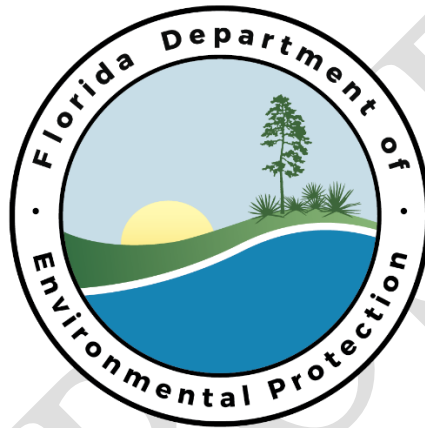


APPENDIX I – CONDITIONS OF CERTIFICATION

**STATE OF FLORIDA
DEPARTMENT
OF
ENVIRONMENTAL PROTECTION**



Conditions of Certification

**Florida Power and Light Company
Duval-Raven 230 kV Transmission Line**

TA 16-17

XXXXXX

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ATTACHMENTS

Attachment A	Certified Corridor Map(s)
Attachment B	Final ROW Map(s)
Attachment C	Surface Water Management System Plan(s)
Attachment D	Mitigation Plan(s)

SECTION A: GENERAL CONDITIONS

I. SCOPE

A. Pursuant to the Transmission Line Siting Act (TLSA), Sections 403.520-5365, Florida Statutes (F.S.), and Chapter 62-17, Florida Administrative Code (F.A.C.) this certification is issued to Florida Power and Light Company (FPL) as owner/operator and Licensee of the Duval-Raven 230 kilovolt (kV) Transmission Line. Subject to the requirements contained in these Conditions of Certification (Conditions), FPL will operate a nominal 230 kV transmission line consisting of approximately 39 linear miles of transmission line as described in the transmission line site certification application (SCA or Application). The electric transmission line will be located in the City of Jacksonville, Duval County, Nassau County, Baker County, City of Macclenny, Town of Glen St. Mary, and Columbia County, Florida.

B. The Certified Facility includes the Duval-Raven 230 kV transmission line corridor located in the City of Jacksonville, Duval County, Nassau County, Baker County, City of Macclenny, Town of Glen St. Mary, and Columbia County and associated access roads shown in Attachment A – Certified Corridor Map.

C. These Conditions, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction, operation and maintenance of the Certified Facility. If a conflict should occur between the design criteria of this Certified Facility and the Conditions, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions, the more specific condition governs.

D. Within 180 days following the corridor narrowing as defined by Section 403.522(10), F.S., the Licensees shall provide an aerial photograph(s)/map(s) of the specific Right-of-Way (ROW) at a scale of at least 1:400, or acceptable equivalent documentation such as an official legal description or survey map(s) signed by a professional land surveyor, delineating the boundaries of the Certified Transmission line right-of-way, which shall be known as the Delineation of the Certified Transmission Line ROW and attached as Attachment B – Final ROW Maps.

E. The certification is valid for the life of the transmission line, if construction on, or condemnation or acquisition of, the right-of-way is commenced within 5 years after the date of certification, or such later date as may be authorized by the board.

[Section 403.531, F.S.]

II. APPLICABLE DEPARTMENT RULES

The construction, operation and maintenance of the Certified Facility shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the applicable non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification or in a subsequent modification to the Conditions, under any federal permit or as otherwise provided under Chapter 403:

Florida Administrative Codes:

62-4 (Permits)

62-17 (Electrical Power Plant and Transmission Line Siting)

62-150 (Hazardous Substance Release Notification)

SECTION A: GENERAL CONDITIONS

62-160 (Quality Assurance)
62-256 (Open Burning)
62-302 (Surface Water Quality Standards)
62-304 (Total Maximum Daily Loads)
62-330 (Environmental Resource Permitting)
62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters)
62-342 (Mitigation Banks)
62-345 (Uniform Mitigation Assessment Method)
62-621 (Generic Permits)
62-650 (Water Quality Based Effluent Limitations)
62-710 (Used Oil Management)
62-730 (Hazardous Waste)
62-780 (Contaminated Site Clean-Up Criteria)
62-814 (Electric and Magnetic Fields)

[Section 403.531, F.S.]

III. DEFINITIONS

The meaning of terms used herein shall be governed by the applicable definitions contained in Chapters 253, 373, 379 and 403, F.S., and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these Conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning. As used herein, the following shall apply:

- A. “Application” or “SCA” as defined in Section 403.522(5), F.S. For purposes of this license, “Application” shall also include materials submitted for post-certification amendments and petitions for modification to the Conditions of Certification, as well as supplemental applications.
- B. “Complete” shall mean the post-certification filing provides the data required by the relevant Condition of Certification.
- C. “DEO” means the Florida Department of Economic Opportunity.
- D. “DEM” shall mean the Florida Division of Emergency Management.
- E. “DEP” or “Department” means the Florida Department of Environmental Protection.
- F. “DHR” means the Florida Department of State, Division of Historical Resources.
- G. “DOT” means the Florida Department of Transportation.
- H. “Emergency conditions” or “Emergency reporting” means urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity.
- I. “Facility” or “Project” shall mean the Duval-Raven 230-kV electrical “transmission line” as defined in Section 403.522(21), F.S.

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J. “Feasible” or “practicable” means reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

K. “FPL” means Florida Power & Light Company.

L. “FWC” means the Florida Fish and Wildlife Conservation Commission.

M. “Licensee” means an applicant that has obtained a certification order for the subject project.

N. “Listed species” shall mean the species listed in Table 2.3-2 or Table 2.3-3 of the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

O. “NED” shall mean the DEP Northeast district office.

P. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

Q. “ROW” means the right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification and as defined in Section 403.503(27), F.S.

R. “State water quality standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C.

S. “Surface Water Management System” or “System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works, or any combination thereof. The terms “surface water management system” or “system” include areas of dredging or filling, as those terms are defined in Sections 373.403(13) and (14), F.S.

T. “SRWMD” and “SJRWMD” mean the Suwannee River Water Management District and the St. Johns River Water Management District, respectively.

U. “Transmission line or electrical transmission line” means structures, maintenance and access roads, and all other facilities that need to be constructed, operated, or maintained for the purpose of conveying electric power extending from, but not including, an existing or proposed substation or power plant to, but not including, an existing or proposed transmission network or rights-of-way or substation to which the applicant intends to connect which defines the end of the proposed project and which is designed to operate at 230 kilovolts or more. The transmission line may include, at the applicant’s option, any proposed terminal or intermediate substations or substation expansions necessary to serve the transmission line.

V. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(27), F.S., as delineated pursuant to Chapter 62-340, F.A.C.

[Section 403.531, F.S.]

IV. DEPARTMENT PERMITS UNDER FEDERAL PROGRAMS

This certification is not a waiver of any other Department approval that may be required under federally delegated or approved programs. The provisions of the following federal permits shall be conditions of this certification to the extent the provisions of those permits apply to the Certified Facility(ies). The Licensee shall comply with the applicable provisions and limitations set forth in the permits listed below, and as those provisions may be

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modified, amended, or renewed in the future by the Department. The Department may consider a violation of any of these permits as a violation of this license.

A. Water

1. NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities (CGP)

Any storm water discharges associated with construction activities on the site shall be in accordance with all applicable provisions of Chapter 62-621, F.A.C. Prior to commencing construction activities on the site that:

- contribute to stormwater discharges to surface waters of the State or into a municipal separate storm sewer system (MS4); and
- disturb one or more acres of land (less than one acre if the activity is part of a larger common plan of development);

a Generic Permit for Stormwater Discharge from Large and Small Construction Activities must be obtained as applicable.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

2. NPDES Generic Permits for Discharge of Produced Ground Water from Dewatering Operations and from Petroleum Contaminated Sites.

Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from a petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

If the activity cannot be covered by either generic permit, the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective permit.

[Section 403.0885, F.S.; Rule 62-621.300, F.A.C.]

V. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions, is predicated upon preliminary designs, concepts, and performance criteria described in the SCA or in testimony and exhibits in support of certification. Final engineering design will be consistent and in substantial compliance with the preliminary information described in the SCA or as explained at the certification hearing (if any). Conformance to those criteria, unless specifically modified in accordance with Section 403.5315, F.S., and Rule 62-17.211, F.A.C., is binding upon the Licensee in the design, construction, operation and maintenance of the Certified Facility.

[Section 403.5315, F.S.; Rules 62-4.160(2) and 62-17.680, F.A.C.]

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VI. NOTIFICATION

A. If, for any reason, the Licensee does not comply with or will be unable to comply with any condition or limitation specified in this license, the Licensee shall immediately provide the DEP Northeast District office with the following information:

1. A description of and cause of noncompliance; and
2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Licensee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this certification.

All notifications which are made in writing shall additionally be immediately provided to the Siting Coordination Office (SCO) via email to SCO@dep.state.fl.us.

[subsection 62-4.160(8), F.A.C.]

B. The Licensee shall promptly notify the SCO in writing (email acceptable) of any previously submitted information concerning the Certified Facility that is later discovered to be inaccurate.

[subsection 62-4.160(15), F.A.C.]

C. Within 60 days after certification of the Project, the Licensee shall file a notice of the certified route with the Department and the clerk of the circuit court for each county through which the corridor will pass.

The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. The Licensee shall certify to the Department and clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county.

[Section 403.5312, F.S.]

VII. EMERGENCY CONDITION NOTIFICATION AND RESTORATION

If the Licensee is temporarily unable to comply with any of the conditions of the License due to breakdown of equipment or destruction by hazard of fire, wind or following an emergency as defined by Sections 252.34(3), (6), (7) or (9), F.S., the Licensee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the Licensee from any liability for failure to comply with Department rules. Any exceedances and/or violations recorded during emergency conditions shall be reported as such, but the Department acknowledges that it intends to use its enforcement discretion during this timeframe. This acknowledgement by the Department does not constitute a waiver or variance from any requirements of any federal permit. Relief from any federal agency must be separately sought.

[Section 62-4.130, F.A.C.]

VIII. CONSTRUCTION PRACTICES

A. Open Burning

Prior to open burning in connection with land clearing, the Licensee shall seek authorization from the Florida Forest Service in accordance with the requirements of Chapters 62-256 and 5I-2, F.A.C.

[Chapters 5I-2 and 62-256, F.A.C.]

B. Vegetation

For areas located in any Florida Department of Transportation (DOT) ROW, Chapter 7 of the Florida DOT *Utility Accommodation Manual* available on the DOT website (<http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710020001/Chapter-7.pdf>) shall serve as guidelines for best management practices.

[Sections 403.531 and 373.414, F.S.; Chapters 40D-4 and 40E-4, F.A.C.]

C. Existing Underground Utilities

The Licensee must follow all applicable portions of the Underground Facility Damage Prevention and Safety Act, Chapter 556, F.S. The Licensee shall provide the affected local government and the SCO with copies of valid tickets obtained from Sunshine State One Call of Florida upon request. Tickets shall be available for request until the underground work is completed for the affected area.

[Chapter 556, F.S.]

D. Electric and Magnetic Fields (EMF)

Any associated transmission lines and electrical substations shall comply with the applicable requirements of Chapter 62-814, F.A.C.

[Chapter 62-814, F.A.C.]

E. Radio and Television Interference

The Licensee shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the proposed transmission line.

[Section 403.531, F.S.]

F. Existing Wells

Any existing wells to be impacted in the path of construction of Certified Facilities that will no longer be used shall be abandoned by a licensed well contractor. All abandoned wells shall be filled and sealed in accordance with subsection 62-532.500(5), F.A.C., or with the rules of the authorizing agency, or consistent with these Conditions.

[subsections 62-532.400 and 62-532.500(5), F.A.C.]

G. Abandonment of Existing Septic Tanks

Any existing septic tanks to be impacted by construction and that will no longer be used shall be abandoned in accordance with Rule 64E-6.011, F.A.C., unless these Conditions provide otherwise.

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[Chapter 64E-6, F.A.C.]

IX. RIGHT OF ENTRY

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of the Department or other agencies with jurisdiction over a portion of the Certified Facility and any authorized off-site mitigation/compensation or otherwise associated areas:

1. At reasonable times, to enter upon the Certified Facility in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or

2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by the Department, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by the Department and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification.

[paragraph 62-4.160(7)(a) and subsection 62-4.160(15), F.A.C.]

X. DISPUTE RESOLUTION

A. General

If a situation arises in which mutual agreement between either the Department and the Licensee, or, the Department and an agency with substantive regulatory jurisdiction over a matter cannot be reached, the Department can act as a facilitator in an attempt to resolve the issue. If the dispute is not resolved in this initial informal meeting, Licensee may request a second informal meeting in which both Licensee and the agency with substantive regulatory jurisdiction over the matter at issue can participate in an attempt to resolve the issue. If, after such meetings, a mutual agreement cannot be reached between the parties, then the matter shall be referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. The Licensee or the Department may request DOAH to establish an expedited schedule for the processing of such a dispute. Any filing with DOAH shall state with particularity the specific project and geographic location to which the dispute relates. Work unrelated to the specific project and in areas other than the location to which the dispute relates will not be affected by the dispute.

B. Modifications

If written objections are filed regarding a modification, and the objections address only a portion of a requested modification, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

C. Post-Certification Submittals

If it is determined, after assessment of a post-certification submittal, that compliance with the Conditions will not be achieved for a particular portion of a submittal, the

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Department may make a separate assessment of other portions of the submittal, unless those portions of the submittal are substantially related to or necessary to implement that portion for which it has been determined that compliance with the Conditions will not be achieved.

[Sections 120.57, F.S. and Rule 62-17.680, F.A.C.]

XI. SEVERABILITY

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

XII. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions are binding and enforceable pursuant to Sections 403.141, 403.161, 403.533, 403.727, and 403.859 through 403.861, F.S., as applicable. Any noncompliance by the Licensee with these Conditions constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department may review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Facility which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Facility and arising under the Florida Statutes or Department rules, subject to the restrictions in Sections 403.111 and 403.73, F.S. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

[Sections 403.121, 403.131, 403.141, 403.151, 403.161, and 403.533, F.S.; subsections 62-4.160(1) and 62-4.160(9), F.A.C.]

XIII. REVOCATION OR SUSPENSION

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.532, F.S. This certification is valid only for the specific processes and operations identified in the SCA and approved in the final order of certification and indicated in the testimony and exhibits in support of certification, or approved in a subsequent amendment or modification of the certification. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Facility that are the cause of such action, and other portions of the Certified Facility shall remain unaffected by such action.

[Section 403.532, F.S.; subsection 62-4.160(2), F.A.C.]

XIV. REGULATORY COMPLIANCE

As provided in Sections 403.087(7) and 403.722(5), F.S., except as specifically provided in the final order of certification, a subsequent modification or amendment, or these conditions, the issuance of this license does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This license is not a waiver of or approval of any other Department license/permit that may be required for other aspects of the Certified Facility which are not addressed in this license. This license does not relieve the Licensee from liability for harm or injury to human health or welfare, animal, or plant life, or public or private property caused by the construction or operation of the Certified Facility, or from penalties therefore.

[subsections 62-4.160(3) and 62-4.160(5), F.A.C; Section 403.531, F.S.]

XV. CIVIL AND CRIMINAL LIABILITY

Except to the extent a variance, exception, exemption or other relief is granted in the final order of certification, in a subsequent modification to these Conditions, or as otherwise provided under Chapter 403, F.S, this certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any condition of certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply.

[Sections 403.141, 403.161, and 403.531 F.S.]

XVI. USE OF STATE LANDS

A. Except as specifically provided in the final order of certification or these conditions, the issuance of this license conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

B. If any portion of the Certified Facility is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the Licensee must comply with the applicable portions of Chapters 18-2, 18-20, and 18-21, F.A.C., and Chapters 253 and 258, F.S., except as specifically provided in the final order of certification or these conditions. If any portion of the Certified Facility is located on sovereign submerged lands, the Licensee must submit section F of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Facility is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Facility is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the proposed activity on such lands requires a proprietary authorization. Under such circumstances, the proposed activity is not exempt from the need to obtain a proprietary authorization. Unless otherwise provided in the final order of certification or these conditions, the Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Rules 18-2.018 or 18-21.0051, F.A.C.

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D. The Licensee is hereby advised that Florida law states: “A person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund under this chapter, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of any required lease or easement issued by the State shall be met. Any construction activity associated with the Certified Facility shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed.

[Chapters 253 and 258, 403.531, F.S.; Chapters 18-2, 18-14, 18-21, 62-340, and subsections 62-330.060(1) and 62-4.160(4), F.A.C.]

XVII. PROCEDURAL RIGHTS

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or condition of certification shall be interpreted to preclude the post-certification exercise by any party of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

[Sections 403.531(5), F.S.]

XVIII. AGENCY ADDRESSES FOR POST-CERTIFICATION SUBMITTALS AND NOTICES

Where a condition requires post-certification submittals and/or notices to be sent to a specific agency, the following agency addresses shall be used unless the Conditions specify otherwise or unless the Licensee and the Department are notified in writing of an agency’s change in address for such submittals and notices:

Florida Department of Environmental Protection
Siting Coordination Office, MS 5500
2600 Blair Stone Rd.
Tallahassee, Florida 32399-3000
SCO@dep.state.fl.us

Florida Department of Environmental Protection
Northeast District Office
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256-7590

Florida Department of Economic Opportunity
Office of the Secretary
107 East Madison St.
Tallahassee, Florida 32399-2100

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Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
FWCConservationPlanningServices@myfwc.com
Tallahassee, Florida 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, Florida 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

St. Johns River Water Management District
Office of General Counsel
P.O. Box 1429
ApplicationSupport@sjrwmd.com
Palatka, Florida 32178-1429

Suwannee River Water Management District
9225 CR 49
Live Oak, FL 32060

Florida Department of State
Division of Historical Resources
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Florida Department of Health
4052 Bald Cypress Way
Tallahassee, FL 32399-1708

Nassau County
County Attorney's Office
96135 Nassau Place, Suite 6
Yulee, Florida 32097

City of Jacksonville (Duval County)
Office of General Counsel
117 W. Duval Street, Suite 480
Jacksonville, Florida 32202

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Baker County
County Administrator's Office
55 North 3rd Street
Macclenny, Florida 32063

City of Macclenny
City Manager
118 E. Macclenny Ave.
Macclenny, Florida 32063

Town of Glen St. Mary
Mayor's Office
10046 S. Glen Ave.
Glen St. Mary, Florida 32040

Columbia County
County Attorney's Office
125 NE Hernando Avenue, Suite 203
Lake City, Florida 32055-1529

[Section 403.531, F.S.]

XIX. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Facility and the construction and maintenance of the Certified Facility. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with these Conditions, without further agency action. A submittal of information or determination of compliance pursuant to a post-certification submittal under this Condition does not provide a point of entry for a third party.

B. Filings

All post-certification submittals of information by Licensee are to be filed with the Northeast DEP District Office and any other agency that is entitled to receive a submittal pursuant to these Conditions. The SCO shall be copied on all post-certification submittals in electronic .pdf format only, unless otherwise requested, via email to SCO@dep.state.fl.us. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (i.e. Section X, Condition XX.y.(z)) requiring the submittal. As required by Section 403.5317(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. 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. DEP's finding

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of completeness shall specify the area of the Certified Facility affected, and shall not delay further processing of the post-certification submittal for non-affected areas.

If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

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 Conditions has been provided. Failure of DEP to conduct an interagency meeting or failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP'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 determine within 90 days of filing of complete information whether there is demonstration of compliance with these Conditions. If it is determined that compliance with the Conditions has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify Licensee in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance. A post-certification compliance review may be the basis for initiating modifications to the relevant Condition or to other related Conditions.

F. Commencement of Construction

If Licensee has not been so notified as specified in paragraph E. above, Licensee may begin construction pursuant to the terms of these Conditions and the subsequently submitted construction details.

