area 1 corresponds to the area designated as Open Land Subarea 4 on the CDMP Land Use Plan Map. As currently proposed, the transmission line corridor segments proposed to be located within the East Everglades Area of Critical Environmental Concern do not comply with the required Environmental Performance Standards contained within Section 33B-26 of the Code of Miami-Dade County, Florida. Impacts prohibited by the Code are summarized below:

- Road construction is prohibited in Management Areas 2A and 2B within the East Everglades Area of Critical Environmental Concern. *(County Code Chapter 33B, CDMP Policy LU-3C)*.
- Within Management Areas 1, 3A, 3B, and 3C of the East Everglades Area of Critical Environmental Concern (includes Open Land Subarea 4), roads must be designed so that they will not interrupt or divert natural sheet flow. Elevated roads must be sufficiently bridged and culverted to allow the passage of high water flows without causing significant backwater conditions. The roads must also be constructed in accordance with the Miami-Dade County Public Works Manual. *(County Code Chapter 33B(c)(2))*
- Tree islands characterized by native vegetation shall be preserved in all management areas within the East Everglades Area of Critical Concern, including agricultural areas. *(County Code Section 33B-26(d))*
- Excavation associated with transmission line construction and expansion is prohibited within the East Everglades Area of Critical Environmental Concern. (*County Code Section 33B-26(b)).*
- In Management Areas 1 and 3B, fill is limited to one-half (1/2) acre. In Management Areas 2A, 2B, 3A and 3C fill shall not exceed one-half acre.

Chapter 24 of the Code of Miami-Dade County requires projects to maximize preservation of existing natural resources including protection of important wetland ecological resources and endangered species habitat, and also includes consideration of aesthetic impacts and impacts to rare, threatened and endangered species when determining whether proposed work can be authorized. In addition, Section 33B-28 of the Code of Miami-Dade County specifically requires avoidance and minimization of adverse effects, including visual impacts, within the East Everglades Area of Critical Environmental Concern. Impacts within the County's designated East Everglades Area of Critical Environmental Concern and Everglades National Park as proposed are not consistent with Chapters 24 and 33 of the Code of Miami-Dade County. In addition, degradation and destruction of wetlands designated as Wetlands of Regional Significance in the Land Use element and endangered species habitat would result which is inconsistent with CDMP Objective LU-3, Policies LU-3A and LU-3C, Objective CON-7, Policy CON-7A, Objective CON-9, Policies CON-9A, CON-9B, CON-9C.

FPL has indicated in their First Completeness Response that they are seeking a variance to the requirements of Chapter 33B through this application, however, they have failed to provide adequate demonstrations that ensure compliance with the requirements for the granting of a variance under Section 33B-31 of the Code which requires compliance with the provisions of Section 33B-28 (general standards for conditional use). The County further asserts that the application also fails to demonstrate compliance with the criteria for the granting of a variance under s. 403.201, Florida Statutes, since the proposed corridor affords the opportunity for construction of the transmission lines east of the L-31N, outside of the area governed by Chapter 33B (East Everglades Area of Critical Environmental Concern) of the County Code. **For this reason, Miami-Dade County recommends that the requested variance to the requirements of Chapter 33B of the Miami-Dade County Code be denied.**

Further, Section 24-48.4 of the Miami-Dade County Code requires that the transmission project be designed to maximize the preservation of existing natural resources by the following methods, listed below in the order of priority:

(1) avoiding the impact altogether by not taking a certain action or parts of an action;
(2) minimizing impacts by limiting the degree or magnitude of the action or its implementation;
(3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
(5) compensating for the impact by replacing or providing substitute resources or environments.

FPL's proposed transmission corridor does not comply with Section 24-48.4 of the Code of Miami-Dade County because the proposed alignments involving wetland impacts within the current boundaries of Everglades National Park (ENP) are avoidable and because the project would not maximize the preservation of existing natural resources which are of high quality and of local, state and national significance and because the proposed work does not meet the environmental and other requirements of Chapter 33B, which is required under Chapter 24. The project is also inconsistent with the aforementioned Miami-Dade County listed species habitat protection requirements because one or more alternatives exist to avoid these listed species impacts and because listed species habitats would be degraded in some areas and destroyed in others.

The portion of the project proposed in the East Everglades Area of Critical Environmental Concern Management Areas 2A, 3A, 3B, and 3C shall be relocated outside the East Everglades, east of the L-31N, and any placement of transmission lines in the East Everglades Area of Critical Environmental Concern shall meet all requirements of County Code Chapter 24 and 33B, including but not limited to Section 33B-28, and provided the portions of the corridor are built with roadless construction techniques and without fill pads for the transmission lines. Furthermore, project design in this area would be required to avoid all permanent impacts to rare, threatened and endangered species by techniques such as undergrounding, and FPL shall be responsible for the cost associated with undergrounding transmission lines.

Based on the above, Miami-Dade County finds the portions of the proposed transmission corridors located within the current boundaries of Environmentally Protected Parks (Everglades National Park) to be inconsistent with the County Code and CDMP. Placement of the transmission line infrastructure within the portion of the proposed corridor located east of the L-31 in the area of Everglades National Park would be less impacting and, with the recommended conditions, more consistent or fully consistent with applicable County Code and CDMP requirements and would entirely avoid Everglades National Park and Management Areas 2A, 3A, 3B, and 3C of the East Everglades Area of Critical Environmental Concern. If the placement of transmission lines in this portion of the corridor is certified despite Miami-Dade County's objection, conditions are provided in Section 2 of this report to minimize impacts.

CONDITIONS SECTION 2:
CONDITIONS APPLICABLE TO MULTIPLE SEGMENTS WITHIN THE PROPOSED CORRIDORS

1. ***General Conditions***
   - **a.** The construction, operation and maintenance of all transmission lines shall be in full compliance with all applicable non-procedural requirements of the Miami-Dade County Code including Chapters 24, 33 and 33B as well as the Miami-Dade County Public Works Manual and Chapters 62-312 and 62-330, F.A.C.
   - **b.** The term "construction", as used in this document and regarding required submittals for Conditions of Certification, is any activity related to development or preparations for development (s. 380.04(1) and (2)) and also includes any activity such as work by any utility and other persons engaged in the distribution or transmission of electricity for the purpose of inspecting, repairing, renewing, or constructing any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

2. ***Conditions Regarding Procedures for Post-Certification Submittals***
   - **a. Purpose of Submittals.** Conditions of Certification (COC) which provide for the post-certification submittal of site specific technical data and other information by the Licensee (FPL) to DEP or other agencies, including the County, are for the purpose of determining the Licensee's compliance with the COC. COC which require the Licensee to conduct monitoring of the environmental effects arising from the construction, operation and maintenance of a Certified Facility are for assurances of continued compliance with these COC, without further agency action.
   - **b. Filings.** All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency, including Miami-Dade County, that is entitled to receive a submittal pursuant to these COC. All filings shall be submitted in electronic .pdf format only, unless otherwise requested by Miami-Dade County, if the data pertains to a COC drafted by the County. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (e.g., Section X, Condition XX.y.(z)) requiring the submittal, as identified in these COC. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.
   - **c. Completeness.** DEP shall review each post-certification submittal for completeness in accordance with timeframes specified by the Power Plant Siting Act. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified.
   - **d. Interagency Meetings.** DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these COC has been provided. At DEP's request or agency's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.

e. Determination of Compliance. DEP shall give written notification within 90 days to the Licensee and the other agency/ies to which the post-certification information was submitted of DEPs determination whether there is demonstration of compliance with these COC. If it is determined that compliance with these COC has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested.

f. Revisions to Design Previously Reviewed for Compliance. If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.

g. Variation to Submittal Requirements. DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these COC. *[Section 403.511, F.S.; Rule 62-17.191, F.A.C.]*

h. Post Certification Submittal Requirements Summary. Within 90 days after certification and within 90 days after any subsequent modification or certification the Licensee shall provide the DEP and the County a complete summary of those post-certification submittals that are identified in these COC where due-dates for the information required of the Licensee are identified. A summary shall be provided as a separate document for each Certified Transmission Line Corridor or segment thereof. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the County, in a sortable spreadsheet, via CD and hard copy. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements. FPL shall work with DEP and Miami-Dade County to complete the Post Certification Summary Table, shown below, for all post-certification submittals herein.