G. 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.

[Sections 403.531 and 403.5317, F.S.; and subsections 62-17.600, 62-17.665, F.A.C.]

XX. 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 SCO a complete summary of those post-certification submittals that are identified in these Conditions when due-dates for the information required of the Licensee have been identified. A summary shall be provided as a separate document for each transmission line, if any. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the SCO, in a sortable spreadsheet, electronically, in the format shown below or

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equivalent. 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.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

[Section 403.5317, F.S.; Subsection 62-17.660, F.A.C.]

XXI. POST CERTIFICATION AMENDMENTS

If, subsequent to certification, the Licensee proposes any material change to the SCA and revisions or amendments thereto, as certified, the Licensee shall submit a written request for amendment and a description of the proposed change to the SCA to the Department. Within 30 days after the receipt of a complete request for an amendment, the Department shall determine whether the proposed change to the SCA requires a modification to the Conditions.

A. If the Department concludes that the change would not require a modification to the Conditions, the Department shall provide written notification of the approval of the proposed amendment to the Licensee, all agencies, and all other parties to the certification.

B. If the Department concludes that the change would require a modification to the Conditions, the Department shall provide written notification to the Licensee that the proposed change to the SCA requires a request for modification pursuant to Section 403.5315, F.S.

[Section 403.5317, F.S.]

XXII. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.5315(1), F.S., and Rule 62-17.680, F.A.C., the Siting Board hereby delegates the authority to the Department to modify any Condition which would not otherwise require approval by the Siting Board, after notice and receipt of no objection by a party to the certification within 45 days after notice by mail to the party's last address of record, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days of public notice.

B. Except as otherwise provided in the conditions of certification, the licensee shall petition to modify certification for all changes in transmission line corridor alignment.

C. Expansions in right-of-way width following the narrowing of the certified area pursuant to Section. 403.522(10), F.S., will be considered modifications pursuant to Section

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403.5315, F.S. If such a modification occurs the Licensee shall submit a revised ROW map to replace Attachment B.

D. Once all property interests required for the right-of-way have been acquired by the licensee, the area of the corridor certified narrows to only that land within the boundaries of the right-of-way, unless specified otherwise by the conditions of certification. Under the provisions of Section 403.522(10), F.S., this shall not be construed to require a modification or further agency review.

[Section 403.5315, F.S.; Rule 62-17.680, F.A.C.]

XXIII. WATER QUALITY CERTIFICATION

Pursuant to the Operating Agreement between the Department, Water Management Districts and U.S. Army Corps of Engineers, a written final order granting 'certification' constitutes certification by the Department that the project activities comply with applicable state water quality standards.

[2012 Operating Agreement, Jacksonville District USACOE, DEP and Water Management Districts, Section II.A.1.(f) and subsection 62-17.665(6)(f), F.A.C.]

XXIV. ROW LOCATION

A. FPL shall co-locate the transmission line ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, Licensee's design shall reflect that new widened right-of-way.

B. To the extent feasible Licensee shall locate the transmission line right-of-way so as to avoid the taking of homes.

C. To the extent feasible and consistent with good engineering design and practices, the Licensees shall use best management practices to minimize impacts to pre-existing natural features and minimize tree removal and trimming of vegetation.

[Sections 253.034(10), 258.007(4), 380.0677, 403.522(18), 403.526(2)(a)5, and 403.526(2)(b)3, F.S.]

XXV. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Northeast District Office, SRWMD, SJRWMD, DOT, DEO, Columbia County, Baker County, Nassau County, City of Jacksonville, City of Macclenny, and the Town of Glen St. Mary delineating the certified corridor, and the selected transmission line ROW. In addition, Licensee shall note on the aerial photographs new construction within the corridor that has occurred since the photograph was taken. Licensee shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments. The agencies receiving the aerial photographs from Licensee shall have an opportunity to review the photographs and to notify DEP, within 12 days of Licensee's submittal of the aerial photographs to the agencies, of any apparent conflicts with the requirements of the Conditions of

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Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission line, access roads or pads within Licensee's designated ROW cannot be accomplished in compliance with the Conditions of Certification, Licensee shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of Licensee's submittal of the aerial photographs to the agencies, Licensee may proceed with design of the transmission line on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at Licensee's risk, and no party will be estopped by such acquisition to seek disapproval of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After Licensee has acquired interest in the entire length of the transmission line ROW, Licensee shall:

1. File a statement with the clerk of the circuit court for each county through which the corridor passes certifying that all lands required for the transmission line ROW within the corridor have been acquired. Licensee shall also file with the county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, Licensee shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined, Licensee will submit, to the Columbia County, Baker County, Nassau County, and Duval County/City of Jacksonville, information that is consistent with County ROW permits for the portions of the line which pass through each affected county.

[Sections 403.531 and 403.5312, F.S.; Rule 62-17.600, F.A.C.]

XXVI. ENVIRONMENTAL RESOURCES

A. General

1. Submittals for Construction Activities

- a. Prior to the commencement of construction of new facilities and/or associated facilities the Licensee shall provide to the DEP Northeast District's Environmental Resource Permitting Section for review, all information necessary for a complete *Joint Application for Environmental Resource Permit* (ERP), DEP Form 62-330.060, F.A.C.. Information may be submitted by discrete portions of the Certified Facilities for a determination of compliance with these COC.

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This form may: a) be submitted concurrently with a SCA; b) be submitted as part of an amendment request or a petition for modification; or c) be submitted as a post-certification submittal following approval of a project through certification, modification or amendment. Such ERP submittals, once received, shall be reviewed in accordance with the non-procedural standards and criteria for issuance of an ERP, including all the provisions related to reduction and elimination of impacts, conditions for issuance, additional conditions for issuance, and mitigation contained in Chapters 62-330, F.A.C., as applicable unless otherwise stated in these Conditions. While the information is provided for review via submittal of the Environmental Resources Permit form, pursuant to section 403.531, Florida Statutes, issuance of a separate Environmental Resources Permit is not required for certified facilities.

Those forms submitted as part of a SCA, an amendment, or modification, shall be processed concurrently with, and under the respective certification, amendment, or modification procedures. Those forms submitted as a post-certification submittal (after certification, modification, or amendment and prior to construction) shall be processed in accordance with Section A. General Conditions, Condition XIX. Procedures for Post-Certification Submittals.

No construction shall commence on a Project feature, or in a particular segment for a linear facility, until the Department has determined that there is a demonstration of compliance with these Conditions. For post-certification submittal reviews, the Department's determination is governed by Section A. General Conditions, Condition XVIII. Procedures for Post-Certification Submittals.

b. Concurrent with submittal of the DEP form required in Subparagraph A.1.a. above, the Licensee shall submit, as applicable, a survey of wetland and surface water areas as delineated in accordance with Chapter 62-340, F.A.C., and verified by appropriate agency staff for Department compliance review. Available DEP-approved wetland and surface water delineations within the boundaries of a certified site or a portion thereof may be used and reproduced for this delineation submittal and verification.

[Section 373.416, F.S.; Chapters 62-330 and 62-340, F.A.C.]

2 Construction, operation and maintenance of the proposed project (including any access roads and structures constructed within wetlands and other surface waters, and/or associated facilities) shall satisfy any applicable non-procedural requirements in the Department rules.

[Section 373.414(1)(a), F.S.]

3. Any delineation of the extent of a wetland or other surface water submitted as part of the DEP ERP Application Form required by Subparagraph A.1.a. above, including plans or other supporting documentation, shall not be considered binding on the Department unless a specific condition of this Certification or a formal wetlands jurisdictional determination under Section 373.421(2), F.S., provides otherwise.

[Sections 373.421 and 403.523, F.S.]

B. Surface Water Management Systems

1. Information regarding surface water management systems (SWMS) will be reviewed for consistency with the applicable non-procedural requirements of Part IV of

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Chapter 373, F.S., following submittal of Form 62-330.060(1) F.A.C., to the DEP Northeast District's Environmental Resource Permitting Section.

2. All construction, operation, and maintenance of the SWMS(s) for the Certified Facilities shall be as set forth in the plans, specifications and performance criteria contained in the SCA and other materials presented during the certification proceeding, post-certification submittals, and as otherwise approved. If specific requirements are necessary for construction, operation and/or maintenance of an approved SWMS, those requirements shall be incorporated into a SWMS Plan for that system and included in Attachment C (Surface Water Management System Plans). Any alteration or modification to the SWMS Plan or the SWMS as certified requires prior approval from the Department.

3. To allow for stabilization of all disturbed areas, immediately prior to construction, during construction of the SWMS, and for the period of time after construction of the SWMS, the Licensee shall implement and maintain erosion and sediment control best management practices, such as silt fences, erosion control blankets, mulch, sediment traps, polyacrylamide (PAM), temporary grass seed, permanent sod, and floating turbidity screens to retain sediment on-site and to prevent violations of state water quality standards. These devices shall be installed, used, and maintained at all locations where the possibility exists of transferring suspended solids into the receiving waterbody due to the licensed work, and shall remain in place at all locations until construction in that location is completed and soils are permanently stabilized. All best management practices shall be in accordance with the guidelines and specifications described in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection, by HydroDynamics Incorporated in cooperation with Stormwater Management Academy, June 2007) unless a project-specific erosion and sediment control plan is approved as part of this License. If project-specific Conditions require additional measures during any phase of construction or operation to prevent erosion or control sediments beyond those specified in the approved erosion and sediment control plan, the Licensee shall implement additional best management practices as necessary, in accordance with the guidelines and specifications in *the State of Florida Erosion and Sediment Control Designer and Reviewer Manual*. The Licensee shall correct any erosion or shoaling that causes adverse impacts to the water resources as soon as feasible. Once project construction is complete in an area, including the re-stabilization of all side slopes, embankments and other disturbed areas, and before conversion to the operation and maintenance phase, all silt screens and fences, temporary baffles, and other materials that are no longer required for erosion and sediment control shall be removed.

4. The Licensee shall complete construction of all aspects of the SWMS described in the ERP Application Form, submitted as part of a post-certification submittal, amendment, modification, or certification application including water quality treatment features, and discharge control facilities prior to use of the portion of the Certified Facility being served by the SWMS.

5. At least 48 hours prior to the commencement of construction of any new SWMS for any part of a Certified Facility authorized by this certification, the Licensee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement Notice" (DEP Form 62-330.350(1), F.A.C.), indicating the actual start date and the expected completion date.

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6. Each phase or independent portion of the approved system must be completed in accordance with the submitted DEP Form prior to the operation of the portion of the Certified Facility being served by that portion or phase of the system.

7. Within 30 days, or such other date as agreed to by DEP and the Licensee, after completion of construction of any new portions of the SWMS, the Licensee shall submit to the DEP Northeast District's Environmental Resource Permitting Section, and copy the SCO, a written statement of completion and certification by a registered professional engineer (P.E.), or other appropriate registered professional, as authorized by law, utilizing the required "As-Built Certification and Request for Conversion to Operation Phase" (DEP Form 62-330.310(1), F.A.C.). Additionally, if deviations from the approved drawings are discovered, the As-Built Certification must be accompanied by a copy of the approved drawings with deviations noted.

8. Any substantial deviation from the approved drawings, exhibits, specifications or Conditions, may constitute grounds for revocation or enforcement action by the Department.

9. The operation phase of any new SWMS approved by the Department shall not become effective until the Licensee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the approved plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system.

10. The DEP Northeast District ERP Section must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must be submitted to and approved by the Department prior to the dewatering event. Additional authorizations may be required for certain dewatering activities.

[Section 373.414, F.S.; Chapters 62-25, 62-302, 62-330, and Rule 62-4.242, F.A.C.]

C. Wetland and Other Surface Water Impacts

1. All Certified Facilities shall be constructed in a manner which will eliminate or reduce adverse impacts to on-site and/or adjacent wetlands or other surface waters to the extent practicable or otherwise comply with substantive criteria for elimination or reduction. When impacts to wetlands will occur as a result of a future amendment, modification, or certification, and cannot be practicably eliminated or reduced, the Licensee may propose and the Department or Board shall consider mitigation to offset otherwise unpermittable activities under the Environmental Resource Permit review process pursuant to Condition A.1. above.

2. Proposed mitigation plans submitted with the DEP ERP Application forms required in Condition A.1.a. above, or submitted and approved as part of an amendment, modification, or certification, and that are deemed acceptable by DEP, shall include applicable construction conditions, success criteria and monitoring plans, and shall be incorporated into these Conditions as Attachment D (Mitigation Plans).

[Sections 373.413, 373.414, 373.4145, and 403.531, F.S.; Chapters 62-330, 62-340, 62-342, and 62-345, F.A.C.]

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XXVII. THIRD PARTY IMPACTS

The Licensee is responsible for maintaining compliance with these Conditions even when third party activities authorized by the Licensee occur in or on the certified site/area.

[Section 403.524(1), F.S.]

XXVIII. FACILITY OPERATION

The Licensee shall properly operate and maintain the Certified Facility and systems of treatment and control (and related appurtenances) that are installed and used by the Licensee to achieve compliance with these Conditions, as required by the final order of certification, these Conditions, or a post-certification amendment or modification. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the final order of certification, these Conditions, or a post-certification amendment or modification. Further, the Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying event.

[subsection 62-4.160(6), F.A.C.]

XXIX. RECORDS MAINTAINED AT THE FACILITY

A. These Conditions or a copy thereof shall be kept at the Licensee main office.

B. The Licensee shall hold at the site, or other location designated by these Conditions, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by these Conditions, copies of all reports required by these Conditions, and records of all data used to complete the SCA for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

C. Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used; and,
6. the results of such analyses.

[subsection 62-4.160(12) and paragraph 62-4.160(14)(b), F.A.C.]

XXX. WATER DISCHARGES

1. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, the Licensee shall not discharge to surface or ground waters of the State wastes in concentrations which alone or in combinations with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic,

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mutagenic, or teratogenic to human beings (unless specific criteria are established for such components in Rule 62-520.400, F.A.C.) or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters.

2. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all discharges and activities must be conducted so as to not cause a violation of the water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, 62-620, F.A.C., including the provisions of Rules 62-4.243, 62-4.244, and 62-4.246, F.A.C., the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C.;

3. Except as otherwise authorized by a permit issued by the Department under a federally approved or deleted program or to the extent a variance, exception, exemption or other relief is granted or authorized by these Conditions, all dewatering discharges must be in compliance with Rule 62-621.300, F.A.C.

[Chapters 62-4, 62-302, 62-520, 62-550, and 62-620, F.A.C., and Rule 62-621.300, F.A.C.]

XXXI. SOLID AND HAZARDOUS WASTE

A. Solid Waste

The Licensee shall comply with all applicable non-procedural provisions of Chapter 62-701, F.A.C., for any solid waste generated within the Certified Facility during construction, operation, maintenance, and closure.

[Chapters 62-701, F.A.C.]

B. Hazardous Waste, Used Oil, Petroleum Contact Water and Spent Mercury

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-730, F.A.C., for any hazardous waste generated within the Certified Facility. An EPA identification number must be obtained before beginning hazardous waste activities unless the facility is a Conditionally Exempt Small Quantity Generators (CESQGs). CESQGs generate no more than 100 kg (220 lbs) of hazardous waste in any month.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-710, F.A.C., for any used oil and used oil filters generated within the Certified Facility.

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-737, F.A.C., for any spent mercury-containing lamps and devices generated within the Certified Facility.

The Licensee shall comply with all applicable provisions of DEP Chapter 62-740, F.A.C. for any petroleum contact water located within the Certified Facility.

[Chapters 62-710, 62-730, 62-737, and 62-740, F.A.C.]

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C. Hazardous Substance Release Notification

1. Any owner or operator of a facility who has knowledge of any release of a hazardous substance from a Certified Facility in a quantity equal to or exceeding the reportable quantity in any 24-hour period shall notify the Department by calling the STATE WARNING POINT NUMBER, (800) 320-0519, as soon as possible, but not later than one working day of discovery of the release.

2. Releases of mixtures and solutions are subject to these notification requirements only where a component hazardous substance of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

3. Notification of the release of a reportable quantity of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).

[Chapter 62-150, F.A.C.]

D. Contaminated Site Cleanup

The Licensee shall comply with all applicable non-procedural provisions of DEP Chapter 62-780, F.A.C., for any violations of relevant provisions of Chapter 376 or 403, F.S., that result in legal responsibility for site rehabilitation pursuant to those chapters. This responsibility for site rehabilitation does not affect any activity or discharge permitted or exempted pursuant to Chapter 376 or 403, F.S., or rules promulgated pursuant to Chapter 376 or 403, F.S.

[Chapter 62-780, F.A.C.]

SECTION B. SPECIFIC CONDITIONS**I. DEPARTMENT OF TRANSPORTATION****A. Access Management to the State Highway System**

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

[Authority: Chapters 14-96 and 14-97, F.A.C.]

B. Overweight or Overdimensional Loads

Operation of overweight or overdimensional loads by the Licensee on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

[Authority: Chapter 316, F.S.; Chapter 14-26, F.A.C.]

C. Use of State of Florida Right of Way or Transportation Facilities

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual; Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

For all DOT right of way locations within the corridor, including but not limited to, State Road 200, Interstate 10, and State Road 100, should FDOT conduct activity in the future that may require a temporary or permanent modification or relocation of the FPL transmission structures in such DOT right of way for this project pursuant to applicable regulations and agreements, the cost of such relocation shall be borne by FPL.

All usage of State of Florida right of way or transportation facilities will be subject to the applicable non-procedural requirements of Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001). Post certification documentation shall be submitted to Florida Department of Transportation, Jacksonville Maintenance Permits office, (904) 360-5222 or the Lake City Operations Permits office, (386) 961-7153.

[Authority: Sections 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.]

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D. Standards

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

[Authority: Chapter 14-15, F.A.C.]

E. Drainage

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby.

[Authority: Chapter 14-86, F.A.C.]

F. Use of Air Space

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, Florida Administrative Code. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

[Authority: Chapter 333, F.S.; Rule 14-60.009, F.A.C.]

G. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard

SECTION B: SPECIFIC CONDITIONS

Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the Licensee encourage transportation demand management techniques by doing the following:

Placing a bulletin board on site for carpooling advertisements.

Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

If the Licensee uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the Licensee should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

[Authority: Chapter 316, F.S.; Chapter 14-26, F.A.C.]

II. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

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

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings, and connected to a common header pumped by one or more wellpoint pumps.
2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.
3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well, and connected to a common header pumped by one or more pumps.

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

B. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 300,000 gallons per day or less.

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

C. The withdrawal of ground or surface water to facilitate construction (dewatering) does not exceed 30 days in duration.

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

D. The water withdrawn to facilitate construction (dewatering) shall not be discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A

SECTION B: SPECIFIC CONDITIONS

direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.

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

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

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

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

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

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

F. Loblolly Mitigation Bank

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

[Condition provided by the Licensee on April 6, 2016.]

III. SUWANEE RIVER WATER MANAGEMENT DISTRICT

A. The withdrawal of ground or surface water to facilitate construction (dewatering) shall not exceed 180 days in duration.

[Rule 40B-2.051(3), F.A.C.]

B. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 100,000 gallons per day or less, on an annual basis.

[Rule 40B-2.041(8)(a), F.A.C.]

C. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from facilities having a cumulative withdrawal capacity of less than 1,000,000 gallons per day.

[Rule 40B-2.041(8)(b), F.A.C.]

SECTION B: SPECIFIC CONDITIONS

D. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from groundwater wells less than eight (8) inches in diameter.

[Rule 40B-2.041(8)(c), F.A.C.]

E. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from surface water facilities which have a cumulative intake diameter less than six (6) inches.

[Rule 40B-2.041(8)(d), F.A.C.]