Post Certification Summary Table			
Condition Number	Requirement and timeframe for FPL submittal and agency approval	Due date	Name of agency or agency subunit to whom the submittal is required to be provided

3. *Access Control for Transmission Corridors*

Installation or improvement of transmission line maintenance roadways can impact Miami-Dade County owned or managed parcels by creating opportunities for unauthorized access. Such unauthorized access can result in adverse impacts to these properties including dumping of solid wastes and impacts from off road and all terrain vehicles. (Miami-Dade County Code Sections 24-7, 24-43, 24-48, 24-49 and 24-50, CDMP Objective LU-3, Policies LU-3A, LU-3B Objective CON-7, Policy CON-7B, and Objective CON-9 Policies CON-9A, CON-9B and CON-9C)

a. Prior to any construction in the transmission corridor, FPL shall develop and implement an access control plan for the transmission corridor that accomplishes the following objectives:

1) FPL shall secure access to the transmission line right of way to prevent uncontrolled access to wellfield protection areas. Uncontrolled access shall be prohibited at all times.
2) FPL shall secure access to the transmission line right of way to prevent uncontrolled access to public parks and natural areas within and/or adjacent to the transmission right of way.
3) FPL shall prohibit access by the general public to constructed or improved roadways located within the certified transmission corridors during construction and during operations and maintenance after construction.
4) FPL shall allow MDC, SFWMD, and State of Florida agency staff reasonable access to all portions of the transmission line corridors and associated access roads for governmental purposes.

b. The access control plan shall include the following elements:

1) **Inventory and Condition of Infrastructure.** Within 90 days of transmission corridor certification, FPL shall begin preparation of a report to document condition of existing access control infrastructure in the transmission corridor. The report shall be completed within a year of commencement and shall include the following information:
   a) Results of FPL inspections for those portions of the corridor that contain existing infrastructure to identify where vandalism to FPL access control measures has occurred and where unauthorized access is occurring.
   b) Recommendations for repair/replacement of existing access control infrastructure and installation of new access control infrastructure where such would restrict unauthorized access. Recommendations shall include consideration of new access control measures needed for new infrastructure to be located within the corridor, including but not limited to the requirement that FPL shall install locked gates within existing and proposed fencing at any new access location.
   c) A plan to minimize unauthorized public access to MDC owned or managed lands that may otherwise occur due to new access provided along the certified transmission corridor. Since MDC staff can provide current information on where impacts to MDC land is occurring due to unauthorized access, FPL shall involve MDC staff in the development of this plan.

   FPL shall provide the inventory report to Miami-Dade County's EEL Program and the SFWMD's Bureau of Land Resources for review and input within 30 days after completing the inspection. These agencies shall provide comments within 30 days, and FPL shall incorporate information provided by these agencies and finalize the report within 30 days of receipt of such information.
2) **Authorized Access by MDC Staff**. Upon request of MDC, FPL shall establish access for MDC staff through locked gates (double locks, master keys, etc.) and develop conditions for use of the FPL transmission road and any temporary or permanent roads located within or associated with the transmission corridor. FPL shall allow MDC, SFWMD, and State of Florida agency staff reasonable access to all portions of the transmission line corridors and associated access roads for governmental purposes.
3) **Timelines for Access Control Operations/Maintenance.**
   a) Within 90 days after finalizing the inspection report, FPL shall repair or replace existing access control infrastructure and shall keep locked all existing gates that provide access to the proposed transmission corridor.
   b) With one year of development of the final access control plan, FPL shall develop and implement a schedule for installing new and/or enhanced access control infrastructure, including but not limited to gates, locks, barricades, boulders, and

other barriers, at points where there is documentation that addition of access control infrastructure would restrict unauthorized access.

c) FPL shall install new access control measures associated with new infrastructure to be located within the corridor before construction begins for such transmission infrastructure.

4) **Inspection and Repair of Existing and Future Access Control Infrastructure**. FPL shall establish and implement an inspection and repair program to ensure the integrity of access infrastructure for the transmission corridor as follows:

a) Inspection frequency shall be set according to the level of problems revealed in the inspection report. Areas with existing unauthorized access problems shall be inspected no less often than annually and infrastructure repaired as necessary until and unless repeated inspections indicate that the problem is diminishing.

b) FPL shall establish a process for government agencies to report problems observed when utilizing or passing near any portion of the transmission corridors. FPL shall take appropriate steps to address the reported problem within a week of notification.

5) **Plan Updates**. The provisions of the access plan shall be reviewed and revised as necessary upon request by FPL or the agencies to accommodate changing conditions, including but not limited to land ownership patterns, changing infrastructure, restoration projects, and patterns and/or types of unauthorized use. Modifications to the plan shall require approval by DEP in consultation with the agencies.

4. *Conditions applicable in Environmental Protection Subarea A (State Water Conservation Area): (CDMP Land Use Element, p. I-64- I-65).*

a) Transmission line uses within Environmental Protection Subarea A must be compatible with CERP objectives, and shall not adversely affect long-term ecosystem viability, form or function. Additionally, there shall not be impacts to South Florida Water Management District's programs or policies associated with Water Conservation Area 3. *(CDMP Policy CON-7J)*

b) For alignments within Environmental Protection Subarea A: The applicant must demonstrate through design features that the construction and long-term establishment of transmission line poles, transmission lines, filled areas, and service roads will not adversely affect South Florida Water Management District projects and plans for this area. To demonstrate compliance with this condition, the applicant must submit a letter of approval from the South Florida Water Management District at least six months prior to any construction in this area and submit plans to the County for RER approval. *(County Code Section 24-48.4)*

c) FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B)*

5. *Conditions applicable in Environmental Protection Subarea B (Miami-Dade-Broward Levee Basin): (CDMP Land Use Element, p. I-79).*

a) No transmission line infrastructure shall be placed within the area designated as Environmental Protection Subarea B in the Miami-Dade County Comprehensive Development Master Plan, except where co-located with existing transmission line right-of-way or where no reasonable alternative exists to locate east of the Dade-Broward Levee. *(CDMP Environmental Protection Subarea B text (page I-79), CDMP page I-64, CDMP Objective CON-7, Policy CON-7A, County Code Section 24-48.4)*

b) For alignments within Environmental Protection Subarea B: FPL must submit a letter of approval from the South Florida Water Management District and submit plans to the County for RER approval at least six months prior to any construction in this area. *(CDMP Land Use Element p. I-79)*

c) FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B, County Code Section 24-48.4)*

d) Design solutions must be implemented within these areas that maintain current and projected levels of sheetflow and limit wetland impacts. This may include but is not limited to selective placement of transmission line infrastructure, varying the transmission line structure span length as appropriate, use of reduced fill pad size, elimination of fill pads for transmission line structures, elimination of access roads where not necessary, collocation with existing features, and modification of construction techniques to eliminate avoidable impacts and reduce unavoidable impacts. *(County Code Section 24-48.4)*

6. ***Conditions to maintain sheet-flow in Environmental Protection Subarea B*** *(Miami-Dade County Code Chapter 24 Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B and LU-3C, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J)*

a. Sheet flow impacts, as a result of the proposed transmission line project, would be inconsistent with the applicable goals, objectives, policies and text of the CDMP and relevant provisions of Chapter 24 of the Code in Environmental Protection Subarea B. In addition, FPL shall not constrain the restoration and maintenance of these natural surface water flows pursuant to the CDMP in any areas where the transmission corridors would cross these natural features. Any construction work including preconstruction earthwork in crossed by the FPL transmission line corridor shall maintain an equivalent level of sheet-flow to that which currently exists. FPL shall identify access and maintenance road design and construction techniques such as elevated roadways to bridge the wetland features, stabilized at-grade roads or geoswales that would not extend above existing wetland grades in these slough areas, or other design alternatives that will maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. These design and construction techniques shall also be sufficient to accommodate the increased flowage anticipated from planned restoration projects, including, but not limited to CERP.

b. The engineering design shall be based on the requirement that sheet flow shall not be impacted to within the limits of jurisdictional wetlands in Environmental Protection Subarea B by construction or operation of the transmission roadway or associated infrastructure. Of all potential designs considered by FPL, the most practicable one (given engineering constraints and costs) that would minimize wetland impacts and prevent sheet flow impacts shall be selected for final design, submittal and approval. DEP and Miami-Dade County shall verify that the proposed final design will not impact sheet flow in this area and shall also verify that the final design is also in full compliance with all other requirements of this condition of certification and other applicable conditions of certification prior to commencement of any work within the transmission corridor including but not limited to clearing, earthwork or site preparation. (County Code Section 24-48, CDMP Land Use Element Policy LU-3A, LU-3B)

At least ninety (90) days prior to beginning construction of the transmission lines or any associated roadways including but not limited to preconstruction earthwork or clearing, FPL shall provide to Miami-Dade County RER for review and approval, design details and information demonstrating preservation of sheet-flow in wetland slough areas consistent

with the applicable substantive requirements of Miami-Dade County, the CDMP and the Miami-Dade County Code. FPL shall not commence work within the transmission line corridors until Miami-Dade County RER and FDEP have determined that the design as well as construction techniques meet all requirements of this condition. (Miami-Dade County CDMP and Code Chapter 24)

7. Open Land Subarea 3 (Tamiami-Bird Canal Basin) Segment.

a) A portion of the corridor traverses the Bird Drive Basin, a special Cut and Fill basin requiring additional flood protection. Any fill placed will need to comply with the water management and fill criteria of the Cut and Fill basin per Section 24-48.21. The Miami-Dade County Water Control Section must review construction plans as part of the required Cut and Fill review process. *(CDMP Objective CON-5, Policy CON-5F)*

b) Design solutions must be implemented within these areas that maintain current and projected levels of sheetflow and limit wetland impacts. This may include but is not limited to selective placement of transmission line infrastructure, varying the transmission line structure span length as appropriate, use of reduced fill pad size, elimination of fill pads for transmission line structures, elimination of access roads where not necessary, collocation with existing features, and modification of construction techniques to eliminate avoidable impacts and reduce unavoidable impacts. *(County Code Section 24-48.4)*

8. *Conditions applicable in Environmentally Protected Parks (Everglades National Park): (CDMP Land Use Element, p. I-60).*

e) No transmission line infrastructure shall be placed within the area designated as Environmentally Protected Parks in the Miami-Dade County Comprehensive Development Master Plan. *(CDMP Environmentally Protected Parks text (page I-60), CDMP page I-64, CDMP Objective CON-7, Policy CON-7A, County Code Section 24-48.4)*

f) For alignments within Environmentally Protected Parks: FPL must submit a letter of approval from the South Florida Water Management District and submit plans to the County for RER approval at least six months prior to any construction in this area. *(CDMP Land Use Element p. I-60)*

g) FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B, County Code Section 24-48.4)*

h) Design solutions must be implemented within these areas that maintain current and projected levels of sheetflow and limit wetland impacts. This may include but is not limited to selective placement of transmission line infrastructure, varying the transmission line structure span length as appropriate, use of reduced fill pad size, elimination of fill pads for transmission line structures, elimination of access roads where not necessary, collocation with existing features, and modification of construction techniques to eliminate avoidable impacts and reduce unavoidable impacts. *(County Code Section 24-48.4)*

9. ***Conditions to maintain sheet-flow in Environmentally Protected Parks*** *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B and LU-3C, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J)*
   a. Sheet flow impacts, as a result of the proposed transmission line project, are prohibited to wetland sloughs important to the Everglades and Everglades restoration including northeast Shark River slough. In addition, FPL shall not constrain the restoration and maintenance of these natural surface water flows pursuant to the CDMP in any areas where the transmission corridors would cross these natural features. Any construction work including preconstruction earthwork in these slough areas crossed by the FPL transmission line corridor shall maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. FPL shall identify access and maintenance road design and construction techniques such as elevated roadways to bridge the slough features, stabilized at-grade roads or geoswales that would not extend above existing wetland grades in these slough areas, or other design alternatives that will maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B and LU-3C, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J)*
   b. At least ninety (90) days prior to beginning construction of the transmission lines or any associated roadways including but not limited to preconstruction earthwork or clearing, FPL shall provide to Miami-Dade County RER for review and approval, design details and information demonstrating preservation of sheet-flow in wetland slough areas consistent with the applicable substantive requirements of Miami-Dade County, including the CDMP and the Miami-Dade County Code. FPL shall not commence work within the transmission line corridors until Miami-Dade County RER and FDEP have determined that the design as well as construction techniques meet all requirements of this condition. *(Miami-Dade CDMP)*

10. **Conditions applicable in the East Everglades Area of Critical Environmental Concern**
   a) Road construction is prohibited in Management Areas 2A within the East Everglades Area of Critical Environmental Concern. *(County Code Chapter 33B, CDMP Policy LU-3C)*.
   b) Within Management Areas 1, 3A, 3B, and 3C of the East Everglades Area of Critical Environmental Concern (includes Open Land Subarea 4), roads must be designed so that they will not interrupt or divert natural sheet flow. Elevated roads must be sufficiently bridged and culverted to allow the passage of high water flows without causing significant backwater conditions. The roads must also be constructed in accordance with the Miami-Dade County Public Works Manual. *(County Code Chapter 33B(c)(2))*
   c) Tree islands characterized by native vegetation shall be preserved in all management areas within the East Everglades Area of Critical Concern, including agricultural areas. *(County Code Section 33B-26(d))*
   d) Excavation associated with transmission line construction and expansion is prohibited within the East Everglades Area of Critical Environmental Concern. (*County Code Section 33B-26(b)).*
   e) In Management Areas 1 and 3B, fill is limited to one-half (1/2) acre. In Management Areas 2A, 2B, 3A and 3C fill shall not exceed one-half acre. (*County Code Chapter 33B)*

11. ***Conditions to Ensure Pedestrian, Bicyclist, and Motorist Safety and Access*** *(33C-8(D)(6), and CDMP Policy TE-2D; For Transit Zones: Code Section 33C-2(C), 33C-8(D)(6))*

a. Transmission line poles and support structures shall not be located within existing or planned sidewalks. If FPL and Miami-Dade County determine that poles cannot be located outside of existing or planned sidewalks, FPL shall relocate the existing or planned sidewalks to locations that are approved by the County. FPL would be responsible for all costs in these instances.

b. FPL shall design transmission line and pole placements in accordance with the applicable provisions of the Public Works Manual and minimize interference with the proper use of streets, alleys, and other public ways and places, and with existing access rights.

c. FPL shall design the transmission line to comply with applicable provisions of the Americans with Disabilities Act.

d. FPL shall comply with MDC's noise ordinance in Section 21-28 of the MDC Code in the construction, operation, and maintenance of the proposed transmission lines.