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

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

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

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

[Section 2.3.7 Applicant's Handbook]

IV. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Conditions

The following table contains state- and federally listed wildlife species that occur in the State of Florida and may occur within the Duval-Raven 230 kV Transmission Line project site and therefore may be impacted by the activities proposed within the corridor. Therefore, these recommended conditions of certification apply to the species listed in this table.

Common Name	Scientific Name	Status ¹
American alligator	<i>Alligator mississippiensis</i>	FT (S/A)
Bald eagle	<i>Haliaeetus leucocephalus</i>	NL ²
Burrowing owl	<i>Athene cunicularia floridana</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT
Florida black bear	<i>Ursus americanus floridanus</i>	NL ³
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST
Frosted flatwoods salamander	<i>Ambystoma cingulatum</i>	FT
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Limpkin	<i>Aramus guarauna</i>	SSC

SECTION B: SPECIFIC CONDITIONS

Little blue heron	<i>Egretta caerulea</i>	SSC
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Wood stork	<i>Mycteria americana</i>	FT

SSC = Species of Special Concern; E = Endangered; T = Threatened; FT (S/A) = Federally Threatened due to similarity of appearance

¹ Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C., make it likely that statuses of state-listed species may change before the Licensee commences work. Additionally, the list is now comprised of both federally designated endangered and threatened species, and state-designated threatened species and species of special concern. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

² While the Florida black bear has been delisted, it is governed by 68A-4.001, General Prohibitions; 68A-4.009, Florida Black Bear Conservation; 68A-9.010, Taking Nuisance Wildlife; and 68A-12.004, Possession or Sale of Birds or Mammals, Taxidermy Operations and Mounting Requirements.

³ While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Article IV, Sec. 9. Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

B. General Listed Species Surveys

1. The Licensee shall coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in FWC's Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.

2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies.

[Article IV, Sec. 9. Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

C. Specific Listed Species Surveys

1. Before land clearing and construction activities occur within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, the Licensee shall conduct an assessment for listed species and shall note all habitat and occurrence or evidence of listed species. Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the

SECTION B: SPECIFIC CONDITIONS

species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

2. The surveys shall be conducted in accordance with FWC and U.S. Fish and Wildlife Service (FWS) 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.

3. The surveys shall identify any wading bird colonies within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers that may be affected.

4. The surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with global positioning system (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, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.

5. The surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers prior to land clearing and construction activities. The vegetation communities can be described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) scheme at the third degree of detail, or a wildlife-based habitat classification scheme such as that used in Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)*.

*Florida Fish and Wildlife Conservation Commission. 2012. Florida's State Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; and Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

D. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in E through K below, within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these conditions of certification, they shall occur in the reproductive season prior to the anticipated date for commencement of clearing and

SECTION B: SPECIFIC CONDITIONS

construction. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office, the FWC, and the USFWS.

3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species to be impacted minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>), or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in E.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.

2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

F. Wading Birds

1. The Licensee shall conduct surveys for nesting wading birds during their breeding season, which extends from March through August. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide.

SECTION B: SPECIFIC CONDITIONS

2. If there is evidence of nesting during this period, any wading bird nest sites shall be buffered by 100 meters (328 feet) to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, FA.C.]

G. Florida Sandhill Crane

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes immediately prior to any clearing and construction that occurs during the January through August breeding season. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide and the FWC Nongame Technical Report No. 15 (http://f50006a.eos-intl.net/ELIBSQL12_F50006A_Documents/97stys.pdf), which provides guidance on survey methods for Florida sandhill cranes.

2. If there is evidence of nesting during this period, any active Florida sandhill crane nests shall be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, FA.C.]

H. Bald Eagle

1. If bald eagle nests are identified within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and consult with the FWC to determine the steps appropriate to avoid, minimize, or mitigate, or otherwise appropriately address potential impacts in accordance with the FWC Bald Eagle Management Plan.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

I. Southeastern American Kestrel

1. Surveys for Southeastern American kestrels shall be conducted during the nesting season (May to July) of existing power poles and in appropriate potential habitats in advance of demolition, clearing, and construction activities. Survey guidelines, reporting criteria, and habitat needs for the Southeastern American kestrel can be found within the FWCG at the following website: http://fwcg.myfwc.com/docs/American_Kestrel_Technical_Report.pdf. The Licensee shall coordinate with the FWC prior to conducting surveys to ensure that surveys are in accordance with the FWC-approved protocol.

2. If there is evidence of nesting during this period, any Southeastern American kestrel nest sites shall be buffered by 150 meters to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal of existing wooden power poles, removal or trimming of trees with active nests is unavoidable, or if

SECTION B: SPECIFIC CONDITIONS

maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

J. Eastern Indigo Snake

1. The Licensee shall consult with the USFWS and FWC to ensure measures to avoid the “take” of Eastern indigo snakes on the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers are implemented during construction and operation, in accordance with the Standard Protection Measures for the Eastern Indigo Snake (USFWS 2013). The Eastern indigo snake protection/education plan (Plan) has been developed by the USFWS. At least 30 days prior to any clearing/land alteration activities, the Licensee shall notify the USFWS North Florida Ecological Services Office at jaxregs@fws.gov that the Plan will be implemented.

2. Pre-Construction Activities:

a. The Licensee will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. Please see the following link for a sample poster: http://www.fws.gov/northflorida/indigosnakes/20130812_EIS%20Standard%20Protection%20Measures_final.pdf

b. Prior to the onset of construction activities, the Licensee will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office.

c. Construction staff will be informed that in the event that an Eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification to the USFWS North Florida Ecological Services Office.

3. During Construction Activities:

a. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an Eastern indigo snake sighting (e.g. discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).

b. If an Eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.

c. Periodically during construction activities, the Licensee’s designated agent should visit the project area to observe the condition of the posters and Plan materials, and

SECTION B: SPECIFIC CONDITIONS

replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any Eastern indigo snakes are seen.

4. Post-Construction Activities:

a. Whether or not Eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the USFWS North Florida Ecological Services Office within 60 days of project completion. The report can be sent electronically to jaxregs@fws.gov.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

K. Federally Listed Species

The Licensee shall consult with the USFWS as, in addition to Eastern indigo snake, the site may contain suitable habitat for the federally listed species identified in Table 1, to avoid the “take” of federally listed species within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, during construction and operation.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

L. Avian Protection Plan

The Project will be constructed in accordance with FPL's existing Avian Protection Plan, which is designed to reduce the potential for avian mortality consistent with USFWS guidelines. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

https://birdreport.fws.gov/AVIAN_PROTECTION_PLAN_April2005.pdf

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

V. DEPARTMENT OF STATE – DIVISION OF HISTORICAL RESOURCES

A. After the ROW has been selected, the Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the Certified Corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the project and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROQW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts are discovered at any time within the project site, the Licensee shall notify the DEP Northeast District office and the DHR, R.A. Gray

SECTION B: SPECIFIC CONDITIONS

Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061, 403.531, and 872.02, F.S.]

VI. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Only herbicides registered by the U.S. Environmental Protection Agency and the Florida Department of Agriculture and Consumer Services shall be used at Certified Facilities. Herbicide applications will be in accordance with label directions and will be carried out by a licensed applicator, in compliance with all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used unless effects on non-targeted vegetation are minimized.

[Chapter 487, F.S.]

VII. AFFECTED LOCAL GOVERNMENTS

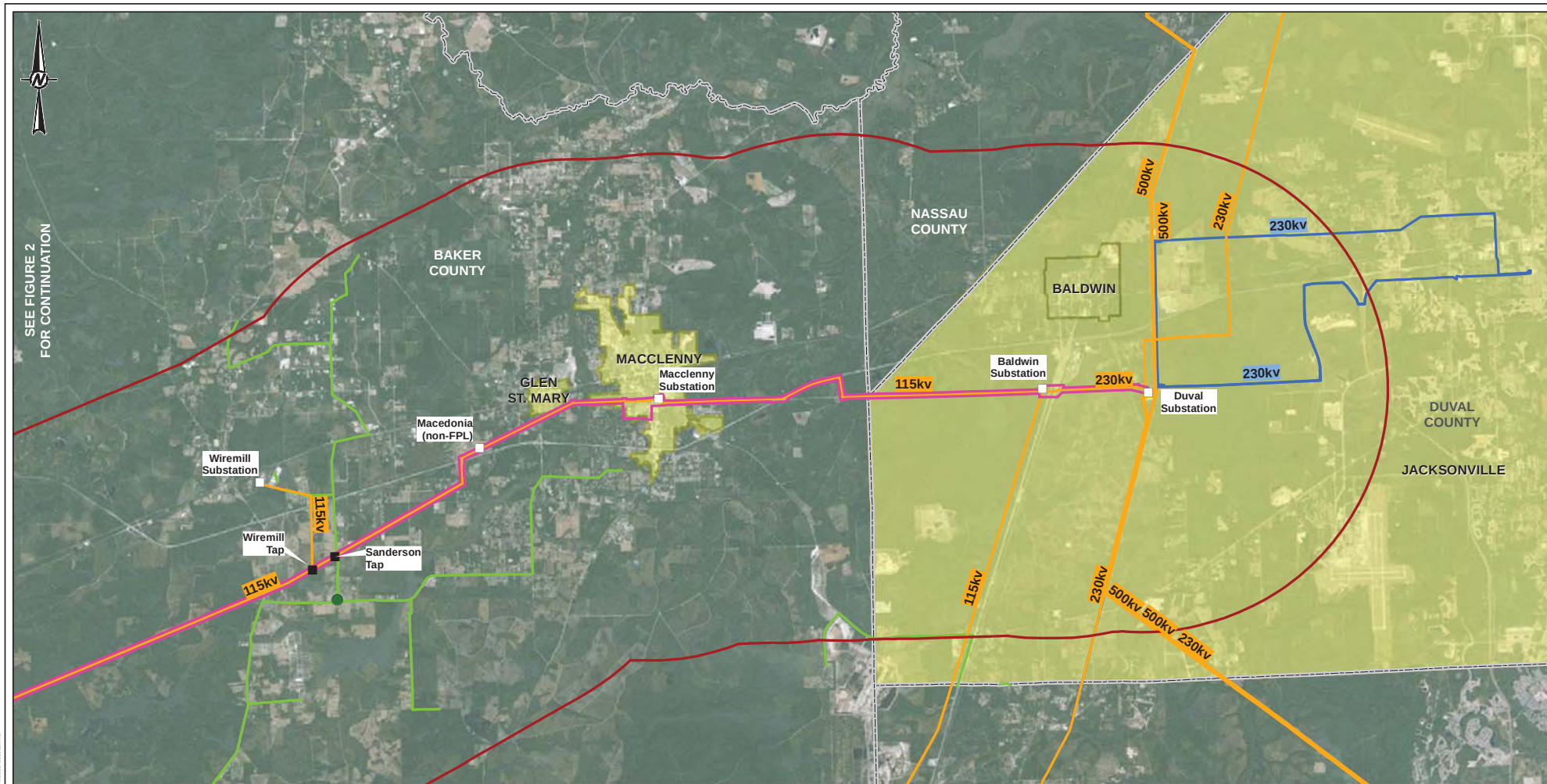
A. Flood Control Protection

The project shall be constructed in a manner that complies with any applicable non-procedural County flood protection requirements.

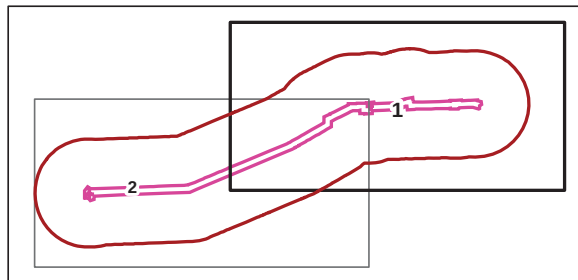
ATTACHMENTS

ATTACHMENT A: Certified Corridor Maps

PROPOSED

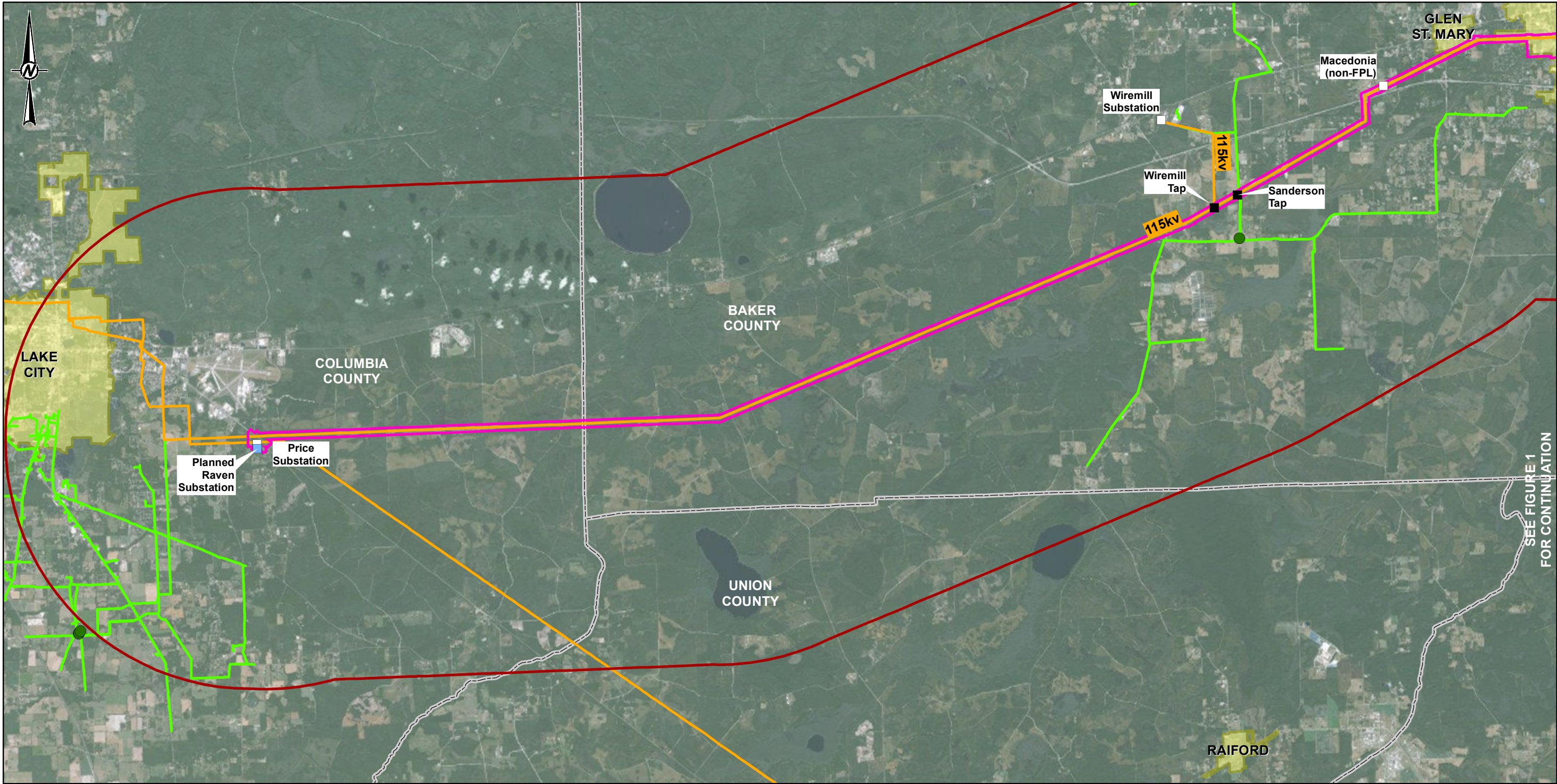


- LEGEND**
-  Existing Substation
 -  Existing Tap
 -  Clay Electric Co-op Substation
 -  Existing FPL Transmission Line
 -  Existing JEA Transmission Line
 -  Clay Electric Co-op Infrastructure
 -  County Boundary
 -  5-Mile Corridor Buffer
 -  City Boundary
 -  Proposed Corridor



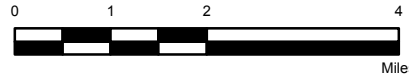
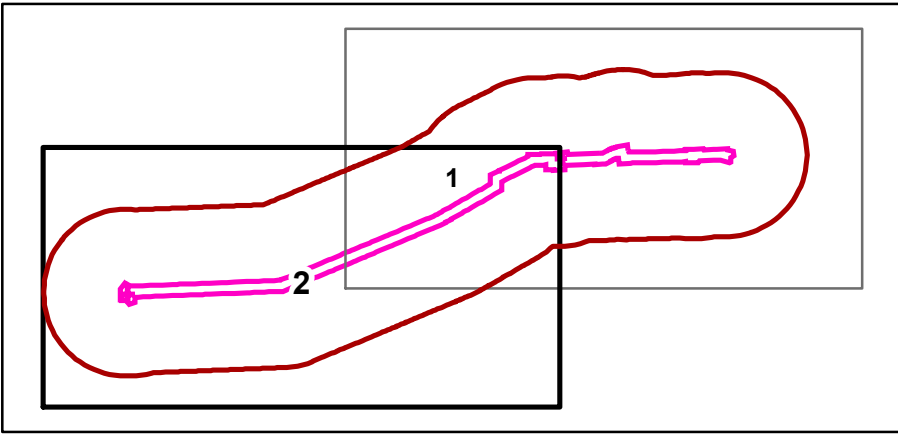
CLIENT
FLORIDA POWER & LIGHT

YYYY-MM-DD	2015-09-17
DESIGNED	CJH
PREPARED	CJH
REVIEWED	KLH
APPROVED	RAZ



SEE FIGURE 1
FOR CONTINUATION

- LEGEND**
- Existing Substation
 - Existing Tap
 - Planned Substation
 - Clay Electric Co-op Substation
 - Existing FPL Transmission Line
 - Clay Electric Co-op Infrastructure
 - County Boundary
 - 5-Mile Corridor Buffer
 - City Boundary
 - Proposed Corridor



CLIENT
FLORIDA POWER & LIGHT



YYYY-MM-DD	2015-09-17
DESIGNED	CJH
PREPARED	CJH
REVIEWED	KLH
APPROVED	RAZ

- REFERENCE(S)**
- TRANSMISSION AND SUBSTATION INFRASTRUCTURE - FPL, 2015
 - COUNTY BOUNDARIES - FLORIDA GEOGRAPHIC DATA LIBRARY, 2011
 - CITY BOUNDARIES - FLORIDA GEOGRAPHIC DATA LIBRARY, 2014
 - BASE IMAGERY - SOURCE: ESRI, DIGITALGLOBE, GEOEYE, EARTHSTAR GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEX, GETMAPPING, AEROGRIID, IGN, IGP, SWISSTOPO, AND THE GIS USER COMMUNITY - ACCESSED 10/1/2015

PROJECT
DUVAL-RAVEN 230-KV TRANSMISSION LINE
CORRIDOR

TITLE
**DUVAL-RAVEN CORRIDOR, LOCATION, AND
EXISTING TRANSMISSION LINES WITHIN 5 MILES**

PROJECT NO. 15-28733	CONTROL 1528733C003.MXD	REV. 0	FIGURE () 1-3 (2 of 2)
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ATTACHMENTS

ATTACHMENT B: Final ROW Maps

PROPOSED

ATTACHMENT C: Surface Water Management System (SWMS) Operation and Maintenance Requirements

1. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall be in accordance with the designs, plans, calculations, and other specifications that are submitted with any Application, amendment, or modification and approved by the Department.
2. A registered professional must perform inspections annually after conversion of the project to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of the stormwater management system or other surface water management systems that may endanger public health, safety, or welfare, or the water resources, and to insure that systems are functioning as designed and approved. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department's Northeast District Office and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".
3. If deficiencies are found, FPL will be responsible for correcting the deficiencies so that the project is returned to the operational functions as designed and approved. The corrections must be done a timely manner to prevent compromises to flood protection and water quality.
4. If the operational maintenance and corrective measures are insufficient to enable the systems to meet the performance standards of this chapter, FPL must either replace the systems or construct an alternative design.
5. The FPL shall provide for periodic inspections in addition to the annual inspections, especially after heavy rain. FPL must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and approved, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the permit, a report shall be submitted electronically or in writing to the Department's Northeast District Office and SCO using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.
6. FPL shall immediately notify the Department by telephone whenever a serious problem occurs at this facility. Notification shall be made to the Northeast District Office at (904) 256-1700. Within 7 days of telephone notification, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the extent of the problem, its cause, the remedial actions taken to resolve the problem.
7. The following operational maintenance activities shall be performed on approved systems on a regular basis or as needed:
 - (1) Removal of trash and debris from the surface water management systems,
 - (2) Inspection of culverts, culvert risers, pipes and screwgates for damage, blockage, excessive leakage or deterioration, if applicable,

ATTACHMENTS

- (3) Inspection of stormwater berms, if applicable,
 - (4) Inspection of pipes for evidence of lateral seepage,
 - (5) Inspection of flapgates for excessive backflow or deterioration, if applicable,
 - (6) Removal of sediments when the storage volume or conveyance capacity of the surface water management system is below design levels,
 - (7) Stabilization and restoration of eroded areas,
 - (8) Inspection of pump stations for structural integrity and leakage of fuel or oil to the ground or surface water, if applicable, and
 - (9) Inspection of monitoring equipment, including pump hour meters and staff gauges, for damage and operational status, if applicable.
8. In addition to the practices listed above, specific operational maintenance activities are required, if applicable, depending on the type of approved system, as follows:
- (1) Overland flow systems shall include provisions for:
 - a. Mowing and removal of clippings, and
 - b. Maintenance of spreader swales and overland flow areas to prevent channelization.
 - (2) Spray irrigation systems for reuse/disposal shall include provisions for:
 - a. Inspection of the dispersal system, including the sprayheads or perforated pipe for damage or clogging, and
 - b. Maintenance of the sprayfield to prevent channelization.
 - (3) Treatment systems which incorporate isolated wetlands shall include provisions for:
 - a. Stabilization and restoration of channelized areas, and
 - b. Removal of sediments which interfere with the function of the wetland or treatment system.