12. Air Quality Conditions (CDMP Objective CON-1, and Policy CON-1H; Miami-Dade County Code Chapter 24-7.6; Section 62-296.320(A)(c), F.A.C.)

a. FPL and its contractors shall use or promote the use of non-road diesel equipment when possible, conforming to Tier 2 or better standards established by the Environmental Protection Agency (EPA). Visit http://www.epa.gov/nonroad-diesel/regulations.htm#tier1 for guidance on the Federal government's tier standards.

b. FPL and its contractors shall fuel all diesel vehicles, construction equipment, and generators on site with ultra-low sulfur diesel fuel (ULSD is diesel with sulfur content of 15 ppm or less) or a biodiesel blend approved by the original engine manufacturer.

c. FPL is prohibited from establishing parking and staging areas of diesel equipment and zones to load or unload material within 500 feet of schools, hospitals, daycare facilities, elderly housing, convalescent facilities, residential communities, or public spaces with outdoor activities. FPL or its contractors shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on the general public.

d. FPL and its contractors shall institute a Policy to limit the unnecessary idling of heavy-duty trucks, non-road construction equipment and diesel combustion engines to five consecutive minutes and to be turned off when not in use except:

1) When the vehicle is stopped in traffic or has mechanical difficulties the operator has no control over;
2) To bring the vehicle or equipment to the manufacturer's recommended operating temperature;
3) For the health, safety and comfort of the driver and passenger(s) when there are no auxiliary power sources available to provide heating, ventilation or air conditioning;
4) When necessary to operate auxiliary equipment located in or on the diesel vehicle or construction equipment, to accomplish the intended use of the vehicle or equipment (for example, cranes and cement mixers);
5) When idling is necessary for inspection or repairs.

e. FPL and its contractors shall use low-emissions multi-passenger employee transport vehicles to job-site when possible.

f. FPL and its contractors shall control dust at sites through spraying of a suppressing agent on dust pile (non-hazardous, biodegradable). Contain fugitive dust.

13. ***Aviation Clearance Conditions***

a. The proposed corridor traverses areas that may be subject to airport height restrictions in the are of Kendall Tamiami Executive Airport. Pole locations and heights will be required for the Miami-Dade County Aviation Department to issue an airspace letter of determination. At least one hundred and eighty (180) days prior to beginning construction, FPL shall submit the required aviation determination applications and fees to Miami-Dade County. Transmission line construction shall not begin until FPL has received Miami-Dade County's written approval of these applications. *(Miami-Dade County Code of Ordinances Article XL Kendall Tamiami Executive Airport Zoning)*

14. *Conditions for Miami-Dade County Environmentally Endangered Lands (EEL)*

a. Annually, FPL shall provide a report to Miami-Dade County DERM or successor agency detailing the use of pesticides, including herbicides, applied within and adjacent to transmission rights-of-way located within 1,000 feet of Miami-Dade County EEL Program owned or managed parcels. This report shall include types, actual quantities and locations of application of these substances in the previous year and projected use and locations in the coming year. This report shall also include notification of any spills, non-target damage and any applications inconsistent with label restrictions. *(Miami-Dade County Code Sections 24-48, 24-49 and 24-50)*

15. *Conditions regarding general vegetation management and exotic species*

a. There shall be no planting or propagation of prohibited species as defined by Miami-Dade County Code or listed in the CDMP or Miami-Dade County Landscape Manual within the FPL transmission rights-of-way. In addition, planting or propagation of controlled species, as defined by Miami-Dade County Code or listed in the CDMP or Miami-Dade County Landscape Manual, shall be prohibited within FPL transmission right-of-way within 500 feet of wetlands and other natural areas including but not limited to pine rocklands and hardwood hammocks. (*Miami-Dade County Code* Section 24-49, Section 18B-2, Section 18A-12 and CDMP Objective CON-8, Policy CON-8I)

b. Scientific literature has indicated that roads provide avenues for introduction of invasive exotic plant species to adjacent properties. Wherever new roads or road improvements are proposed within the transmission corridors, FPL shall eliminate all plants listed as Prohibited or Controlled by Miami-Dade County pursuant to the Miami-Dade County Code or CDMP, as well as species contained in the Current Florida Invasive Species Council (FISC) List of Invasive Plant Species and perform quarterly maintenance to control exotic vegetation within the transmission right-of-way FPL owned or controlled lands. FPL shall limit the use of herbicide application to exotic and invasive vegetation. FPL shall limit the broadcast use of non-selective herbicides to control exotic and invasive vegetation. Only aquatic-labelled herbicides approved by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Agriculture and Consumer Services (FDACS) shall be applied in proximity of wetland habitats. *(Miami-Dade County Code Sections 24-7, 24-48 and 24-49, CDMP Objective CON-8, Policy CON-8I)*

c. All work to remove exotic and invasive plant species from wetland areas shall be conducted in a manner that avoids adverse environmental impacts, including but not limited to the placement of construction mats to prevent rutting and soil compaction.

d. Mechanical cutting of vegetation as part of transmission line maintenance activities shall include removal of cut vegetation from wetland areas. Vegetative debris must be removed from the subject properties and cannot remain in the upland areas. Exotic vegetation to be removed shall be placed into a fully enclosed truck, wetting the exotic vegetation to prevent seed dispersal during transportation and disposal to an approved upland facility.

All handling and disposal shall be in accordance with solid waste disposal regulations (62-701.300 F.A.C. and Miami-Dade County Code Sections 24-25, 24-27 and 24-48 and Chapter 403.413)

16. *Conditions on soil and material management and disposal*

a. Within one hundred and eighty (180) days of certification, FPL shall submit to RER and DERM an earthwork and material disposal plan that meets applicable Miami-Dade County Code requirements. The plan shall include detailed sketches showing all areas proposed to be excavated, all areas proposed to be used for the temporary stockpiling of excavated material and shall provide the proposed disposition of the excavated material. This plan shall include a written description of all the types of earthwork that will be conducted in association with the proposed construction and installation of the transmission line infrastructure within the certified transmission corridors and associated maintenance and access and roads. The required plan shall be reviewed and approved by RER and DERM for compliance with the Code of Miami-Dade County before any earthwork commences within the transmission line rights-of-way *(Miami-Dade County Code Chapter 33 and Sections 24-7 and 24-44)*

b. For any excavated material proposed to be transported off-site for reuse, FPL shall submit to RER and DERM a "Soil Reuse Proposal" for review and approval at least 90 days prior to beginning construction of the transmission lines or any associated roadways. The aforementioned proposal shall be prepared in accordance with the Soil Reuse Guidance for Miami-Dade County dated revised January 2024 (https://www.miamidade.gov/resources/environment/documents/2024-01-24-soil-reuse-guidance-revision.pdf)-. Any proposed offsite reuse must be approved by RER and DERM prior to commencement of excavation. *(Miami-Dade County Code Chapter 33 and Section 24-44)*

c. At least 90 days prior to beginning construction of the transmission lines or any associated roadways, FPL shall provide to RER a written description of all the best management practices that will be implemented to prevent the leaching of runoff and erosion of the excavated materials into adjacent wetlands and/or surface water bodies. Plan view and cross section view plans should be included depicting the location where the excavated material is proposed to be placed and the location of any devices and/or barriers proposed to be used for erosion and leachate runoff control. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48)*

d. Within thirty (30) days of completion of excavated material disposal activities associated with the certified transmission line corridors, FPL shall provide to RER and DERM copies of all excavated material disposal receipts. *(Miami-Dade County Code Chapter 33 and Chapter 24 Section 24-44)*
https://www.miamidade.gov/resources/environment/documents/2024-01-24-soil-reuse-guidance-revision.pdf

17. *Conditions for Wellfield Protection Areas* (CDMP Land Use Element text p. I-74, "Wellfield Area", p. I-78, "Future Waterwell and Cones of Influence"; CDMP Conservation Element Objective CON-3, Policy CON-3A, Land Use Element Objective LU-3, Policy LU-3B)

a. The use of pesticides, including but not limited to herbicides, is prohibited within all portions of the transmission lines located within wellfield protection areas. (*Levee Midway*

Corridor Certification Agreement dated November 30, 1989 and Miami-Dade County Code Section 24-43)

b. FPL, its agents and contractors shall not transport, generate or store hazardous wastes or hazardous materials as defined pursuant to Section 24-45 Miami-Dade County Code within any portion of the transmission lines located within a wellfield protection area in Miami-Dade County. Discharge or disposal of hazardous wastes or hazardous materials along or adjacent to any portion of the transmission lines including outside of wellfield protection areas is also prohibited within Miami-Dade County. (*Miami-Dade County Code Section 24-43*)

18. ***Condition regarding fill within the transmission rights of way***

a. All fill material proposed to be placed within the certified transmission line corridor shall meet the clean fill/soil criteria, pursuant to the definition of section 24-5 of the Code of Miami-Dade County, or shall be compliant with the Soil Reuse Guidance for Miami-Dade County revised January 2024 (https://www.miamidade.gov/resources/environment/documents/2024-01-24-soil-reuse-guidance-revision.pdf). *(Miami-Dade County Code Chapter 33 and Miami-Dade County Code Section 24-48)*

19. ***Condition Relating to Co-location of Public Recreation and Other Public Uses Within Transmission Line Rights-of-Way:***

a. FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the proposed transmission line rights-of-way. *(CDMP Policy LU-1H, Miami-Dade County Parks and Open Space Master Plan)*

20. ***Condition relating to project design and wildlife impacts***

a. FPL shall conduct a comprehensive study to identify where the certified transmission corridors cross existing wildlife travel corridors, including but not limited to mammalian, avian, reptilian and amphibian travel corridors, with special attention on travel corridors for rare, threatened or endangered fauna. This study, whose methodology must be approved by RER, must be completed prior to final design of any infrastructure to be constructed in the corridors. FPL shall use the results of the study to inform the final design of infrastructure to be constructed to include appropriate wildlife protection features that may include but not be limited to undergrounding in specific areas, fencing, wildlife underpasses, less impacting power pole design, etc. where transmission rights-of-way cross existing wildlife travel corridors. FPL shall be responsible for the cost associated with undergrounding transmission lines. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, CDMP Objective CON-7 Policy CON-7A, Objective CON-9, Policies CON-9A, CON-9B, CON-9C, CON-9E, CON-9F, and Objective CM-4, Policy CM-4C)*

21. ***Conditions relating to project design and general protected species occurrence.*** *(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-9A, CON-9B, CON-9C, and CON-9E)*

a. FPL shall coordinate with RER or successor agency and the Florida Fish and Wildlife Conservation Commission (FWC) to obtain and follow the current survey protocols for all listed species, including plant species, that may occur within the transmission line rights-

of-way, plus accessible appropriate buffers as defined by the listed species' survey protocols, prior to conducting detailed surveys.

b. Surveys shall be conducted prior to final design of the transmission infrastructure in accordance with the survey protocols. The results of those detailed surveys shall be provided to RER and to FWC in a report, and coordination shall occur with RER and the FWC on appropriate modifications to final design of transmission infrastructure to avoid, to the extent practicable, impacts to listed species or their habitats. Where avoidance is not possible, FPL shall demonstrate to RER and FWC that final design of transmission infrastructure has minimized impacts to listed species, including but not limited to implementation of wildlife protection features such as undergrounding in specific areas, fencing, wildlife underpasses, less impacting power pole design, etc. (FPL shall be responsible for the cost associated with undergrounding transmission lines.) FPL shall also demonstrate to RER and FWC that appropriate impact mitigation methodologies have been employed for unavoidable impacts to listed species, including but not limited to relocation or establishment of *ex situ* populations of listed plant species. No construction shall occur within the transmission line rights-of-way until the required surveys have been conducted and required reports have been approved by RER and FWC, and that appropriate modifications to final design of transmission infrastructure, and appropriate impact mitigation methodologies have been demonstrated by FPL and approved by both RER and FWC.

22. *Conditions relating to project design and protected species impacts*

a. FPL shall conduct an assessment for protected species that shall note all habitat, occurrence or evidence of protected species within one mile of the certified corridor prior to final design of the transmission infrastructure. Protected species to be included in this survey shall include but not be limited to the bald eagle, migratory birds protected by the Migratory Bird Act, those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS), and those plant species listed as endangered or threatened by the Florida Department of Agriculture and Consumer Services Division of Plant Industry. Wildlife surveys shall be conducted in the reproductive or "active" seasons for each species unless otherwise approved by Miami-Dade County and the FWC and USFWS. Plant surveys shall be conducted in the reproductive seasons for species that are likely to be found in the available habitats. For species that are difficult to detect, FPL may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from Miami-Dade County, the FWC, and, if appropriate, the USFWS.

1) These surveys shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
2) These surveys shall identify any wading bird colonies or other avian rookeries or nesting areas (e.g., Everglades snail kite nesting areas, etc.) within one mile of the project that may be affected, as per USFWS buffer recommendations.
3) These surveys shall identify locations of breeding sites, nests, and burrows for protected wildlife species. Nests and burrows shall be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, Miami-Dade County and the FWC prefer that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows.

b. FPL shall utilize this information to modify the management plan for all federal and state listed endangered or threatened species and shall modify final design of transmission infrastructure to avoid impacts to protected wildlife species to the degree practicable, minimize impacts that are unavoidable, and mitigate for impacts that are unavoidable through wildlife protection measures that must be approved by Miami-Dade RER. Breeding sites for threatened or endangered species shall not be moved or destroyed.

c. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of details), include a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Description of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way and shall use GIS to document findings. Electronic copies of all GIS files used to create the survey report(s) shall be submitted to RER and FWC as part of the reporting requirements, except as specified for listed plant species, below.

d. This survey shall include locations for all plant species that are endangered or threatened at state or federal levels. FPL shall deposit GIS records for listed plant species with a non-governmental organization that is mutually agreeable to both FPL and Miami-Dade County RER.
(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)

23. *Condition relating to project design and wildlife corridor impacts*

a. FPL shall conduct a comprehensive study to identify where the certified transmission corridors cross existing wildlife travel corridors, including but not limited to mammalian, avian, reptilian and amphibian travel corridors, with special attention on travel corridors for rare, threatened or endangered fauna. This study, whose methodology must be approved by RER, must be completed prior to final design of any infrastructure to be constructed in the corridors. FPL shall use the results of the study to inform the final design of infrastructure to be constructed to include appropriate wildlife protection features that may include but not be limited to undergrounding in specific areas, fencing, wildlife underpasses, less impacting power pole design, etc. where transmission rights-of-way cross existing wildlife travel corridors. FPL shall be responsible for the cost associated with undergrounding transmission lines. *(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3 of the Miami-Dade County Code, Condition 9 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)*

24. *Condition relating to avian nesting, including wading bird colonies*

a. In order to identify the baseline conditions which may indicate the potential for impacts to wading birds, and/or other avian species protected by state or federal law, and to help quantify potential mitigation for such impacts, FPL will perform the following studies prior to final design of the transmission corridor:

1) Follow flight surveys should be conducted during nesting seasons where young successfully fledge from colonies, for any identified wood stork colonies within a mile of the proposed transmission corridor, including but not limited to those along Tamiami Trail (East 1, East 2, and West). A sufficient number of seasons must be

surveyed to ensure that the results include at least one nesting season that is considered average and one that is considered exceptionally successful by FWC, USFWS, and SFWMD biologists. Detailed design for the surveys shall be submitted to FWC, USFWS, SFWMD, Miami-Dade County, and, as the landowner for several known colonies, ENP, within 180 days after certification, and shall be subject to review and approval by these same agencies. The surveys shall be conducted beginning at the start of the nesting season, shall continue during the fledging period, and shall ascertain flight line corridors for the wood storks in terms of direction, destination(s), numbers of birds, altitudes, and other parameters as approved by FWC, USFWS, SFWMD, Miami-Dade County, and ENP. These data would be compared to appropriate data for the same colonies, collected to date where available, as approved by the aforementioned agencies.