ATTACHMENTS

ATTACHMENT D: Mitigation Plans

Mitigation Plans shall be submitted in accordance with Condition A.XXVI of this License as applicable.

PROPOSED

APPENDIX II– AGENCY REPORTS

APPENDIX II-A – PUBLIC SERVICE COMMISSION NEED DETERMINATION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Duval-Raven 230 kV transmission line in
Baker, Columbia, Duval, and Nassau Counties,
by Florida Power & Light Company.

DOCKET NO. 150263-EI
ORDER NO. PSC-16-0091-FOF-EI
ISSUED: March 4, 2016

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman
LISA POLAK EDGAR
ART GRAHAM
RONALD A. BRISÉ
JIMMY PATRONIS

FINAL ORDER APPROVING DETERMINATION OF NEED
FOR AN ELECTRICAL TRANSMISSION LINE

APPEARANCES:

William P. Cox, ESQUIRE, 700 Universe Blvd., Juno Beach, Florida 33408
On behalf of Florida Power & Light Company (FPL).

Lee Eng Tan and Charles Murphy, ESQUIRES, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission (Staff).

Mary Anne Helton, Deputy General Counsel, Florida Public Service Commission,
2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
Advisor to the Florida Public Service Commission.

BY THE COMMISSION:

BACKGROUND

On December 11, 2015, Florida Power & Light Company (FPL) filed a notice of intent to file a petition for Determination of Need for Duval-Raven 230 kV transmission line in Baker, Columbia, Duval, and Nassau Counties, pursuant to Section 403.537, Florida Statutes (F.S.), and Rule 25-22.075, Florida Administrative Code (F.A.C.). On January 11, 2016, FPL filed its petition to determine need for electrical transmission line. Notice of the filing of FPL's petition was provided in accordance with applicable statutes and rules to those persons requesting notice and to counties and regional planning councils in whose jurisdiction the transmission line could be placed.

A Prehearing Conference was held on February 10, 2016. The administrative hearing was held on February 24, 2016 and none of the issues were contested. Our bench decision is set forth below.

DECISION

As provided in section 403.537, F.S., we are required to take the following into account in determining the need for a proposed transmission line subject to our review under Florida's Transmission Line Siting Act (sections 403.52-403.5365, F.S.):

[T]he need for electric system reliability and integrity; the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state; the appropriate starting and ending point of the line; and other matters within [our] jurisdiction deemed relevant to the determination of need.

Need for Electric System Reliability and Integrity

FPL has demonstrated a need for the proposed Duval-Raven 230 kV transmission line project, taking into account the need for electric system reliability and integrity. This transmission line is needed to: (a) serve the forecasted load and customer base in FPL's North Region; (b) increase the capacity of the existing 230 kV transmission network between the Duval, Baldwin, and Bradford Substations and relieve the loading on the existing 115 kV transmission network between the Baldwin, Bradford, and Columbia Substations consistent with the reliability standards and criteria established by the North American Electric Reliability Corporation; and (c) provide another electrical feed from the Duval Substation in Duval County to the Lake City area in Columbia County largely adjacent to an existing 115 kV transmission network. FPL's studies estimate that the proposed project would reduce transmission losses by approximately 6.2 MW at peak load. Therefore, the proposed Duval-Raven 230 kV transmission line project shall maintain and improve the reliability and improve the power transfer capability to FPL's customers in this area.

The need for transmission system upgrades is most frequently based on potential overload or low voltage conditions associated with contingency events, which occur when a facility such as a generator, transmission circuit or transformer is disconnected from the system. The record in this case demonstrates that if FPL does not add or improve transmission capacity in the projected service area by December 2018, potential overloads ranging from 9 to 14 percent of the thermal line rating for certain existing lines are forecasted under certain contingencies.

For these reasons, we find that FPL's Duval-Raven 230 kV transmission line project is needed to preserve electric system reliability and integrity.

Need for Abundant, Low-Cost Electrical Energy to Assure the Economic Well-Being of the Citizens of this State

FPL has demonstrated a need for the proposed Duval-Raven 230 kV transmission line project, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the state. The record in this case demonstrates that the proposed Duval-Raven 230 kV transmission line project is the most cost-effective and efficient means to both reinforce the existing 230 kV and 115 kV networks and provide electrical service to existing and future load areas and substations within the Baldwin-Columbia-Bradford transmission facilities.

The estimated capital cost of the proposed Duval-Raven 230 kV transmission line project is \$71 million, including approximately \$15 million for the new Raven substation. Approximately 96% of the length of the new transmission line will be located within an existing transmission line right-of-way. While the final cost is subject to the final route and other conditions that could be imposed through the Transmission Line Siting Act process, the estimated cost appears reasonable.

FPL evaluated three alternatives to the proposed Duval-Raven Project. Alternative I consists of ampacity upgrades of several line sections, some of the sections requiring reconductoring, in the existing 115 kV transmission lines in the region and installation of additional substation equipment to provide voltage support. The estimated capital cost of Alternative I is \$101 million. Alternative I would reduce transmission losses by approximately 0.5 MW at peak load and delay the construction of additional 230 kV transmission upgrades by six years. Alternative I was rejected by FPL based upon economics, potential construction delays due to required clearances for reconductoring the existing 115 kV transmission line sections, the lack of future transmission network flexibility, and the fact it would require significant future transmission improvements in the area. Alternatives II and III consist of various configurations of a new 230 kV transmission line connecting the existing Suwannee River or Fort White substations with the existing Columbia substation. Alternatives II and III would provide a long term transmission solution, but would require additional rights of way acquisitions and expansion of the existing Columbia Substation which is built out and located in a residential area. Therefore, Alternatives II and III were not considered practical or feasible options by FPL.

Appropriate Starting and Ending Points

We find that a new transmission line sited west from FPL's existing Duval Substation in Duval County to FPL's planned Raven Substation in Columbia County will be the most reliable, cost-effective means to serve the projected load growth within Baker, Bradford, Columbia, and Union Counties. The record demonstrates that the appropriate starting and ending points are the Duval Substation and the planned Raven Substation, respectively. The Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission line.

Decision

We approve FPL's petition for determination of need for the Duval-Raven 230 kV transmission line project starting in December 2018, taking into account the need for electric system reliability and integrity, and the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state. We find that the appropriate starting and ending points of the line are the existing Duval Substation in Duval County and FPL's planned Raven Substation in Columbia County, respectively. We note that the Transmission Line Siting Board will make the final determination concerning the length and route of the transmission line. FPL has adequately demonstrated the need for the proposed project according to the criteria prescribed in section 403.537, F.S. This Order memorializing our decision will serve as our report to the Department of Environmental Protection.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's petition for determination of need for the Duval-Raven 230 kV transmission line in Baker, Columbia, Duval, and Nassau Counties is granted. It is further

ORDERED that Florida Power & Light Company's Duval-Raven 230 kV transmission line project is needed, taking into account the criteria set forth in section 403.537, Florida Statutes. Is it further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 4th day of March, 2016.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

TLT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

APPENDIX II-B – DEPARTMENT OF TRANSPORTATION



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

April 11, 2016

Cindy Mulkey, Program Administrator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

RE: Florida Power & Light Duval-Raven Transmission Line
DOAH Case No.: 16-0276TL
DEP OGC Case No.: 16-0012

Dear Ms. Mulkey:

Enclosed is the Florida Department of Transportation's Agency Report dated April 11, 2016, for the Florida Power & Light Duval-Raven Transmission Line Application TA16-17.

If you have any questions, please call me at 414-5294 or Jasmin Raffington, Siting Coordinator, at 850-414-5266.

Sincerely,

Kimberly C. Menchion
Assistant General Counsel

KCM/kdc

Cc: All Parties of Record
Jasmin Raffington

FLORIDA DEPARTMENT OF TRANSPORTATION
Agency Report Submitted April 11, 2016

FLORIDA POWER & LIGHT
DUVAL-RAVEN TRANSMISSION LINE
TRANSMISSION LINE CERTIFICATION APPLICATION TA16-17

SECTION I. CORRIDOR LOCATION ISSUES

No outstanding issues.

SECTION II. OUTSTANDING SUFFICIENCY ISSUES

No outstanding issues.

SECTION III. VARIANCES TO STANDARDS

No variances requested.

SECTION IV. SPECIAL USE PERMISSIONS

No special use permissions requested.

SECTION V. RECOMMENDATION FOR CERTIFICATION

Florida Power & Light (FPL) is seeking certification of the proposed Duval-Raven Transmission Line under the Florida Transmission Line Siting Act (TLSA). The transmission line is proposed largely within existing FPL right of way and permitted crossings of Florida Department of Transportation right of way that extend approximately 39 miles from the existing FPL Duval substation, in the City of Jacksonville, to the proposed Raven substation, in Columbia County.

The transmission line also crosses the CSX railroad at United States 301/Baldwin Yard, and the Norfolk Southern railroad at State Road 100 in Columbia County. The applicant is encouraged to coordinate with CSX Corridor Occupancy Services at (904) 279-3956, and Norfolk Southern Utilities at NSUtilities@aecom.com to ensure compliance with any applicable requirements.

The Florida Department of Transportation recommends the certification of the referenced proposed transmission line siting. This recommendation is made contingent upon the conditions of Section VI being addressed/met.

SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION

6.1 REQUEST FOR RESTRICTED AREAS

No requests for restricted areas are necessary.

6.2 POST CERTIFICATION REVIEW ITEMS

Access Management to the State Highway System: Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

Authority: Chapters 14-96 and 14-97, F.A.C.

Overweight or Overdimensional Loads: Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

Authority: Chapter 316, F.S.; Chapter 14-26, F.A.C.

Use of State of Florida Right of Way or Transportation Facilities: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual; Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

The Duval-Raven Corridor Location maps included in FPL's March 2, 2015, response to Completeness Comments, Exhibit 1, Figure FDEP-SO-1, be modified to accurately reflect the Florida Department of Transportation right of way which was incorrectly identified as FPL right of way. The incorrect references to Florida Department of Transportation right of way are located on Figure FDEP-SO-1, 2 of 36, 7 of 36, 8 of 36, 14 of 36, and 36 of 36. On the referenced Figures, rights of way for State Road 200, Interstate 10, and State Road 100 are highlighted in yellow which the legend delineates as FPL right of way. These locations should be drawn similar to Exhibit 2, 2-1 (2 of 36) with the yellow highlight removed over state right of way.

Permits required by Chapter 14-46, Florida Administrative Code, for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon Florida Department of Transportation right of way are issued by the Jacksonville Maintenance Permits office, (904) 360-5222 and the Lake City Operations Permits office, (386) 961-7153.

Authority: Sections 337.403 and 337.404, F.S.; Chapters 14-15 and 14-46, F.A.C.

Standards: The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and

Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

Authority: Chapter 14-15, F.A.C.

Drainage: Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby.

Authority: Chapter 14-86, F.A.C.

Use of Air Space: Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, Florida Statutes, and Rule 14-60.009, Florida Administrative Code. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C, for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

Authority: Chapter 333, F.S.; Rule 14-60.009, F.A.C.

SECTION VII. BEST MANAGEMENT PRACTICES

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

- Placing a bulletin board on site for carpooling advertisements.
- Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

Authority: Chapter 316, F.S.; Chapter 14-26, F.A.C.

From: [Menchion, Kimberly](#)
To: [Bull, Robert \(Bobby\)](#)
Cc: [Seiler, Ann](#); [SCO \(Shared Mailbox\)](#); [Goorland, Scott](#); [Raffington, Jasmin](#)
Subject: RE: Duval-Raven Conditions
Date: Thursday, May 05, 2016 1:42:23 PM

Bobby,

FPL and DOT have come to agreement on a proposed condition that would replace the condition currently in DOT's agency report. More specifically, the condition which currently states:

"The Duval-Raven Corridor Location maps included in FPL's March 2, 2015, response to Completeness Comments, Exhibit 1, Figure FDEP-SO-1, be modified to accurately reflect the Florida Department of Transportation right of way which was incorrectly identified as FPL right of way. The incorrect references to Florida Department of Transportation right of way are located on Figure FDEP-SO-1, 2 of 36, 7 of 36, 8 of 36, 14 of 36, and 36 of 36. On the referenced Figures, rights of way for State Road 200, Interstate 10, and State Road 100 are highlighted in yellow which the legend delineates as FPL right of way. These locations should be drawn similar to Exhibit 2, 2-1 (2 of 36) with the yellow highlight removed over state right of way."

Would be replaced with:

"For all DOT right of way locations within the corridor, including but not limited to, State Road 200, Interstate 10, and State Road 100, should FDOT conduct activity in the future that may require a temporary or permanent modification or relocation of the FPL transmission structures in such DOT right of way for this project pursuant to applicable regulations and agreements, the cost of such relocation shall be borne by FPL."

This e-mail hereby amends the agency's report. Please let me know if you have any questions or concerns.

Sincerely,

Kimberly Clark Menchion, Esq.
Assistant General Counsel
Florida Department of Transportation
Office of the General Counsel
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458
Phone: (850) 414-5293
Fax: (850) 414-5264

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APPENDIX II-C – DEPARTMENT OF ECONOMIC OPPORTUNITY

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

April 11, 2016

Ms. Cindy Mulkey, Program Administrator
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blairstone Road, MS 5500
Tallahassee, Florida 32399-2400

RE: Florida Power & Light Company Duval-Raven 230kV Transmission Line
Site Certification Application TA16-17

Dear Ms. Mulkey:

Please find enclosed the Department of Economic Opportunity's "Agency Report," prepared and submitted pursuant to Section 403.526, Florida Statutes, for the Florida Power & Light Company Duval-Raven 230kV Transmission Line Site Certification Application TA16-17. On January 12, 2016, Florida Power & Light Company filed its site certification application for the Duval-Raven 230kV Transmission Line under the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes. If you have any questions concerning this Agency Report, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or email at Scott.Rogers@deo.myflorida.com.

Sincerely,

Taylor Teepell, Director
Division of Community Development

TT/sr

Enclosure: Agency Report

cc: Daniel Hronec, Project Manager, Florida Power & Light Company

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

AGENCY REPORT

ON

FLORIDA POWER & LIGHT COMPANY

DUVAL-RAVEN 230KV TRANSMISSION LINE

CERTIFICATION APPLICATION NO. TA16-17

April 11, 2016

Agency Report pursuant to Section 403.526, F.S.

**AGENCY REPORT
ON
FLORIDA POWER & LIGHT COMPANY
DUVAL-RAVEN 230KV TRANSMISSION LINE
CERTIFICATION APPLICATION NO. TA16-17**

On January 12, 2016, Florida Power & Light Company (FPL) filed its Certification Application (Application No. TA16-17) for the Duval-Raven 230kV Transmission Line (Project) under the Florida Electric Transmission Line Siting Act (Sections 403.52 through 403.5365, Florida Statutes (F.S.)). Under the Act, the Florida Department of Environmental Protection (FDEP) coordinates the certification process with input from various state, regional, and local agencies, along with interested citizens. The Florida Department of Economic Opportunity "Agency Report" on the FPL Duval-Raven 230kV Transmission Line (Certification Application TA16-17) is pursuant to Section 403.526, F.S., of the Florida Electric Transmission Line Siting Act and Rule Chapter 62-17.590, Florida Administrative Code.

I. Project Summary

FPL proposes the construction, operation, and maintenance of the Duval-Raven 230 kilovolt (kV) Transmission Line. The proposed electric transmission line extends approximately 39 miles within a transmission line corridor located in four counties (Duval, Nassau, Baker, and Columbia) and three municipalities (City of Jacksonville, City of Macclenny, and Town of Glen St. Mary). The termination points of the proposed transmission line are FPL's existing Duval Substation in southwest Duval County/City of Jacksonville and FPL's planned Raven Substation near Lake City in Columbia County. The Raven Substation will be located adjacent to the existing FPL Price Substation, and the Raven Substation will not be part of the subject Duval-Raven 230kV Transmission Line Siting Act certification application, but it will be addressed through a separate application.

Approximately 96% of the proposed transmission line will be located within existing FPL right-of-way (existing 115kV transmission line). The typical right-of-way width to be utilized for the Duval-Raven transmission line is 100 feet, and the typical FPL existing right-of-way width along the length of the project area is either 100 feet or 170 feet. Additional right-of-way for the transmission line will be needed in: (1) the City of Macclenny (length of 0.75 mile); (2) the area adjacent to the planned Raven Substation (length of approximately 0.1 mile); and (3) locations where the Duval-Raven transmission line would have a new angle or corner structure along the existing 115kV transmission line right-of-way, including the crossings of the CSX railroad, US 301, Interstate-10, and State Road 100. FPL proposes that the transmission line be in service by December 2018.

The typical structures to be used for the Duval-Raven transmission line project will be single-pole double-circuit 230-115kV structures, generally co-locating the transmission line with

the existing 115kV line in the existing FPL right-of-way. The typical aboveground structure heights will range from approximately 87 feet to 95 feet. The typical span lengths between structures will range from approximately 550 feet to 850 feet along the existing FPL right-of-way and approximately 250 feet to 350 feet along the proposed new right-of-way within the City of Macclenny. Unpaved access roads are in place within the existing right-of-way and will be used for construction and long-term maintenance of the transmission line. Where adequate access roads do not exist, new unpaved roads would be constructed.

According to the Certification Application, the proposed transmission line corridor encompasses approximately 894.21 acres. The existing land uses within the corridor include silviculture, mining, agriculture, roadways and utilities, residential, and commercial. Vegetative communities within and adjacent to the corridor are dominated by areas of planted pines and forest regeneration, upland forest, pasture, shrub and brushland, forested wetlands, ditches, and herbaceous/shrub wetlands.

According to the Certification Application, the Duval-Raven 230kV Transmission Line project is needed in December 2018 in order to: (1) serve the increasing load and customer base in the north region, which includes Brevard, Volusia, Flagler, St. Johns, Putnam, Bradford, Union, Columbia, and Baker Counties, and in particular the area west of the existing Bradford and Baldwin substations and east of the planned Raven substation; (2) increase the capacity of the existing 230kV transmission network between the Duval, Baldwin, and Bradford substations and relieve the loading on the existing 115kV transmission network between the Baldwin, Bradford, and Columbia substations in a reliable manner consistent with the North American Electric Reliability Corporation standards; and (3) provide another electrical feed from the Duval Substation in Duval County to the Lake City area in Columbia County.

II. Recommendations: State Comprehensive Plan (Section 403.526(2)(a)(3), F.S.,

The proposed Duval-Raven 230kV Transmission Line is consistent with the following goals of the State Comprehensive Plan (SCP) (Section 187.201, F.S.):

1. SCP Goal 15 Land Use (Section 187.201(15), F.S.): *"In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner."*

In support of development, the transmission line will enhance the service capacity of the electric power system to accommodate growth in an environmentally acceptable manner (furthers Goal 15).

2. SCP Goal 17 Public Facilities (Section 187.201(17), F.S.): *"Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner."*

The new transmission line enhances the existing and future electric power system and will serve residents in a timely, orderly, and efficient manner (further Goal 17).

3. SCP Goal 21 The Economy (Section 187.201(21), F.S.): *"Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents."*

The transmission line will help provide Florida with a stable source of electric power and this enhances the economic stability of the state (further Goal 21).

III. Local Government Comprehensive Plans and Land Development Regulations **Section 403.526(2)(a)(3), F.S.**

Each local government in Florida is required to adopt a local comprehensive plan as provided in the Community Planning Act (Chapter 163, Part II, F.S.), and pursuant to the Act, each local government is required to adopt land development regulations consistent with and to implement the comprehensive plan. Pursuant to the Act, development orders are required to be consistent with the comprehensive plan and land development regulations. Under Section 163.3164(14), F.S., of the Act, "development" is defined by express reference to Section 380.04, F.S., which states, in part, that *"The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section: (b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like."* Thus, the Duval-Raven 230kV Transmission Line is expressly exempt from constituting "development" for the purpose of local comprehensive plans and land development regulations adopted pursuant to the Community Planning Act; and therefore, approval of the Duval-Raven 230kV Transmission Line would not have to be consistent with the comprehensive plans and land development regulations.

Columbia County: Within Columbia County, the Duval-Raven Project will traverse the following Comprehensive Plan Future Land Use Map categories: (1) Agriculture 1; and (2) Agriculture 3. Comprehensive Plan Future Land Use Element Objective 1.17 states, in part, *"All other essential services, which are hereby defined to include and be limited to electrical transmission and distribution lines, water distribution lines and mains, sanitary sewer collection lines, force mains and lift stations, natural gas transmission and distribution lines and mains, telephone lines and substations and cable television lines shall be exempt from any county approval and shall be permitted in any land use category."* Article 4, Zoning Regulations, Part I, Subsection 4.2.34 Supplementary District Regulations, of the Columbia County Land

Development Regulations, states that poles, wires, and other similar structures are permitted by right in any zone district and are also exempt from district setback requirements.

Baker County: Within Baker County, the Duval-Raven Project will traverse the following Comprehensive Plan Future Land Use Map categories: (1) Agriculture Zone A; (2) Agriculture Zone B; (3) Industrial; (4) High Density Residential Zone C; (5) Residential Zone D; (6) Residential Zone E; (7) Residential Zone F; and (8) Conservation. Baker County Comprehensive Plan Future Land Use Element Policy A.1.9.1 (Adopt LDRs to Enforce the Future Land Use Map) states that the County shall adopt Land Development Regulations (LDRs) that contain the specific and detailed provisions required to implement the adopted Comprehensive Plan. Within Baker County, the Duval-Raven Project will traverse the following zoning districts: (1) Agricultural 10; (2) Agricultural 7.5; (3) Residential Conventional RC 1; and (4) Residential Conventional-Mobile Home RCMH .5 and 2.5. Article III, Zoning, Subsection 3.05.02(A)(1), Special Use Permit, of the Baker County Land Development Regulations, states that essential public and private utility installations are permitted in any zoning district, and essential utility services are defined to include installations for the transmission of electricity. Article III, Zoning, Subsection 3.05.02(A)(2), of the Baker County Land Development Regulations, states that major utility installations are permitted in all zoning districts, and major utility installations are defined to include electric transmission lines exceeding 115 kilovolts and electric transmissions towers.

Nassau County: Within Nassau County, the Duval-Raven Project will traverse the Comprehensive Plan Future Land Use Map category of "Agricultural" and the zoning district of "Open Rural." Within the future land use category of Agricultural, the Nassau County Comprehensive Plan Future Land Use Element allows a variety of agricultural activities, residential use, and states that Agricultural land uses shall be protected from the intrusion of land uses that are incompatible with the conduct of agriculture. Article 28 Supplementary Regulations, Subsection 28.13 Essential Public Services, of the Nassau County Land Development Code, states that essential public services may be permitted in any zoning district, and essential public services are defined to include installations of electrical systems.

Duval County/City of Jacksonville: Duval County and the City of Jacksonville have adopted a joint comprehensive plan. Within Duval County/City of Jacksonville, the Duval-Raven Project will traverse the following Comprehensive Plan Future Land Use Map categories: (1) Agriculture (I, II, III, and IV); and (2) Heavy Industrial. Within Duval County/City of Jacksonville, the Duval-Raven Project will traverse the following zoning districts: (1) Agricultural; (2) Heavy Industrial; and (3) Planned Unit Development.

Within the Agriculture future land use category, the Comprehensive Plan Future Land Use Element identifies allowed principal land uses, including: single-family dwellings; farming; horticulture; forestry and logging; storage; processing and wholesale distribution of farm supplies and products; raising of farm animals and poultry; dude ranches; riding academies; game preserves; bird sanctuaries; fish hatcheries and refuges; watersheds; reservoirs; control structures and wells; retail outlets for live plants, fruit and vegetables, feed, fertilizer and farm supplies; animal hospitals; veterinary clinics; animal boarding places; dog kennels; resource

based activities such as conservation, recreation, and mining activities; renewable energy facilities and uses, such as wind and solar farms; and marinas. Secondary uses include: race tracks; sawmills; bait and tackle shops; commercial hunting and fishing camps; truck stops and similar other supporting commercial uses; sale and service of alcoholic beverages in conjunction with a permitted activity; churches and places of worship; public facilities including schools; and home occupations. Within Agriculture parcels of land are placed in categories (I, II, III, and IV) based on the size of the parcel.

Within the Heavy Industrial future land use category, the Comprehensive Plan Future Land Use Element allows a variety of intensive land uses, including: mining, heavy manufacturing, repair, fabrication, assembly, packaging, processing, distribution, transportation operations, railroad switching yards, solid waste management facilities, and utility plants.

Title XVII-Land Use, Zoning Section, Chapter 655-Concurrency and Mobility Management Section, Part I General Provisions, Subsection 655.105(k)(2) (Definitions) of the Duval County/City of Jacksonville Code of Ordinances, states that “The following operations or uses shall not be taken to involve development as defined herein: (2) Work by any utility and other persons engaged in the distribution or transmission of utilities, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.”

Town of Glen St. Mary: Within the Town of Glen St. Mary, the Duval-Raven Project will traverse the following Comprehensive Plan Future Land Use Map categories: (1) Low Density Residential; and (2) Conservation. The Town’s Comprehensive Plan does not expressly prohibit electric transmission lines within these two Future Land Use Map categories, and Future Land Use Element Policy A.1.3.1(3) states that the Town’s land development regulations will ensure that all future land uses are in accordance with the Town’s Future Land Use Map. Part I. Zoning, Article V. Special Provisions Subsection 5.531 (Public, Semi-Public Uses and Special Uses) of the Town’s Land Development Code, states that essential public and private utility services, such as electrical lines, are permitted in any zoning district.

City of Macclenny: Within the City of Macclenny, the Duval-Raven Project will traverse the following Comprehensive Plan Future Land Use Map categories: (1) Commercial Low Intensity; (2) Commercial Medium Intensity; (3) Commercial High Intensity; (4) Industrial; (5) Mobile Home; (6) Low Density Residential; (7) Medium Density Residential; and (8) Public/Semi-Public. The City of Macclenny Comprehensive Plan Future Land Use Element Policy 1.06.05 establishes the general types of land uses that are allowed within each of these future land use categories as follows:

(a) Low Density Residential: Primarily “single family residential units on individual lots,” with a density ranging from 0 to 5 dwelling units per acre.

(b) Medium Density Residential: Primarily “duplex units and multi-family dwelling units. Single family dwellings, group homes, elementary, junior and senior high schools, housing for the elderly and similar uses ...” Has a density range of 5.1 to 12 dwelling units per acre.

(c) Mobile Home: Primarily “mobile homes on individual lots, mobile home parks, mobile home subdivisions and accessory uses.” Has a density range of 0 to 8 dwelling units per acre.

(d) Commercial, Low Intensity: Primarily “business, professional medical and dental offices, home occupations, single family, duplex and multi-family dwellings and accessory uses.”

(e) Commercial, Medium Intensity: Primarily “retail and service establishments, medical and dental offices and clinics including animal hospitals, and clinics, shopping centers and commercial parking lots. Auto service stations, repair garages, auto sales lots, nightclubs, hospitals, hotels and motels, and multi-family dwellings with accessory uses ...”

(f) Commercial, High Intensity: “A wide array of commercial, civic, public, recreational and residential uses.”

(g) Industrial: Primarily “storage, warehousing and light industrial activities. Manufacturing, railroad switching facilities, truck terminals and outdoor storage yards with accessories ...”

(h) Public and Semi-Public: “This category consists of civic, cultural, government, religious, recreation, utilities and other public necessity uses.”

The City of Macclenny Comprehensive Plan does not expressly address electric transmission lines, but Future Land Use Element Policy 1.12.02 states that electric distribution substations shall be a permissible use in all future land use categories listed in Policy 1.06.05 except Conservation. Chapter 10, Utilities, Section 10-12(a)(1), Placement of electric utilities underground, of the City of Macclenny Unified Land Development Regulations, states that utility lines, such as electric transmission lines that transmit electricity between generating stations and substations, are not required to be installed underground.

IV. Section 403.526(2)(b)1., F.S.

Pursuant to Section 403.526(2)(b)1., F.S., the Agency Report shall contain “A notice of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the proposed electrical power plant to be certified.” The Department of Economic Opportunity has not identified any such nonprocedural requirements.

V. Recommendation for Approval or Denial of the Application (Section 403.526(2)(b)2., F.S.)

Pursuant to Section 403.526(2)(b)2., F.S., the Agency Report shall contain “A recommendation for approval or denial of the site certification application.” The Department of Economic Opportunity concludes that the proposed Duval-Raven 230kV Transmission Line furthers goals of the State Comprehensive Plan and is an efficient use of an existing electric power transmission line right-of-way. Therefore, the Department recommends approval of the Certification Application (Application No. TA16-17) for the FPL Duval-Raven 230kV Transmission Line contingent on the Project meeting all applicable certification requirements.

VI. Proposed Conditions of Certification (Section 403.526(2)(b)3., F.S.)

Pursuant to Section 403.526(2)(b)3., F.S., the Agency Report shall contain *“Any proposed conditions of certification on matters within the jurisdiction of such agency. For each condition proposed by an agency in its report, the agency shall list the specific statute, rule, or ordinance which authorizes the proposed condition.”* The Department of Economic Opportunity has no proposed conditions of certification.

APPENDIX II-D – FLORIDA FISH AND WILDLIFE COMMISSION



**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Brian Yablonski
Chairman
Tallahassee

Aliese P. "Liesa" Priddy
Vice Chairman
Immokalee

Ronald M. Bergeron
Fort Lauderdale

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Tallahassee

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Executive Staff

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MyFWC.com

April 11, 2016

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
ann.seiler@dep.state.fl.us

Re: Transmission Line Site Certification Application TA16-17, Florida Power & Light (FPL) Duval-Raven 230-kilovolt, Agency Report; Duval, Nassau, Baker, and Columbia Counties

Dear Ms. Seiler:

Florida Fish and Wildlife Conservation Commission (FWC) staff has coordinated our agency's review of the Transmission Line Site Certification Application for the Duval-Raven 230 kV Transmission Line and planned Raven substation. We provide the enclosed Agency Report and Recommendations for Conditions to be included in the Duval-Raven 230 kV Transmission Line Certification in accordance with Section 403.526(2)(a), Florida Statutes (F.S.).

Florida Power and Light will need to comply with the State of Florida's listed species requirements found in Chapter 68-27A, Florida Administrative Code (F.A.C.), and Ch. 379, F.S., prior to construction activities of the Duval-Raven 230 kV Transmission Line and Raven substation.

We recommend approval of the Duval-Raven 230 kV Transmission Line and Raven substation, with the inclusion of recommended conditions related to listed species and their habitat; biological survey and monitoring (pre- and post-construction); and mitigation for impacts.

We appreciated the opportunity to review this project. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Laura DiGruttolo by phone at (352) 732-1225 or by email at Laura.Digruttolo@MyFWC.com.

Sincerely,

Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdg/ld

ENV 2-11
FPL Duval Raven Transmission Line Agency Report_letter_30687_041116
Enclosure

cc: Daniel Hronec, Project Manager
Transmission & Substation Siting
Florida Power & Light Company
Daniel.Hronec@FPL.com

Karl Bullock, Associate and Senior Scientist
Golder Associates, Inc.
Karl_Bullock@golder.com



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April 11, 2016

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Dear Ms. Seiler:

Florida Fish and Wildlife Conservation Commission (FWC) staff has coordinated our agency's review of the Transmission Line Site Certification Application for the Duval-Raven 230 kV Transmission Line and planned Raven substation. We provide the enclosed Agency Report and Recommendations for Conditions to be included in the Duval-Raven 230 kV Transmission Line Certification in accordance with Section 403.526(2)(a), Florida Statutes (F.S.).

Florida Power and Light will need to comply with the State of Florida's listed species requirements found in Chapter 68-27A, Florida Administrative Code (F.A.C.), and Ch. 379, F.S., prior to construction activities of the Duval-Raven 230 kV Transmission Line and Raven substation.

We recommend approval of the Duval-Raven 230 kV Transmission Line and Raven substation, with the inclusion of recommended conditions related to listed species and their habitat; biological survey and monitoring (pre- and post-construction); and mitigation for impacts.

We appreciated the opportunity to review this project. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Laura DiGruttolo by phone at (352) 732-1225 or by email at Laura.Digruttolo@MyFWC.com.

Sincerely,

Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdg/ld

ENV 2-11
FPL Duval Raven Transmission Line Agency Report_letter_30687_041116
Enclosure

cc: Daniel Hronec, Project Manager
Transmission & Substation Siting
Florida Power & Light Company
Daniel.Hronec@FPL.com

Karl Bullock, Associate and Senior Scientist
Golder Associates, Inc.
Karl_Bullock@golder.com

Agency Report and Proposed Conditions to be Included in the State Certification

Project Description

Florida Power & Light (FPL) is proposing a service upgrade to a 38.5-mile transmission line which will include new construction, pole replacement, and operation and maintenance of a new 230 kV system. The project extends from the Duval substation (east of U.S. Highway 301 in Baldwin) to the planned Raven substation (State Road 100, southeast of the Lake City Airport). The project will cross through Duval, Nassau, Baker, and Columbia counties with approximately 96 percent of its length accommodated by existing FPL right-of-way. Additional rights-of-way will be acquired near Macclenny and the Raven substation. While performing the upgrade, all wooden poles will be replaced with single-pole spun concrete structures matched up to existing pole locations. Dominant land covers within the new corridors consist of wetland forested mixed and pine plantation. Wetland impacts are expected during placement of dirt-filled permanent service pads at pole bases which are needed to provide equipment stability during pole removal, installation, and future line maintenance.

Potentially Affected Resources

The Duval-Raven 230 kV Transmission Line will be located within FPL's existing 100- and 170-foot right-of-ways, using portions of the right-of-way that are already improved and maintained. These portions of the project area do not contain significant areas of preferred wildlife habitat. As discussed in the application, several listed species were observed during a preliminary survey within a 0.25-mile buffer around the right-of-way: little blue heron, white ibis, and American alligator.

Based upon habitats identified within the corridor and the buffer, the following additional species have a moderate to high likelihood of occurring within and immediately adjacent to the project area: frosted flatwoods salamander, Eastern indigo snake, gopher tortoise, gopher frog, Florida pine snake, burrowing owl, snowy egret, tricolored heron, Southeastern American kestrel, Florida sandhill crane, wood stork, Florida black bear, and Sherman's fox squirrel. A list of all state- and federally listed species potentially impacted by the project and their listing status is included in the proposed conditions.

On a case-by-case basis, either a relocation or incidental take permit may be required for each impacted species. If there is evidence that any individuals of these species are present, then the applicant must report the findings to the FWC. If impacts to these species cannot be avoided, then the applicant must contact the FWC before taking any action that might result in an impact to those species, as indicated in the recommended Conditions of Certification proposed below.

Proposed Conditions

We recommend approval of Florida Power and Light's Duval-Raven 230 kV Transmission Line with the following proposed conditions to be included in the special conditions as part of the certification process related to specific listed species and their habitat, biological survey and monitoring (pre- and post-construction), and mitigation for impacts.

DUVAL-RAVEN 230 kV TRANSMISSION LINE SITE CONDITIONS OF CERTIFICATION

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. *Listed Species Conditions*

The following table contains state- and federally listed wildlife species that occur in the State of Florida and may occur within the Duval-Raven 230 kV Transmission Line project site and therefore may be impacted by the activities proposed within the corridor. Therefore, these recommended conditions of certification apply to the species listed in this table.

Common Name	Scientific Name	Status ¹
American alligator	<i>Alligator mississippiensis</i>	FT (S/A)
Bald eagle	<i>Haliaeetus leucocephalus</i>	NL ²
Burrowing owl	<i>Athene cunicularia floridana</i>	SSC
Eastern indigo snake	<i>Drymarchon corais couperi</i>	FT
Florida black bear	<i>Ursus americanus floridanus</i>	NL ³
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST
Frosted flatwoods salamander	<i>Ambystoma cingulatum</i>	FT
Gopher frog	<i>Rana capito</i>	SSC
Gopher tortoise	<i>Gopherus polyphemus</i>	ST
Limpkin	<i>Aramus guarauna</i>	SSC
Little blue heron	<i>Egretta caerulea</i>	SSC
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC
Snowy egret	<i>Egretta thula</i>	SSC
Southeastern American kestrel	<i>Falco sparverius paulus</i>	ST
Tricolored heron	<i>Egretta tricolor</i>	SSC
White ibis	<i>Eudocimus albus</i>	SSC
Wood stork	<i>Mycteria americana</i>	FT

SSC = Species of Special Concern; E = Endangered; T = Threatened; FT (S/A) = Federally Threatened due to similarity of appearance

¹ Species' legal statuses are subject to change. Recent changes to 68A-27, F.A.C., make it likely that statuses of state-listed species may change before the Licensee commences work. Additionally, the list is now comprised of both federally designated endangered and threatened species, and state-designated threatened species and species of special concern. The Licensee shall refer to the law in effect at the time it begins an activity subject to being affected by listed species regulations.

² While the Florida black bear has been delisted, it is governed by 68A-4.001, General Prohibitions; 68A-4.009, Florida Black Bear Conservation; 68A-9.010, Taking Nuisance Wildlife; and 68A-12.004, Possession or Sale of Birds or Mammals, Taxidermy Operations and Mounting Requirements.