2) A post-certification, one-time pre-final design aerial survey, whose methodology shall be subject to review and approval by FWC, USFWS, SFWMD, Miami-Dade County, and ENP, shall be conducted via fixed wing or rotary wing aircraft, between the months of December and May, once it is confirmed by FWC, USFWS, SFWMD, Miami-Dade County, or ENP that wading birds are nesting in the area of the proposed transmission line corridor. The surveys should employ a series of two transects, along each side of the right-of-way. To minimize disturbance to the colonies, the flight(s) should be conducted at altitudes no less than 300 feet.
    a) This survey shall identify any wood stork/wading bird colonies in addition to any found from agency records that may be affected within one mile of the project ROW.
    b) Center locations of all wood stork and wading bird colonies should be delineated with a Wide Area Augmentation System (WAAS) enabled Global Positioning System (GPS) unit.
    c) Ground inspection of all wood stork and wading bird colonies needs to be made as aerial identification of intermediate-sized and dark-plumaged wading birds (little blue heron, tricolored heron, glossy ibis) is difficult at best and because they tend to nest below the vegetation canopy, making species identification all but impossible. To avoid flushing birds from their nests identification of species should be made using binoculars, and surveys should follow the protocols in Rodgers and Smith (1995). *(Rodgers, J. A, and H. T. Smith. 1995. Set-back distances to protect nesting bird colonies from human disturbance in Florida.* Conservation Biology *9: 89-99.)*

b. A post-certification, one-time pre-final design aerial and ground survey, whose timing and methodology shall be subject to review and approval by FWC, USFWS, SFWMD, Miami-Dade County, and ENP, shall be conducted by FPL via fixed wing or rotary wing aircraft and/or ground crews to identify any other avian species, including state and federally listed threatened or endangered species, that are nesting within a mile of the proposed transmission line right-of-way.

c. For any nesting activity by state or federally listed threatened or endangered species identified as being located within one mile from the corridor as a result of the above-referenced post-certification pre-final design survey, and for the protection of known foraging habitat, FPL shall implement the following measures:

1) Modify the project to avoid all impacts to nesting activity by state or federally listed threatened or endangered species, including but not limited to undergrounding or at-grade facilities in specific areas, or relocating the corridor to be outside the recommended USFWS buffer for wood stork colonies and/or a suitable distance

from any other nesting activity by state or federally listed threatened or endangered species (including but not limited to Everglades snail kites), so as to not disturb, even temporarily, any nesting habitat utilized by state or federally listed threatened or endangered species. FPL shall be responsible for the cost associated with undergrounding transmission lines. In addition, the project shall be modified as necessary to avoid all permanent impacts to foraging habitat for listed avifauna (such as but not limited to Everglades Snail Kites) within the Miami-Dade County designated East Everglades Area of Critical Environmental Concern.

2) Flight Diverters – For any portion of the corridor that is outside the one-mile buffer or which would not disturb any other nesting activity by state or federally listed threatened or endangered species but which crosses one or more avian travel corridors, FPL shall install spiral/corkscrew design bird flight diverters (or other mutually agreeable design flight diverters) on the Overhead Ground Wires (OHGW) of each transmission line wherever the transmission infrastructure crosses a travel corridor. Flight diverters shall be installed according to the manufacturers' instructions and maintained on a schedule to be approved by FWC and Miami-Dade County.
3) FPL shall also install perch discouragers at transmission structure pole tops and arms to address risks from nest building and streamers (defecation) and reduced the exposure and potential risk of electrocutions.
4) Mitigation Effectiveness Study – At leave six months prior to any construction, FPL shall fund a monitoring study to determine the effectiveness of proposed avian mitigation measures. The results will be used to determine effectiveness of these measures in the protection of important habitats including assisting wood storks (and other state or federally listed threatened or endangered avian species) in avoiding the new transmission line facilities and identify whether effectiveness of sections of lines with mitigation features is significantly different from unmarked lines. The design and implementation of this survey is subject to review and approval from FWC, USFWS, SFWMD, Miami-Dade County, and ENP and the agency's approval shall include the timelines required for implementation, completion and review of the survey.
5) Post-survey Review – After the Mitigation Effectiveness Study has been conducted, the results will be presented to FWC, USFWS, SFWMD, Miami-Dade County, and ENP. If mortality to any avian species reasonably related to collisions with the transmission lines is detected, FPL and the Study Investigator shall meet with FWC, USFWS, SFWMD, Miami-Dade County, and ENP to discuss the results of the Mitigation Effectiveness Study to determine what additional mitigation measures, including but not limited to redesign of transmission facilities or modification/relocation of the corridor, or a different configuration or greater density of flight diverters, or additional monitoring, or a combination may be required by the aforementioned agencies.

   (Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-9A, CON-9B, CON-9C, and CON-9E)

25. *Condition relating to a management plan for protected species*

a. FPL shall coordinate with FWC, USFWS, SFWMD, and Miami-Dade County in the development of a management plan for protected species for the transmission corridors, which shall be subject to review and approval by the aforementioned agencies. Protected

species to be included in this plan shall include but not be limited to the bald eagle, migratory birds protected by the Migratory Bird Act, those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS), and those plant species listed as endangered or threatened by the Florida Department of Agriculture and Consumer Services Division of Plant Industry, and those listed in Appendix A and Appendix B of the Miami-Dade County CDMP Conservation, Aquifer Recharge and Drainage Element. *(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3 of the Miami-Dade County Code, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)*

b. This plan shall address management and preservation of protected species found within one mile of the transmission corridors and their habitats, and shall be submitted to FWC, USFWS, SFWMD, and Miami-Dade County prior to final design of the transmission lines and associated infrastructure. The plan shall identify and preserve, to the maximum extent possible, all habitat identified as significant to these species. No construction in the transmission corridors shall occur until the management plan for protected species has been reviewed and found sufficient by FWC, USFWS, SFWMD, and Miami-Dade County and FPL demonstrates that appropriate wildlife and plant protection measures have been implemented in final design and location of the transmission infrastructure.
(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3 of the Miami-Dade County Code, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)

26. *General conditions relating to listed species habitat*

a. Rookeries and nesting sites used by federal or State designated or threatened species shall not be moved or destroyed. (CDMP Objective CON-9, Policies CON-9B and CON-9C)
b. Habitats of endangered or threatened species including but not limited to foraging habitat for snail kites shall not be degraded or destroyed as a result of the project including construction, installation and subsequent maintenance of the proposed transmission lines and associated infrastructure, including maintenance roads. (CDMP Objective CON-7, Policy CON-7A,)