³ While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

[Article IV, Sec. 9. Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

B. General Listed Species Surveys

1. The Licensee shall coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers within the rights-of-way as defined by the listed species' survey protocols, prior to conducting detailed surveys. Guidance related to general and species-specific survey protocols can be found in FWC's Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.
2. Surveys shall be conducted prior to clearing and construction in accordance with the survey protocols. The results of those surveys shall be provided to FWC in a report and coordination shall occur with the FWC on appropriate impact avoidance, minimization, or mitigation methodologies.

[Article IV, Sec. 9. Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

C. Specific Listed Species Surveys

1. Before land clearing and construction activities occur within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, the Licensee shall conduct an assessment for listed species and shall note all habitat and occurrence or evidence of listed species. Wildlife surveys shall be conducted in the reproductive or "active" season for each species that falls before the projected clearing activity schedule unless otherwise approved by the FWC. For species that are difficult to detect, the Licensee may make the assumption that the species is present and plan appropriate avoidance/mitigation measures after consultation and approval from the FWC. The Licensee will submit avoidance/mitigation measures for FWC post-certification review and approval at least 60 days prior to commencing clearing or construction activities

within the surveyed area. The surveys required by these conditions of certification may be conducted prior to issuance of the final order of certification, in which case this condition would be considered satisfied.

2. The surveys shall be conducted in accordance with FWC and U.S. Fish and Wildlife Service (FWS) 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.
3. The surveys shall identify any wading bird colonies within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers that may be affected.
4. The surveys shall identify locations of breeding sites, nests, and burrows for listed wildlife species. Nests and burrows may be recorded with global positioning system (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, the FWC prefers that any applicable protection radii surrounding groups of nest sites and burrows be included on a site-specific basis, rather than around individual nests and burrows, and be physically marked so that clearing and construction shall avoid impacting them.
5. The surveys shall include an estimate of the acreage and percent cover of each existing vegetation community that is contained within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers prior to land clearing and construction activities. The vegetation communities can be described using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) scheme at the third degree of detail, or a wildlife-based habitat classification scheme such as that used in Florida's State Wildlife Action Plan (FWC 2012), Descriptions of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (Florida Natural Areas Inventory 2010)*.

*Florida Fish and Wildlife Conservation Commission. 2012. Florida's State Wildlife Legacy Initiative: Florida's State Wildlife Action Plan. Tallahassee, Florida.

Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; and Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

D. Listed Species Locations

1. Where any suitable habitat or evidence is found of the presence of listed species, including but not limited to those specified in E through K below, within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and confer with the FWC regarding the need for additional pre-clearing surveys, and to identify potential avoidance, minimization, or mitigation recommendations. If additional pre-clearing surveys are required by the FWC as appropriate and as specified in these

conditions of certification, they shall occur in the reproductive season prior to the anticipated date for commencement of clearing and construction. The Licensee shall not construct in areas where evidence of listed species was identified during the initial survey until the particular listed species issues have been resolved.

2. If listed wildlife species are found, their presence shall be reported to the DEP Siting Coordination Office, the appropriate DEP District Office, the FWC, and the USFWS.
3. If avoidance of state-listed wildlife species is not feasible, the Licensee shall consult with the FWC to determine the steps appropriate for the species to be impacted minimize, mitigate, or otherwise appropriately address the potential impacts. These steps shall be memorialized in a Wildlife Management Plan and submitted to the FWC.

[Article IV, Sec. 9, Fla. Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

E. Gopher Tortoise

1. The Licensee shall conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (as revised) and the FWC-approved Gopher Tortoise Permitting Guidelines (<http://myfwc.com/media/2984206/GT-Permitting-Guidelines-FINAL-Feb2015.pdf>), or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4 of the Gopher Tortoise Permitting Guidelines, "Methods for Locating Gopher Tortoise Burrows on Sites Slated for Development." Surveys must be conducted as described in E.3 below. Surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC.
2. The Licensee is not required to provide a monitoring compliance assessment for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow, harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
3. The Licensee shall coordinate with and provide the FWC detailed gopher tortoise relocation information in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This information shall provide details on the location for on-site recipient areas and any off-site FWC-approved temporary contiguous habitat, as well as appropriate mitigation contributions per tortoise, as outlined in the Gopher Tortoise Permitting Guidelines.

4. Any commensal species observed during the burrow excavations that are listed by the FWC shall be relocated in accordance with the applicable guidelines for that species in accordance with Appendix 9 of the Gopher Tortoise Permitting Guidelines.
5. To the maximum extent practicable or feasible, all staging and storage areas shall be sited to avoid impacts to gopher tortoise burrows and habitat.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-004 and 68A-27, F.A.C.]

F. Wading Birds

1. The Licensee shall conduct surveys for nesting wading birds during their breeding season, which extends from March through August. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide.
2. If there is evidence of nesting during this period, any wading bird nest sites shall be buffered by 100 meters (328 feet) to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

G. Florida Sandhill Crane

1. The Licensee shall conduct surveys for nesting Florida sandhill cranes immediately prior to any clearing and construction that occurs during the January through August breeding season. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide and the FWC Nongame Technical Report No. 15 (http://f50006a.eos-intl.net/ELIBSQL12_F50006A_Documents/97stys.pdf), which provides guidance on survey methods for Florida sandhill cranes.
2. If there is evidence of nesting during this period, any active Florida sandhill crane nests shall be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

H. Bald Eagle

1. If bald eagle nests are identified within the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers, the Licensee shall report those locations to and consult with the FWC to determine the steps

appropriate to avoid, minimize, or mitigate, or otherwise appropriately address potential impacts in accordance with the FWC Bald Eagle Management Plan.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

I. Southeastern American Kestrel

1. Surveys for Southeastern American kestrels shall be conducted during the nesting season (May to July) of existing power poles and in appropriate potential habitats in advance of demolition, clearing, and construction activities. Survey guidelines, reporting criteria, and habitat needs for the Southeastern American kestrel can be found within the FWCG at the following website:
http://fwcg.myfwc.com/docs/American_Kestrel_Technical_Report.pdf. The Licensee shall coordinate with the FWC prior to conducting surveys to ensure that surveys are in accordance with the FWC-approved protocol.
2. If there is evidence of nesting during this period, any Southeastern American kestrel nest sites shall be buffered by 150 meters to avoid disturbance by human activities. If nesting is discovered after construction has begun, or the removal of existing wooden power poles, removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the Licensee shall consult with the FWC to determine the steps appropriate to minimize, mitigate, or otherwise appropriately address potential impacts.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

J. Eastern Indigo Snake

1. The Licensee shall consult with the USFWS and FWC to ensure measures to avoid the “take” of Eastern indigo snakes on the Duval-Raven 230 kV Transmission Line rights-of-way, construction staging areas, and accessible appropriate buffers are implemented during construction and operation, in accordance with the Standard Protection Measures for the Eastern Indigo Snake (USFWS 2013). The Eastern indigo snake protection/education plan (Plan) has been developed by the USFWS. At least 30 days prior to any clearing/land alteration activities, the applicant shall notify the USFWS North Florida Ecological Services Office at jaxregs@fws.gov that the Plan will be implemented.
2. Pre-Construction Activities:
 - a. The Licensee will post educational posters in the construction office and throughout the construction site, including any access roads. The posters must be clearly visible to all construction staff. Please see the following link for a sample poster:
http://www.fws.gov/northflorida/indigosnakes/20130812_EIS%20Standard%20Protection%20Measures_final.pdf

- b. Prior to the onset of construction activities, the Licensee will conduct a meeting with all construction staff (annually for multi-year projects) to discuss identification of the snake, its protected status, what to do if a snake is observed within the project area, and applicable penalties that may be imposed if state and/or federal regulations are violated. An educational brochure including color photographs of the snake will be given to each staff member in attendance and additional copies will be provided to the construction superintendent to make available in the onsite construction office.
 - c. Construction staff will be informed that in the event that an Eastern indigo snake (live or dead) is observed on the project site during construction activities, all such activities are to cease until the established procedures are implemented according to the Plan, which includes notification to the USFWS North Florida Ecological Services Office.
- 3. During Construction Activities:
 - a. During initial site clearing activities, an onsite observer may be utilized to determine whether habitat conditions suggest a reasonable probability of an Eastern indigo snake sighting (e.g. discovery of snake sheds, tracks, lots of refugia and cavities present in the area of clearing activities, and presence of gopher tortoises and burrows).
 - b. If an Eastern indigo snake is discovered during gopher tortoise relocation activities (i.e. burrow excavation), the USFWS shall be contacted within one business day to obtain further guidance which may result in further project consultation.
 - c. Periodically during construction activities, the applicant's designated agent should visit the project area to observe the condition of the posters and Plan materials, and replace them as needed. Construction personnel should be reminded of the instructions (above) as to what is expected if any Eastern indigo snakes are seen.
- 4. Post-Construction Activities:
 - a. Whether or not Eastern indigo snakes are observed during construction activities, a monitoring report should be submitted to the USFWS North Florida Ecological Services Office within 60 days of project completion. The report can be sent electronically to jaxregs@fws.gov.

[Article IV, Sec. 9, Florida Constitution; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4 and 68A-27, F.A.C.]

K. Federally Listed Species

- 1. The Licensee shall consult with the USFWS as, in addition to Eastern indigo snake, the site may contain suitable habitat for the federally listed species identified in Table 1, to avoid the "take" of federally listed species within Duval-Raven 230 kV Transmission Line rights-of-way, and construction staging areas, during construction and operation.

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

L. *Avian Protection Plan*

1. The Licensee will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with the certified facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:
https://birdreport.fws.gov/AVIAN_PROTECTION_PLAN_April2005.pdf

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

Bull, Robert (Bobby)

From: Hight, Jason <Jason.Hight@MyFWC.com>
Sent: Friday, April 29, 2016 5:12 PM
To: Karl_Bullock@golder.com; Scott.Goorland@fpl.com; Kennard.Proctor@fpl.com
Cc: Chabre, Jane; DiGruttolo, Laura; Goff, Jennifer; Pinzino, Anthony
Subject: FPL Duval Raven Transmission Line COCs FPL Revisions

Good afternoon Karl,

The proposed revisions are acceptable and thank you for your assistance! If you have any questions, please don't hesitate to call.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

From: Bullock, Karl [mailto:Karl_Bullock@golder.com]
Sent: Friday, April 29, 2016 10:06 AM
To: DiGruttolo, Laura <Laura.DiGruttolo@MyFWC.com>; Chabre, Jane <jane.chabre@MyFWC.com>
Cc: Proctor jr., Kennard <Kennard.Proctorjr@fpl.com>; Goorland, Scott <Scott.Goorland@fpl.com>
Subject: FW: FPL Duval Raven Transmission Line - FWC COCs_FPL Recommended Revisions.docx

Hello – just checking in on this request from last week, could you please let us know if the proposed revision is acceptable? Attached is FPL's existing Avian Protection Plan – the proposed revision to condition L.1 would read as follows:

L. L.Avian Protection Plan

1. The Project will be constructed in accordance with FPL's existing Avian Protection Plan, which is designed to reduce the potential for avian mortality consistent with USFWS guidelines. Guidelines for the Avian Protection Plan can be found on the USFWS website at:
https://birdreport.fws.gov/AVIAN_PROTECTION_PLAN_April2005.pdf

[Article IV, Sec. 9, Fla. Const.; Sections 379.2291 and 403.526, F.S.; Chapters 68A-4, 68A-16, and 68A-27, F.A.C.]

Thank you,
Karl

Karl Bullock (MS) | Associate and Senior Scientist | **Golder Associates Inc.**
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Please consider the environment before printing this email.

From: Bullock, Karl
Sent: Friday, April 22, 2016 4:46 PM
To: DiGruttolo, Laura <Laura.DiGruttolo@MyFWC.com>; 'Chabre, Jane' <jane.chabre@MyFWC.com>
Cc: Proctor jr., Kennard <Kennard.Proctorjr@fpl.com>
Subject: FPL Duval Raven Transmission Line - FWC COCs_FPL Recommended Revisions.docx

Hello Laura and Jane – attached is a small edit to the last condition of certification related to development of an avian protection plan. The suggested revision refers to constructing the project in compliance with the existing FPL APP. Also, I found an error in the footnotes to the table in section A, very minor. Please let us know if the proposed revision is acceptable; we are fine with the rest of the proposed conditions.

Thank you and have a great weekend,
Karl

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APPENDIX II-E – ST. JOHNS WATER MANAGEMENT DISTRICT

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE:

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

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

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

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

Respectfully submitted,

/s/ Gail L. Hankinson

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CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing via electronic mail on this 11th day of April 2016, on the following:

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s/Gail L. Hankinson

Assistant General Counsel II

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

Permittee: Florida Power and Light Company

Project: Duval-Raven 230kV Transmission Line Project

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

Background

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

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

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

The Agency Report must contain:

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

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

Proposed Project

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

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

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

Statutory Requirements

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

Review of Consumptive Uses of Water

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

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

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

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

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

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

Expected Compliance with Agency Standards

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

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

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

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

Exemption

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusions and recommendations regarding certification.

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

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

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

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

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

conveyed through the underdrain and discharged from the pump.

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

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

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

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

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

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

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

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

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

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

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

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

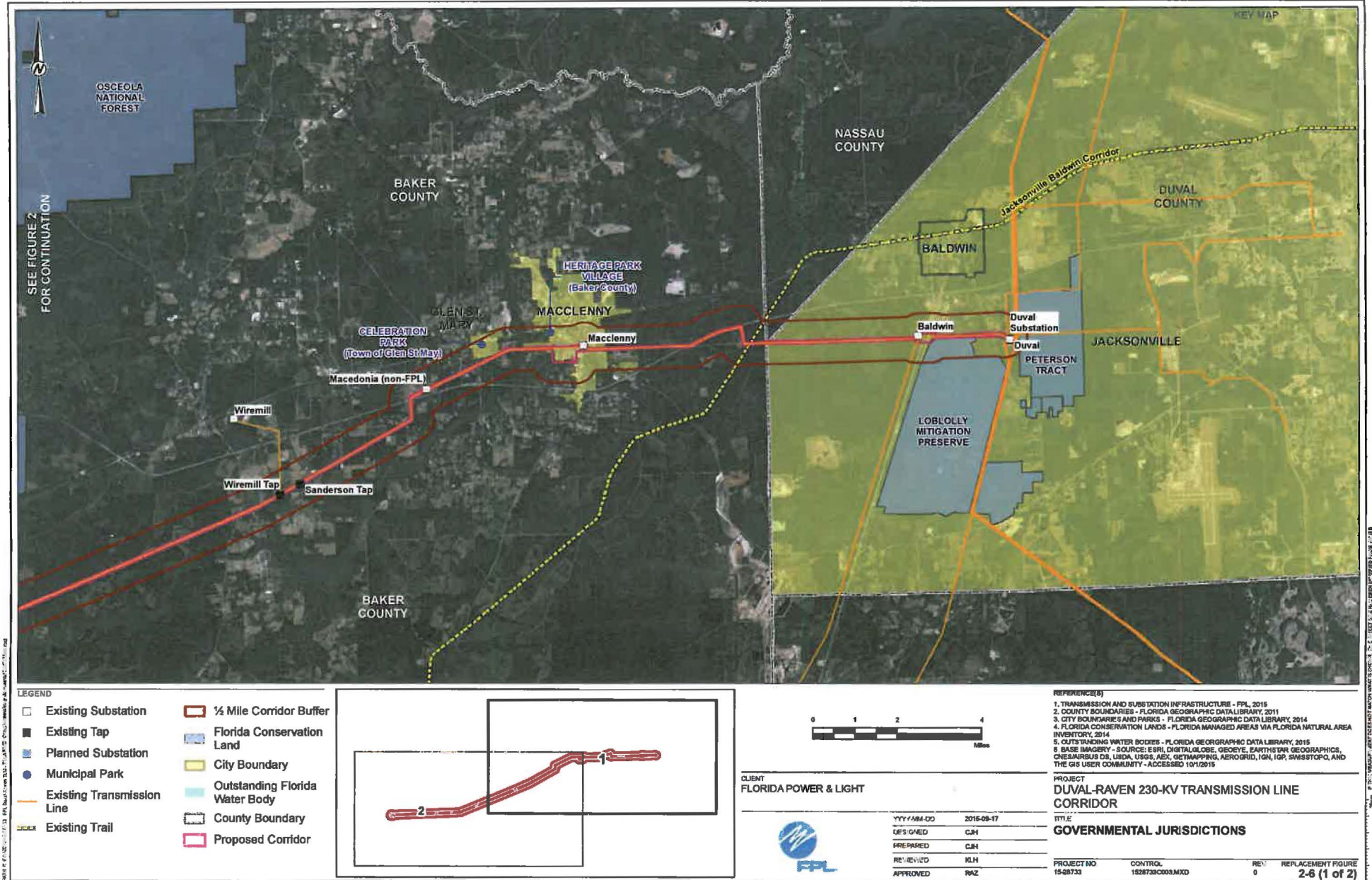


Exhibit A

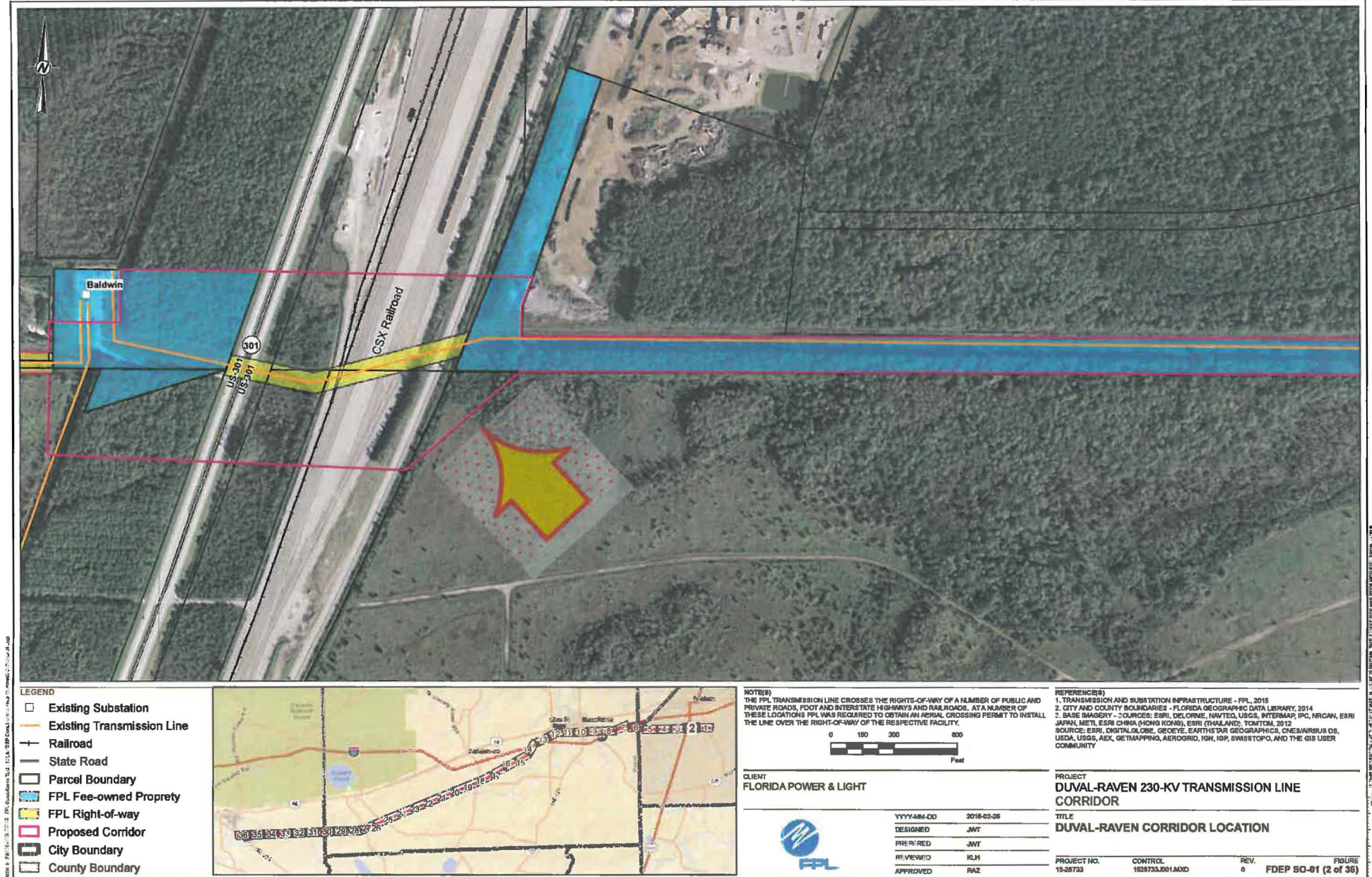


Exhibit B

APPENDIX II-F – SUWANNEE RIVER WATER MANAGEMENT DISTRICT

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE:

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

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

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT'S
NOTICE OF FILING AGENCY REPORT**

NOTICE IS GIVEN that the Suwannee River Water Management District (the “District”) hereby files its ELECTRIC TRANSMISSION LINE SITING AGENCY REPORT (the “Agency Report”) which contains the District’s assessment of Florida Power and Light Company’s application for certification of a corridor for the Duval-Raven 230kV Transmission Line Project and the District’s recommendations for specific conditions to be placed on the certification if the application is approved. The Agency Report was approved on April 12, 2016. A copy is attached hereto.