27. *General wetland conditions* *(CDMP Land Use Element p. I-75, "Wetland Areas", Objective LU-3, Policy LU-3A, LU-3B, Conservation, Aquifer Recharge and Drainage Element Objective CON-7)*

a. Impacts shall be avoided and minimized in all wetland areas. No less than 90 days prior to commencement of work within each segment of transmission line right-of-way including temporary and permanent access roadways that is located within or impacts wetlands (including site clearing or other preparation work), FPL shall provide Miami-Dade County RER with complete and detailed plans, and construction methodology, for all proposed work within the transmission corridor. This information shall be provided as a post certification submittal for review and approval by Miami-Dade County RER and shall be of sufficient detail for the County to evaluate the proposed work for conformance with ERP regulations as well as the Miami-Dade County CDMP, Section 33B-26, and Section 24-48, Miami-Dade County Code.
b. Construction drawings and engineering calculations signed and sealed by a professional engineer registered in the State of Florida and a land survey sealed by a licensed land surveyor registered in the State of Florida for those elements of the project that involve

wetlands. These plans must include sufficient detail and be prepared at a scale that clearly identifies the limits of filling in wetlands, on-site mitigation areas, structures other than fill in wetlands, and typical cross-sections of all elements of the project that affect wetlands.

c. A construction management plan which shall include methods or best management practices for preventing or controlling secondary impacts from turbidity, siltation, fugitive dust, unpermitted impacts to adjoining wetlands, fill or excavated material, construction debris, noise, or artificial lighting.

d. The proposed work shall demonstrate that all avoidable impacts associated with roads and other infrastructure to be located within and adjacent to the wetland portions of the transmission corridors have been eliminated and that unavoidable impacts have been minimized, and that the project design maximizes preservation of existing natural resources as required pursuant to Section 24-48.4 Miami-Dade County Code. The proposed design and construction of the transmission lines shall incorporate features that avoid and minimize impacts to natural resources including but not limited to wetlands, flora, fauna, and rare, threatened and endangered species. This may include but is not limited to selective placement of transmission line infrastructure, varying the transmission line structure span length as appropriate, use of reduced fill pad size, elimination of fill pads for transmission line structures, elimination of access roads where not necessary, construction of access roads at wetland grade, undergrounding of transmission lines, collocation with existing features, and modification of construction techniques to eliminate avoidable impacts and reduce unavoidable impacts. FPL shall be responsible for the cost associated with undergrounding transmission lines. Access roads, culverts and all other structures shall be located to avoid conflict with existing underground utilities including but not limited to water and sewer facilities. In the event temporary fill is used in wetlands to facilitate construction of the transmission line, the temporary fill shall be removed and the wetlands restored after construction to minimize impacts to wetlands. RER will review the submittal for compliance with the requirements of this condition and the requirements of the Miami-Dade County Code, and FPL shall modify the plan as necessary to comply with these requirements. Work on portions of the transmission lines within wetlands as well as any other portions impacting wetlands shall not commence until RER has approved the submittal through a determination that it meets the requirements of this condition, the Miami-Dade County Public Works Manual and Chapters 24 and 33B, of the Miami-Dade County Code.

e. FPL shall execute a permanent flowage easement in favor of the county, state and federal governments across those portions of the transmission corridors located within Environmental Protection Subarea A (Water Conservation Area A), Environmental Protection Subarea B (Pennsuco Wetlands), Bird Drive Basin, and Everglades National Park (CDMP Policy CON-7C). This flowage easement shall be approved by MDC RER based on a coordinated review by the agencies and shall be executed by FPL prior to any clearing or construction within any of the approved transmission corridors. MDC RER shall record the flowage easement in the public records after acceptance of the finalized language. *(Miami-Dade County Code Chapter 33 and Section 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B, Objective CON-7, Policy CON-7C).*

f. FPL, through its design, construction, maintenance and operation of infrastructure to be located within the transmission corridors, shall actively support, to the greatest extent applicable, the restoration and maintenance of surface water flow through wetland systems located within Environmental Protection Subarea A (Water Conservation Area A), Environmental Protection Subarea B (Pennsuco Wetlands), Bird Drive Basin, and Everglades National Park. Any work, use, alteration or construction that constrains or prevents the restoration or maintenance of water flow is prohibited. *(Miami-Dade County*

Code Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A, LU-3B and LU-3C, Objective CON-7, Policies CON-7C and CON-7J).

28. *Conditions for Wetland Mitigation*

a. A complete and detailed comprehensive wetlands mitigation plan, that addresses permanent and temporary impacts, shall be submitted to the FDEP, SFWMD and Miami-Dade County RER for review and approval by each of these agencies prior to any work or construction within the transmission corridors and prior to the performance of any of the mitigation. In order to be acceptable to Miami-Dade County, the mitigation plans shall meet all the requirements of Chapter 24 of the Miami-Dade County Code as well as applicable state and federal regulations. In addition, because the maintenance of the transmission lines, once constructed, will require continual impacts to wetlands and other natural areas, the mitigation plan shall fully address these continuing impacts. (*CDMP Objective CON-7, Policy CON-7A, Sections 24-7 and 24-48.4 Code Miami-Dade County)*

b. FPL shall also mitigate for unavoidable wetland impacts (and other impacts as applicable) that would occur in designated wetland areas to the extent possible within the same wetland basin in which the impacts occur. Prior to mitigating within mitigation banks, FPL shall perform mitigation according to the hierarchy of Section 24-48 of the Miami-Dade County Code, including avoidance and minimization of impacts and in a manner consistent with Everglades Restoration projects including but not limited to CERP and the Modified Water Delivery Project. Mitigation shall not prohibit, delay or otherwise constrain Everglades Restoration projects. If there are insufficient mitigation opportunities available in the same wetland basin in which the impacts occur, FPL may mitigate for unavoidable wetland impacts within adjacent or nearby wetland basins or may purchase credits in a mitigation bank that is considered acceptable by Miami-Dade County RER. To the extent possible, FPL shall undertake mitigation projects in the same wetland area or in adjacent wetland basins before purchasing or otherwise seeking credits from an appropriate mitigation bank. *(CDMP Objective CON-7, Policy CON-7A, Sections 24-7 and 24-48.4 Code Miami-Dade County)*

29. *Conditions regarding power line clearance and work in county canal ROW*

a. Overhead utility crossings, such as telephone and power lines, over a County canal shall be required to have a minimum vertical clearance of forty (40) feet above ground surface, per Section D4.04, Part 2 – Public Works Manual, of the Code of Miami-Dade County. Construction of transmission line structures within county canal reservation, canal maintenance easement, or canal rights-of-way is prohibited without prior approval by the Miami-Dade County RER and the Public Works and Waste Management Department to determine that the proposed structure will not interfere with the operation and maintenance of the canal.

b. At least one hundred and eighty (180) days prior to the commencement of construction of any portion of the transmission line which will cross over, on, under, or otherwise use a Miami-Dade County canal right-of-way or canal reservation, complete drawings showing the proposed facilities must be submitted to Miami-Dade County RER for documentation of compliance with Chapters 24 and 33 of the Miami-Dade County Code of Ordinances. DEP and RER will review the drawings for compliance with Chapters 24 and 33 of the Miami-Dade County Code and FPL shall correct the drawings as necessary to comply with Code requirements based on this review. Work under these drawings shall not commence until DEP and RER have approved the drawings. These drawings shall depict the proposed crossing in both plan and profile views and shall 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 elevations at its highest point;
5) The location of any poles, towers, and/or access roads located within the County's right-of-way;
6) The location of any anchors, downguys, or spanguys within the County's right-of-way;
7) The elevation of the lowest line, wire, or cable crossing over the County's right-of-way, given at the lowest point of sag in the span within the County's right-of-way;
8) The location and elevation of any buried facilities;
9) The location of the facilities in relation to a section line, major road, or other prominent well-known landmark by which the facilities may be located in the field.
10) Should FPL desire to utilize Miami-Dade County's canal right-of-way for access during construction of the transmission line and/or for inspection and maintenance after construction, FPL shall submit to Miami-Dade County RER a detailed plan identifying the proposed route, type and number of vehicles to be used, and frequency of such use.

c. The northern portion of the preliminary preferred corridor is collocated with the NW 157 Avenue Canal and the Dade Broward Levee, which are components of the Miami-Dade County secondary canal system as shown on the Water Control Map. Miami-Dade County has approximately 130 feet of canal reservation throughout much of this alignment, and additional County canal right-of-way and canal maintenance easements may also be crossed by the proposed corridor. Any work within Miami-Dade County secondary canal features (i.e., canal right-of-way, canal maintenance easements, and canal reservations) must be reviewed and coordinated with the Water Control Section to ensure they are allowable and do not interfere with conveyance, water quality, or maintenance of the secondary canal system, in accordance with Chapter 24 and the Miami-Dade County Public Works Manual. This review is currently based on the siting corridor map only. The Water Control Section will need to review detailed construction plans and survey showing the proposed transmission infrastructure within or adjacent to County canal interests, including transmission structures, access and maintenance roads, and any other improvements that may affect canal interests. Work in these canal features requires a Class III permit per Section 24-48.1(1)(c).(*Section 24-48.1(1(c), Code Miami-Dade County)*

30. ***Conditions on Water and Sewer Infrastructure***

a. Access to all water and sewer valves, sanitary sewer manholes, and other control mechanisms shall be maintained throughout construction to ensure the public health and safety in the event of an emergency. Covering valve boxes and manholes is considered unauthorized obstruction of and tampering with Water and Sewer Department (MDWASD) Utilities.

b. FPL's contractors shall locate and proceed with caution when excavating within five (5) feet of Miami-Dade County Water and Sewer Department facilities.

c. No trees or palms should be planted within five (5) feet of any MDWASD facility.

d. FPL's contractors shall comply with Chapter 556 F.S. relating to underground facility damage prevention and safety. http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0556/0556.html

31. ***Conditions on Roadway Dedications and Other waivers***

a. FPL shall dedicate or otherwise convey to Miami-Dade County land needed for streets, roads, and public ways that are listed in Section 33-133 of the Miami-Dade County Code. Dedication or conveyance documents, as appropriate, shall be executed by FPL prior to any clearing or construction within any of the approved transmission corridors. *(CDMP Page I-88, Policy TC-2D, County Code Section 33-133)*

32. ***Condition regarding pole placement, co-location, and design:***

a. Where overhead transmission facilities may be improved or constructed, FPL shall seek to co-locate or bury existing transmission and distribution lines with new transmission lines on new unified pole structures. Throughout the corridors, FPL shall remove extraneous poles, support structures, and other equipment to improve the safety and aesthetics of the corridors, regardless of adjacent land uses. *(CDMP Policy LU-4A, LU-4C, LU-4D)*

33. ***Conditions for historic places and structures:*** *The portion of the routes that are west of the turnpike, particularly near Krome Avenue and westward, have the potential to impact several sites of archaeological importance.*

a. FPL shall conduct a Cultural Resource Assessment Survey (CRAS) for the transmission lines and associated access roads. Copies of the CRAS shall be provided to Miami-Dade County for review and comment. The Miami-Dade County Office of Historic and Archaeological Resources may also submit their own comments related to eligible or existing historic and archaeological sites along the proposed routes, as some of the proposed routes may have already been surveyed by the office. *(CDMP Land Use Element, Objective LU-6)*

b. Archaeological monitoring shall be performed during all construction west of Krome Avenue. Should archaeological deposits or resources be discovered during such monitoring, the county archaeologist shall be given adequate time (up to one week per site) to collect artifacts and document the site before construction continues. *(CDMP Land Use Element, Objective LU-6)*

c. Coordination with the appropriate State and regional agencies, including the Miccosukee Tribe of Indians, must be undertaken if an archaeological site is discovered, per CDMP Policy LU-6H.

d. FPL shall avoid impacts to County-designated and known historic and archaeological sites and zones, previously recorded archaeological sites, and archaeological resources identified through the CRAS. Where impacts to historic or archaeological resources cannot be avoided, FPL shall consult with Miami-Dade County to identify and implement avoidance measures. *(CDMP Land Use Element, Objective LU-6)*

34. ***Protected tree and vegetation conditions:***

a. Existing specimen trees and native vegetation (including canopy, understory, and ground cover) shall be preserved to the maximum extent practicable and FPL shall mitigate for impacts to tree canopy in accordance with the requirements of Section 24-49 of the Code of Miami-Dade County. *(Section 24-49 Code Miami-Dade County)*

b. At least six months prior to commencement of work within each segment of transmission line within uplands on newly established transmission line right-of-way (including site clearing or tree removal), FPL shall submit to Miami-Dade County (and applicable municipalities) for review and approval as a post-certification submittal a tree survey for that segment showing all upland trees that need to be removed, as well as a tree mitigation plan to compensate for the tree canopy to be removed for that segment as required by Section 24-49 Miami-Dade County Code. Miami-Dade County will review the survey and

the adequacy of the plan for compliance with the requirements of the Miami-Dade County Code and municipal laws, and FPL shall correct the survey as well as modify the plan as necessary to comply with these Code requirements. Work under the tree planting plan shall not commence until Miami-Dade County (and applicable municipalities) have approved the survey and plan through a determination that both meet the requirements of Section 24-49, Miami-Dade County Code, and municipal law. FPL shall perform and complete the tree planting in a timely manner as specified in the approved plan. No trees within a newly established transmission line right-of-way shall be removed, transplanted or damaged by FPL, their agents or contractors until Miami-Dade County (and applicable municipalities) approval has been granted, with the exception of specific prohibited species (see Attachment 2) as defined under Miami-County Code that do not require a tree removal permit pursuant to Section 24-49, Miami-Dade County Code. Removal of trees from botanic gardens or state approved nurseries are not subject to the tree or canopy replacement requirements contained herein. For purposes of this condition, state approved nurseries shall mean those nurseries with a valid certificate of registration from the Division of Plant Industry. Wetland mitigation requirements are described in other conditions of certification and trees located within wetlands are not subject to these tree or canopy replacement requirements. (S*ection 24-49 Code Miami-Dade County)*

c. For established and constructed transmission line rights-of-way, FPL shall meet all applicable local and state requirements relating to tree removal and tree trimming and provide Miami-Dade County RER a minimum of five (5) business days' advance written notice prior to conducting routine vegetation maintenance and tree pruning or trimming activities, as required by Section 163.3209, Florida Statutes.

d. For all tree and vegetation pruning within transmission line rights of way, FPL shall utilize best management practices for tree pruning and utility line tree pruning as described by the Tree Care Industry (companion publications to ANSI A300 Part 1). In addition to maintain safe clearance from lines for workers, FPL shall consider tree health and structure to reduce impacts from storms and aesthetics, especially in urban areas.

e. FPL shall not maintain vegetation on or adjacent to a transmission line right-of-way in a manner that would violate the clearance requirements specified in Table 2 of ANSI Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2., or that would violate the National Electrical Safety Code as adopted by the Florida Public Service Commission.

35. *Condition regarding inspection of transmission line facilities:*

a. FPL shall not begin operation of transmission line facilities until Miami-Dade County has completed inspections of landscaping, poles, and associated construction and determined compliance with the conditions, referenced herein.

36. *Condition regarding dewatering activities:*

a. Prior to the initiation of any dewatering activities associated with the construction of any portion of the transmission line (including access roadways), FPL shall submit all necessary information for a Class V permit review and approval by MDC under the post-certification process. *(Section 24-48, Code Miami-Dade County)*

37. *Condition regarding cost recovery for plan reviews and inspections:*

a. FPL shall compensate Miami-Dade County for staff time associated with plan and other application reviews and inspections, referenced herein. *(Section 403.511(4) and 403.531(4), Florida Statutes)*

RESPECTFULLY SUBMITTED

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By: _____

Lourdes M. Gomez
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Reviewed by County Attorney
for legal sufficiency:

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