Respectfully submitted,
DAVIS, SCHNITKER, REEVES & BROWNING, P.A.

By: /s/ George T. Reeves
George T. Reeves
Fla. Bar No. 0009407
Post Office Drawer 652
Madison, Florida 32341
(850) 973-4186
Fax No. (850) 973-8564
Email: tomreeves@earthlink.net

ATTORNEYS FOR THE DISTRICT

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the foregoing via electronic mail on this 25th day of April 2016, on the following:

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TJS@srwmd.org

/s/ George T. Reeves
George T. Reeves

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
ELECTRIC TRANSMISSION LINE SITING
AGENCY REPORT
April 12, 2016

Permittee: Florida Power and Light Company

Project: Duval-Raven 230kV Transmission Line Project

Subject: Certification Application for the Duval-Raven 230kV
Transmission Line Project
DOAH Case No. 16-0276
DEP OGC Case No. 16-012
SRWMD Item No. 122301

Proposed Project

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

The corridor is co-located with a 230-kV transmission line from the Duval to Baldwin substations and with a 115-kV transmission line from Baldwin to a point approximately 700 feet from the northern parcel line of the Raven substation. The proposed 230-kV transmission line will be located within the existing 115-kV transmission line right-of-way except in the vicinity of the City of Macclenny, the Raven substation, and potentially at several points where a new angle or corner structure is anticipated to be needed. In the portion of the project area from the Baldwin substation to the City of Macclenny, the new 230kV line will be co-located on existing monopoles servicing an existing 115kV line. Within the City of Macclenny, FPL will install new monopoles to service the new line. West of the City of Macclenny, FPL intends to replace existing H-frame structures with monopole structures that will serve the two co-located transmission lines.

Statutory Requirements

Pursuant to subparagraph 403.507(2)(a)2, F.S., the District is required to prepare a report as to matters within its jurisdiction. The District regulations relevant to this proposed project include Chapter 40B-2 (Permitting of Water Use), Florida Administrative Code (F.A.C.). Pursuant to the Operating Agreement between the Suwannee River Water Management District and the Department of Environmental Protection, jurisdiction to review electrical transmission lines and facilities projects for compliance with Part IV, Chapter 373, F.S., is

with the Department, not the District. (Operating Agreement 06/07-158, dated July 1, 2007, Section II., A.1. f.). Accordingly, environmental resource requirements under Part IV, Chapter 373, F.S., will not be addressed in this report.

Review of Consumptive Uses of Water

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

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

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

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

In addition, the above-requirements are detailed further in the District's Applicant's Handbook: Consumptive Uses of Water, March 24, 2014 (A.H.).

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

Expected Compliance with Agency Standards

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

The applicant did not identify any specific water use activities within the project. However, staff identified dewatering to facilitate construction, as a potential water use during pole installation in areas of high water tables. Pursuant to Rule 40B-2.051, F.A.C., water withdrawals made for dewatering activities for a total period not to exceed 180 consecutive days are exempt from the requirements of obtaining water use permits from the District. Additionally, pursuant to Section 40B-2.041(8), F.A.C., the District grants a General Permit by Rule for all non-exempt consumptive uses of water within the District that satisfy the following criteria:

- (a) Have a cumulative average daily use less than 100,000 gallons per day on an annual basis;

- (b) Are from facilities having a cumulative withdrawal capacity of less than 1,000,000 gallons per day;
- (c) Are from groundwater wells less than eight (8) inches in diameter;
- (d) Are from surface water facilities which have a cumulative intake diameter less than six (6) inches;
- (e) Are consistent with requirements of any applicable mandatory reuse zones;
- (f) Does not exceed any of the specific thresholds identified in subsection (11) of this rule;
- (g) None of the applicant's consumptive uses are for beverage processing;
- (h) The water is not transported across water management district boundaries;
- (i) All uses shall employ standard water conservation practices for the use type, such as the Districts water conservation requirements in the Water Use Permit Applicant's Handbook;
- (j) In the event of a water shortage as declared by the Board, the permittee shall adhere to all limitations on withdrawal or use ordered by the District pursuant to Chapter 40B-21, F.A.C.; and
- (k) The permittee shall allow District personnel access at reasonable times and at District expense, or with District equipment, to monitor withdrawal rates and volumes authorized by this permit.

Since none of the individual pole installations within the jurisdiction of the District are likely to take more than 180 days to complete, this activity would be an exempt water use pursuant to Section 40B-2.051(3), F.A.C. In the event dewatering were to exceed 180 days in length, the proposed activities described in the TLSA application may involve a consumptive use of water, but the consumptive use would likely fall within the General Permit by Rule criteria established in Rule 40B-2.041, F.A.C., as long as the listed conditions are met.

Impacts of the Project Related to Matters within the District's Jurisdiction

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

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

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

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

The District holds no conservation easements over the portion of the proposed corridor within its jurisdiction.

Conclusions and Recommendations Regarding Certification

The District has reviewed the TLSA application for the Duval-Raven Project as to the impact on water resources and other matters within its jurisdiction and recommends certification of the project, subject to the applicable conditions.

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

1. The withdrawal of ground or surface water to facilitate construction (dewatering) shall not exceed 180 days in duration. [Rule 40B-2.051(3), F.A.C.]
2. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 100,000 gallons per day or less, on an annual basis. [Rule 40B-2.041(8)(a), F.A.C.]
3. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from facilities having a cumulative withdrawal capacity of less than 1,000,000 gallons per day. [Rule 40B-2.041(8)(b), F.A.C.]
4. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from groundwater wells less than eight (8) inches in diameter. [Rule 40B-2.041(8)(c), F.A.C.]
5. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be from surface water facilities which have a cumulative intake diameter less than six (6) inches. [Rule 40B-2.041(8)(d), F.A.C.]
6. The following turbidity control measures shall be implemented, as appropriate, for any discharges off-site:
 - a. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.
 - b. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.
 - c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters. [Section 2.3.7 Applicant's Handbook]

APPENDIX II-G – DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Robert Bull
Department of Environmental Protection
Siting Coordination Office
2600 Blainstone Road, MS5500
Tallahassee, FL 32399-2400

April 11, 2016

RE: DHR Project File No.: 2016-0107B
Project: *FPL Duval-Raven 230kV TLSA – Agency Report*

Dear Mr. Bull:

This agency has no objection to the certification of the FPL Duval-Raven 230kV Transmission Line. We recommend the following conditions of certification:

A. After the ROW has been selected, Licensee shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate.

B. If historical or archaeological artifacts are discovered at any time within the project site, Licensee shall notify the appropriate DEP District office(s) and DHR, R. A. Gray Building, 500 S. Bronough Street, Rm 423, Tallahassee, Florida 32399-0250, telephone number (850) 245-6333, and the Licensee shall consult with DHR to determine appropriate action.

[Sections 267.061 and 403.531, and Chapter 872.02, F.S.]

Mr. Bull
April 11, 2016
Page 2

If you have any questions, please contact Deena Woodward, Community Assistance Consultant, by email at Deena.Woodward@dos.myflorida.com, or by telephone at 850.245.6333 or 800.847.7278.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy A. Parsons". The signature is stylized with a large, looping "P" and a cursive "T".

Timothy A Parsons, Ph.D.,
Director, Division of Historical Resources
& State Historic Preservation Officer

APPENDIX II-H – TOWN OF GLEN ST. MARY

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE:
FLORIDA POWER AND LIGHT COMPANY;
DUVAL – RAVEN 230kV
TRANSMISSION LINE SITING APPLICATION
NO. TA16-17

DOAH CASE No. 16-0276TL

OGC CASE No. 16-0012

**TOWN OF GLEN ST. MARY'S AGENCY REPORT
PURSUANT TO FLA. STAT. §403.526(2)(a)**

COMES NOW, The Town of Glen St. Mary (the "Town"), by and through its undersigned counsel, pursuant to Fla. Stat. §403.526(2)(a), and submits the following report regarding the above-referenced transmission line siting ("Project"):

1. The Town has reviewed the Request for Assignment of Administrative Law Judge filed by the State of Florida Department of Environmental Protection ("Department"), as well as the Order Establishing Schedule dated the 1st day of February, 2016.
2. The Town has further reviewed maps showing the planned Raven Substation site location, project location, the existing transmission line, and the proposed transmission line corridor.
3. The undersigned has further been in contact with counsel for Florida Power and Light Company.
4. The Town is in support of the project and submits that it has no conditions to request in reference to the Project.

Respectfully Submitted,

TOWN OF GLEN ST. MARY



Jonathan S. Bense FBN: 0072462
Foreman, McInnis & Assoc. P.A.
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E2: kharris@northfloridajustice.com
Attorney for Town of Glen St. Mary

Certificate of Service

I hereby certify that a true and correct copy has been served on the foregoing by electronic delivery or US Mail this 6th day of April, 2016, to the following:

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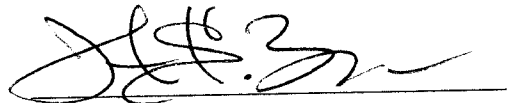
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APPENDIX II-I – COLUMBIA COUNTY

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE:
FLORIDA POWER AND LIGHT COMPANY;
DUVAL – RAVEN 230kV
TRANSMISSION LINE SITING APPLICATION
NO. TA16-17

DOAH CASE No. 16-0276TL

OGC CASE No. 16-0012

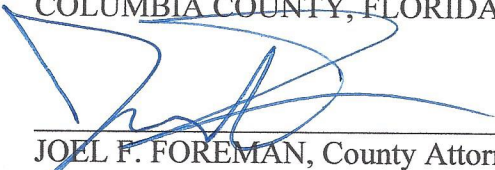
COLUMBIA COUNTY, FLORIDA’S, AGENCY REPORT
PURSUANT TO FLA. STAT. §403.526(2)(a)

COMES NOW, COLUMBIA COUNTY, FLORIDA, a political subdivision of the State of Florida (the “County”), by and through its undersigned counsel, pursuant to Fla. Stat. §403.526(2)(a), and submits the following report regarding the above-referenced transmission line siting (“Project”):

1. Counsel for the County has reviewed the Request for Assignment of Administrative Law Judge filed by the State of Florida Department of Environmental Protection (“Department”), the Order Establishing Schedule dated the 1st day of February, 2016, and other pleadings filed herein to date.
2. The County has further reviewed maps showing the planned Raven Substation site location, project location, the existing transmission line, and the proposed transmission line corridor.
3. The undersigned has had contact with counsel for Florida Power and Light Company.
4. The County is in support of the project, has identified no issues of material fact or law giving rise to an objection to the project, and submits that it has no conditions to request in reference to the Project.

Dated this 11 day of April, 2016.

COLUMBIA COUNTY, FLORIDA



JOEL F. FOREMAN, County Attorney

FBN 0013483

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386-752-8420

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Certificate of Service

I hereby certify that a true and correct copy has been served on the foregoing by electronic delivery or US Mail this 11 day of April, 2016, to the following:

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JodyB@coj.net

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jbense@northfloridajustice.com



JOEL F. FOREMAN
EBN: 0013483

APPENDIX II-J – BAKER COUNTY

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE: FLORIDA POWER & LIGHT COMPANY;

DUVAL – RAVEN 230kV

TRANSMISSION LINE SITING APPLICATION

NO. PA15-58

DOAH CASE No. 16-0276TL

OGC CASE No. 16-0012

BAKER COUNTY'S AGENCY REPORT
Pursuant to Section 403.526(2)(a), Florida Statutes

COMES NOW, Baker County (the "County"), through its undersigned counsel, and pursuant to Section 403.526(2)(a), Florida Statutes, and submits the following report regarding the above-referenced transmission line siting ("Project"):

1. The County reviewed the Request for Assignment of Administrative Law Judge filed by the State of Florida Department of Environmental Protection ("Department"), as well as the Order Establishing Schedule dated the 1st day of February, 2016.
2. Further, the County reviewed maps showing the planned Raven Substation site location, project location, the existing transmission line and the proposed transmission line corridor.
3. The undersigned has been in contact with counsel for Florida Power and Light Company.
4. The County is in support of the Project and submits it has no conditions to request in reference to the Project.

Respectfully Submitted,

By:



Richard C. Komando
Florida Bar No.: 181366
Kopelousos, Bradley & Garrison, P.A.
1279 Kingsley Avenue, Suite 118
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Phone: (904) 269-1111
Facsimile: (904) 269-1115
Email: Rich@claylawyers.com
Counsel for Baker County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Report was served on the foregoing by electronic delivery this 25th day of April, 2016, to the following:

Florida Department of Environmental Protection

Benjamin M. Melnick, Esq.
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3900 Commonwealth Blvd., M.S. 35
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Florida Public Service Commission

Keino Young, Esq.
Attorney Supervisor
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Florida Power & Light Company

Scott A. Goorland, Esq.
Senior Attorney
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Florida Department of Economic Opportunity

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Tim Sagul

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Division of Historical Resources**

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City of Macclenny

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By:



Richard C. Komando

APPENDIX II-K – CITY OF MACCLENNY

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

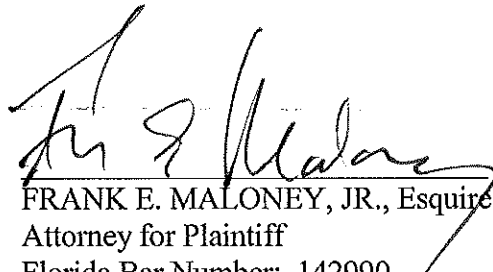
IN RE: FLORIDA POWER & LIGHT COMPANY;
DUVAL – RAVEN 230kV
TRANSMISSION LINE SITING APPLICATION

DOAH CASE NO: 16-0276TL
OGC ASE NO: 16-0012

CITY OF MACCLENNY'S AGENCY REPORT
Pursuant to Section 403.526(2)(a), Florida Statutes

The CITY OF MACCLENNY, through its undersigned attorney, and pursuant to Section 403.526(2)(a), Florida Statutes, and submits the following report regarding the above referenced transmission line siting ("Project"):

1. The City of Macclenny reviewed the Request for Assignment of Administrative Law Judge filed by the State of Florida Department of Environmental Protection ("Department"), as well as the Order Establishing Schedule dated the 1st day of February, 2016.
2. Further, the City of Macclenny reviewed maps showing the planned Raven Substation site location, project location, the existing transmission line and the proposed transmission line corridor.
3. The City of Macclenny has been in contact with Florida Power and Light Company.
4. The City of Macclenny is in support of the Project and submits it has no conditions to request in reference to the Project.



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Attorney for Plaintiff
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CERTIFICATE OF COMPLAINT

I HEREBY CERTIFY that a true and correct copy of the foregoing Report was served on the following by electronic delivery this 27th day of April, 2016, to:

Florida Department of Environmental Protection

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Florida Power & light Company

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Senior Attorney
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Suwannee River Water Management District

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Tim Sagul

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St. Johns River Water Management District

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Florida Department of Health

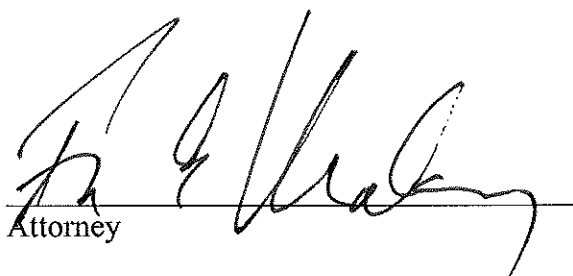
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Attorney

APPENDIX III –PUBLIC COMMENT

From: SONJA PETERSON-LEWI [mailto:speter01@temple.edu]
Sent: Thursday, May 05, 2016 5:05 PM
To: Mulkey, Cindy; Gordon, Ruth
Subject: Re: 16-0276TL FPL Transmission Line

Good Afternoon, Again:

I should have noted with my previous email sent at 4:59 pm today that I would like my comments to be included in the DEP Project Analysis report. I also referred to you as EPA; you are of course DEP!

Thank you,
Sonja Peterson-Lewis

On Thu, May 5, 2016 at 4:59 PM, SONJA PETERSON-LEWI <speter01@temple.edu> wrote:

Good Afternoon:

Please see the attached letter for the EPA on the above noted issue.

Thank you,
Sonja Peterson-Lewis

Date: May 5, 2016

To: State of Florida Department of Environmental Protection Siting Board

From: Sonja Peterson-Lewis, Homeowner, Lewis Subdivision, MacClenny, FL
6200 Wayne Avenue A-102, Philadelphia PA 19144

Re: Florida Power and Light's proposed power transmission expansion plans from
Duval to Columbia County (Siting Case #TA 16-17)
OGC Case #16002)
16-0276TL FPL Transmission Line

Dear Florida Department of Environmental Protection Siting Board:

I write as a concerned citizen and property owner in Macclenny, Florida, through which Florida Power and Light's proposed plan noted above will run.

I understand that in March 2016, the Florida Public Service Commission approved Florida Power and Light's Duval to Raven Road expansion plan (Docket # 150263-El). My letter to the Florida Public Service Commission (dated February 5, 2016) expressed some concerns that community residents have about the location of the lines near a residential area. A group of concerned community residents learned more about the plans have since formed a committee and have met with Florida Power and Light representatives to express their concerns. I believe these conversations were a constructive start. I am scheduled to meet with FPL as well when I can go to Florida later in May. In the meantime, I wanted to share with you the concerns I initially posed to the FPSC in February, and to ask that the involved neighborhoods that are now understanding the stakes, be allowed to be heard. Please notify me of all such opportunities.

Given that I have not received answers to many of the concerns stated in my original letter, I reiterate them below. The concerns revolve around health, community history, and the feeling of being targeted for environmental issues. These are issues that I strongly believe DEP could be instrumental in helping to address/resolve with the community. Please notify me of all such opportunities.

HEALTH CONCERNS

1. Effects of High-Voltage Installations. Research has established that high-voltage wires produce electromagnetic fields (EMFs)--radiation. Of course, EMFs are all around us from various personal electronic devices and appliances. However, there is growing medical and environmental evidence about risks associated with high-voltage installations/radiation. People in such areas tend to experience elevated risks for certain types of diseases and ailments. These

ailments include but are not limited to childhood leukemia (Sohrabi, Targoman, Abadi and Yavari (2010), diabetes (Havas, 2006), and several types of cancers, including thyroid- and uterine- and other blood disorders (Milham and Morgan, 2008). Group (2014) concluded that EMFs can interfere with brain function and produce brain-related ailments such as memory lost and lack of concentration. I have seen evidence of most of these issues in my community. Although there is debate about how strongly and through what mechanisms EMFs pose various medical risks, no one believes that exposure to random EMFs/radiation is healthy for people or animals. In 2006, the World Health Organization (WHO) had enough concern about the effects of electromagnetic fields on people's health--for example, on the functions of cardiac pacemakers, defibrillators, and other electro-medical devices--that the WHO produced the booklet, *Model Legislation for Electromagnetic Fields Protection*. The booklet deals with responsibly governing and creating regulations about such exposures. Beyond health, there are issues of how high voltage installations affect aesthetics, property values, and vegetation. High-voltage installations negatively affect all. In this vein, it is important to know what information FPL has and what information has shared about the effects of its high-voltage wiring systems on residents and properties near existing installations.

2. Existing FPL Research: In view of the concerns stated above, what research has FPL/its affiliates conducted on the effects of high-voltage lines on residents, animals, and the environment—ground water, soil, vegetation, and property values? What measurements/assessments has FPL taken? What were the findings? What has FPL shared with community residents? Where can the public see findings in clear and understandable language? With what community residents and representatives has FPL spoken?

3. Future/Planned FPL Research: What studies are FPL officials or affiliates planning to conduct on the effects of existing transmission lines and the planned expansions? When, where, with whom, and how will FPL conduct these? What measures will be taken to ensure that you ask all the relevant questions to the relevant people in clear, understandable terms that yield valid, reliable, and relevant results? I have some experience with research design; let me know if I can be of assistance, as I believe such research must be completed before expansions. How will FPL analyze the data and ensure that the public has easy access to clear, easily understandable findings?

4. Less Hazardous Alternatives: If the citizenry and city planners have found high voltage transmission truly necessary, then what have FPL and other parties done to eliminate potentially harmful effects and/or direct dangers away from all residents/residential areas? Research shows that some power companies, ethical developers and city planners, unwilling to put citizens in harm's way and harm in citizens' way, opt to use underground cables and other measures to avoid exposing residents to high voltage dangers. I have learned that FPL uses underground cables in some communities, but not others. On what basis does FPL decide underground versus overhead? Might FPL be proactive in minimizing hazards to *all* communities? Further, given that low-cost and safer energy sources are growing concerns, might FPL position itself to be a national leader in breaking down the barriers between electric and green-energy advocates?

5. Demographics: What are the specific demographics or characteristics of the residential communities through which high voltage lines run? By *demographics*, I mean resident variables

such as income levels, education levels, ethnicity and race. Numerous studies reveal that environmentally hazardous dynamics—for example, trash-dumping, chemical treatment plants, electric substations, polluting roadways and the like—are very often placed in communities that planners perceive as being unable or not informed enough to question, resist, or fight back and such dynamics disproportionately affect communities of color and low income people. Few of us want to think that anyone, especially ourselves—would make critical decisions for and about others based on qualities as superficial and coincidental as color of skin or income. Thus, such patterns of hazardous placement may not be intentional targeting. Yet, the statistical evidence is clear; communities of color and/or low-income residents tend to bear disproportionate burdens.

HISTORY/CULTURAL CONCERNS

Historic Lewis Subdivision

One area targeted for FPL's transmission expansion plans is Lewis Subdivision, a historic community named for Walker Lewis. Walker Lewis walked into Baker County over in the 1850s from North Carolina where he had been born in slavery. Walker worked as herdsman for the McClennys, the family for whom MacClenny is named, traveling to the Carolinas and Virginia to walk livestock back to Florida. He later became stock handler for Griffin's Nurseries and the practical veterinarian for the town. While working and living at the Nursery with his wife and children, he saved and purchased (twice) the property now called Lewis Subdivision. The family cultivated and farmed the area for years. Then, in the 1960s, Edgar L. Lewis—Walker Lewis's son and my father—made a conscious humanitarian decision to let a developer build houses in the Subdivision so that African Americans could buy homes that they could pass on to their descendants. This was not the regular pattern of opportunity for African Americans in the County. I know this based on research I am conducting for a documentary and historic designation in the area. L. Smallwood's historical collection, *Once Upon a Lifetime in and Near Baker County FL*, writes of Walker Lewis. Walker Lewis is also the title subject of *The Carolina Herdsman*, a musical suite performed at Temple University in 2013.

Lewis Subdivision and High Voltage Wires: While traveling west on Interstate 10, one reaches a clearing in a field where large cement poles run diagonally through an undeveloped field and through other non-residential areas. However, once in Macclenny, one sees that these mammoth poles run *directly* through highly residential Lewis Subdivision and the surrounding neighboring streets. Whether this was a feat of targeted engineering or bad luck, I do not know. However, I know that people live within feet of and children play in clearings directly beneath those wires.

My concerns about high voltage dangers do not come merely from reading research. While working to upgrade my house and backyard on Lewis Street over the years, I experienced sudden, unexplained nosebleeds. My mother, before suffering a fatal stroke at the same house, experienced uncharacteristic and severe headaches. There is also a pattern of Alzheimer's disease in the area; at least four residents on Lewis Drive along which wires run had Alzheimer's-related dementia. A young man who grew up on Lewis Drive near the transmission line died of colon cancer in his 20s. As I prepared to write this letter, a young mother in her 20s lay in hospice care due to an aggressive form of cancer; she came of age in the neighborhood. Although some will attempt to dismiss these cases as anecdotal, in view of the research cited earlier, these cases raise concerns about hazards already in the community and those now in the

planning stages. News of FPL's expansions plans caused me to put on hold a critical home improvement project at considerable costs. Being put at risk in one's home is not acceptable.

When We Know Better, We [Should] Do Better

Baker County is my home; it is the only place I own a house and property. All lives are connected in the county; we have one high school where all lives converge. I do not object to social and economic progress. What I do object to are plans that expose some residents, their children, and property to risks that endanger their health, lower their quality of life, lower the value of their property, and negatively affect soil, water, and animal life—forever—usually in the name of making or saving money. I believe that FPL and other decision makers should do better by citizens because you can do better. With the very smart people FPL employs and its list of consultants, you can, if you will, find a way to make necessary improvements without posing risks to residents' health and legacies. I ask that you plan cleaner and do better/act better, not just by my community, but by all communities. As other agencies look into lowering their carbon footprint and practicing social justice, why does FPL not take the bold step of being a true leader in energy and ethics? When we know better, we should do better.

Please put me directly on the mailing list for future notices about this issue and any opportunity to be heard. My mailing address appears below. I wish you the best in planning better for the citizenry. Let me know how I can help.

Sincerely,

Sonja Peterson-Lewis, Ph.D.
6200 Wayne Avenue, #A-102
Philadelphia PA 19144

Some Sources Cited in or Examined for this Letter

- Banks, R. S. (1984). On effects of high-voltage transmission lines. *American Journal of Public Health*. September; 74(9): 1042–1043.
- Campbell, H. E., Kim, Y., and Eckerd, A. (2015). *Rethinking environmental justice in sustainable cities: Insights from agent-based modeling*. NY: Routledge Press.
- Group, E. (2014). Neuroscientist confirms the danger of electromagnetic radiation. <http://www.globalhealingcenter.com/natural-health/neuroscientist-confirms-the-danger-of-electromagnetic-radiation/>
- Haupt, R. C. and Nolf, J. R. (1984). The effects of high voltage transmission lines on the health of adjacent resident populations. *American Journal of Public Health*, 74(1): 76–78.
- Havas, M. (2006). Electromagnetic hypersensitivity: Biological effects of dirty electricity with emphasis on diabetes and multiple sclerosis. *Electromagnetic Biological Medicine*, 25(4) 259-68.

- McDowall, M. E. (1986). Mortality of persons resident in the vicinity of electricity transmission facilities. *British Journal of Cancer*, 53(2): 271–279.
- Milham, S. and Morgan (2008). A new electromagnetic exposure metric: High frequency voltage transients associated with increased cancer incidence in teachers in a California school. *American Journal of Industrial Medicine*, August 2008, Vol 51(8):579-86. doi: 10.1002/ajim.20598.
- Moen, B. E., Drablos P. A., Pedersen, S. Sjøen. M., and Thommesen, G. (1995). Symptoms of the musculoskeletal system and exposure to magnetic fields in an aluminum plant. *Occupational Environmental Medicine*, 52(8): 524–527.
- Segell, M. (2011) Is Dirty Electricity Making You Sick?
<http://www.prevention.com/health/healthy-living/electromagnetic-fields-and-your-health>
- Sohrabi, M. R., Targoman, T., Abadi A. and Yavari, P. (2010). Living near high voltage overhead transmission lines as a risk factor for acute childhood lymphoblastic leukemia: A case-control study. *Asian Pacific Journal of Cancer Prevention*, 11(2) 423-427.

Bull, Robert (Bobby)

From: Mulkey, Cindy
Sent: Sunday, May 01, 2016 7:55 AM
To: Green, Justin B.; Melnick, Benjamin; Bull, Robert (Bobby)
Subject: Fwd: FPL Transmission Line Project TA16-17 and PS#00043985

----- Original message -----

From: SONJA PETERSON-LEWI <speter01@temple.edu>
Date: 4/30/16 9:26 PM (GMT-05:00)
To: "Mulkey, Cindy" <Cindy.Mulkey@dep.state.fl.us>
Subject: Re: FPL Transmission Line Project TA16-17 and PS#00043985

Dear Ms. Mulkey:

Thank you for your 4/28/2016 response to my 4/20/2016 email. I appreciate the information.

Best,
Sonja Peterson-Lewis

On Thu, Apr 28, 2016 at 10:54 AM, Mulkey, Cindy <Cindy.Mulkey@dep.state.fl.us> wrote:

Hello Ms. Peterson-Lewis,

Concerning your latest inquiry regarding sending correspondence to whom and by what means, allow me to clarify: there are differences between providing comments (through correspondence) on the proposed project and motioning to intervene in the certification proceeding. Below is more information on both processes.

Providing Comments: Comments may be received and made a part of the record by the Division of Administrative Hearings. Comments to the Division of Administrative Hearings should include adequate information identifying the specific case matter the comments are in reference to. Comments may also be received by the Florida Department of Environmental Protection's Siting Coordination Office and will become part of the record available for review by the entity issuing the final order but will not be specifically heard at either the certification hearing or siting board hearing, if those occur. If they occur, both the certification hearing and siting board hearing will allow for public in-person commentary.

Becoming a Party or Intervenor: A petition to intervene may be submitted by a person whose substantial interests are affected by the proceeding. A petition for intervention must be submitted to the Administrative Law Judge at the Division of Administrative Hearings by May 9, 2016.
<http://www.dep.state.fl.us/siting/parties.htm>

Although you may incur costs related to intervening in a certification hearing, there is no statutory fee associated with intervening in a proceeding under the Transmission Line Siting Act. Since this certification proceeding is an administrative litigation hearing before an administrative law judge it is recommended that potential parties and intervenors to Siting cases obtain counsel, but it is not necessary to be represented by a lawyer in order to intervene in an administrative proceeding like a Siting case.

There is no form to fill out to become an intervenor in a Siting case. The process of intervention starts when you file a [petition to intervene](#) (this is a link to an example petition for intervention for informational purposes only; the Department recommends you seek counsel related to this matter and/or read the relevant statutes and rules for any requirements) with the administrative law judge assigned to the case, which is Judge Bram D. E. Canter, as well as serve your petition on all parties listed in the certificate of service for the case. You can request examples of filings from the [Division of Administrative Hearings Docket](#) link (This matter is assigned DOAH case number 16-0276TL). Also, the DOAH docket may provide a certificate of service for this project.

Your petition to intervene must contain the following information required by Rule 28-106.201(2) of the Florida Administrative Code (F.A.C.):

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which--h shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

As to your question regarding my affiliation, I am the Program Administrator (PA) for both the Siting Coordination Office and the Oil and Gas Program. These are two separate programs within the Department of Environmental Protection with two separate responsibilities. In my role as PA for the Siting Coordination

Office, you are correct in assuming that electric issues fall under the purview of that office including administering the Electric and Magnetic Fields Rule (62-814, F.A.C.) and the Transmission Line Siting Act.

At this point in the process, correspondence for either commenting on the project or petitioning to intervene should be directed to the Division of Administrative Hearings. Judge Canter's assistant, Ruth Gordon, can be contacted to provide further assistance with the Division processes associated with this project and how best to label/address correspondence for adequate delivery to the Division. Her contact information is provided below:

Ruth Gordon, Administrative Assistant

Division of Administrative Hearings

The DeSoto Building

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Tallahassee, Florida 32399-3060

[\(850\) 488-9675 ext. 243](tel:(850)488-9675)

ruth.gordon@doah.state.fl.us

If you have questions or would like to discuss this information in more detail, feel free to contact me directly at [850-717-9110](tel:850-717-9110).

Thank you,

Cindy

Cindy Mulkey

Administrator, Siting Coordination/Oil & Gas Programs

Department of Environmental Protection
Mail Station 5500
2600 Blairstone Road

Tallahassee, Florida 32399 -2400

Phone: [850-717-9110](tel:850-717-9110)

From: SONJA PETERSON-LEWI [mailto:speter01@temple.edu]

Sent: Wednesday, April 20, 2016 4:30 PM

To: Mulkey, Cindy

Cc: Bull, Robert (Bobby); Gregg, Katherine (Kiki); Budell, Russell; Public Services (Shared Mailbox); Kennard.Proctorjr@fpl.com

Subject: Re: FPL Transmission Line Project TA16-17 and PS#00043241

Dear Ms. Mulkey:

I appreciate and thank you for contacting me about my concerns and questions regarding Florida Power and Light's (FPL's) proposed Duval-Raven Road high voltage transmission expansion project. FPL's plan includes running high voltage lines through/near the highly residential community that includes Knabb's Addition and historic Lewis Subdivision in Macclenny (Baker County) FL. My experiences near, and study of research on, high voltage lines compel me to express my grave concerns about the health, economic, and social effects of the FPL plan on my neighbors and neighborhood. It appears that the community is being pulled into what is now a well-documented pattern in which right-of-way, eminent domain, and other means are used in ways that cause selected communities/citizens to bear disproportionate health and other social burdens of industrial growth. A water treatment plant and a garbage dump are already located within 1/5th mile of residents. Together, these acts feel like environmental targeting. Even as some debate the strength of the health effects of radiation emitted from high voltage lines, no one finds random radiation to be good for living beings; statistics and observation suggest that serious health problems are mounting in the area.

Since sending my early February 2016 letter to the Florida Public Service Commission (FPSC) listing concerns/questions about the high voltage wires--sent by Federal Express to FPSC on Feb 8 and emailed to FPSC on Feb 9--I have learned of others who are concerned about several local environmental issues and health/property effects. Valid research on community effects is needed before decisions are made.

In case I had questions, I had been *attempting* to read all the linked documents noted in your email before responding. However, the linked documents are quite complex; I find it is a challenge to interpret them, let alone figure out the right questions to ask, so I write because I did not want to further delay responding to your helpful information.

Paragraph 4 of your email states that in order to become a party in the siting issue, one needs to be in touch by May 9, 2016. Your affiliation reads *Siting Coordination/Oil and Gas*. Should I assume (1) that your domain includes electric issues too, (2) that I should

send correspondence to you by May 9th, and (3) that my correspondence may be via email? Please correct me if I am wrong on any of these counts.

Although getting through the information required will be a challenge, I thank you again for your email and I am working to submit documents before or on the May 9 date because critical environmental, historical, and economic issues are at stake for the community. Again, if I have misunderstood anything, please correct me.

Appreciatively,

Sonja Peterson-Lewis

[\(215\) 848-1280](tel:(215)848-1280) (land line)

On Tue, Apr 12, 2016 at 4:29 PM, Mulkey, Cindy <Cindy.Mulkey@dep.state.fl.us> wrote:

Dear Ms. Peterson-Lewis,

Thank you for your communications regarding Florida Power & Light Company's (FPL) Duval-Raven 230 kilovolt (kV) Transmission Line Siting Act Application. This proposed 39-mile transmission line, of which more than 90 percent will lie in existing FPL right of way, will connect the existing Duval substation in southwest Duval County to a substation in east Columbia County.

Section 403.521, Florida Statutes (F.S.), established the Transmission Line Siting Act to provide a centralized and coordinated state licensing process for the location, construction and maintenance of electric transmission lines and corridors. The Florida Department of Environmental Protection's (DEP) Siting Coordination Office is responsible for the coordination of this process.

FPL's application was deemed complete on March 23, 2016. Affected state agencies and local governments are currently preparing their agency reports required by Section 403.526, F.S. DEP's Siting Coordination Office is required to submit a comprehensive Project Analysis Report to the Division of Administrative Hearings (DOAH) by May 5, 2016. Any comments on the project submitted by the public during the certification process will be included as part of DEP's Project Analysis Report. Detailed information on FPL's application, as well as copies of pertinent documents related to the project, can be found on DEP's website at www.dep.state.fl.us/siting/apps.htm#transmission.

Once an application has completed the required steps within the site certification process, the DEP Secretary will take final action on the certification application. If, however, there are disputed issues amongst the parties

to the proceeding, a certification hearing will be held before a DOAH Administrative Law Judge (ALJ). If a hearing is held, the ALJ issues a recommended order and the final action on certification is made by the Governor and Cabinet sitting as the Siting Board. Pursuant to Section 403.527(2)(c)3., F.S., the deadline for groups or individuals to petition to become a party to the proceeding is May 9, 2016.

FPL's Duval-Raven project is also subject to the State's Electric and Magnetic Fields (EMF) Rule (Chapter 62-814, Florida Administrative Code). Florida is one of a handful of states that have specific EMF regulations. Utilities constructing transmission lines are required to submit compliance reports showing that EMF levels at transmission line rights of way will not exceed specified state standards. Florida's EMF standard applies to transmission lines of 69 kV or larger. The International Commission on Non-Ionizing Radiation Protection guideline for general public exposure to magnetic fields is 833.3 milligauss (mG). This guideline is recognized by both the National Institute of Environmental Health Science and the World Health Organization. For transmission lines up to 230kV, the State standard is 150 mG at the public right of way. This is the EMF standard that FPL is required to meet for the entire transmission line right of way. Below are links to DEP's EMF webpage, Florida's EMF Rule and information from the U.S. Environmental Protection Agency and National Institute of Health that may also be helpful.\

www.dep.state.fl.us/siting/emf.htm

www.flrules.org/gateway/readFile.asp?sid=0&tid=0&cno=62-814&caid=1028702&type=4&file=62-814.doc

www.epa.gov/radtown/power-lines.html

www.niehs.nih.gov/health/topics/agents/emf/index.cfm

For more information on how to participate in the siting process, please visit www.dep.state.fl.us/siting/public.htm#transmission.

Please do not hesitate to contact Robert Bull at [850-717-9111](tel:850-717-9111) or Robert.Bull@dep.state.fl.us should you have further questions. You can also contact FPL directly regarding the project by calling or emailing Ken Proctor, FPL Environmental Services, at [561-691-7068](tel:561-691-7068) or Kennard.Proctorjr@fpl.com.

Thank you,

Cindy

Administrator, Siting Coordination/Oil & Gas Programs

Department of Environmental Protection

Mail Station 5500

2600 Blairstone Road

Tallahassee, Florida 32399 -2400

Phone: [850-717-9110](tel:850-717-9110)

Bull, Robert (Bobby)

From: Mulkey, Cindy
Sent: Tuesday, April 05, 2016 11:50 AM
To: Gregg, Katherine (Kiki); Bull, Robert (Bobby)
Cc: Green, Justin B.; Seiler, Ann; Melnick, Benjamin
Subject: FW: New case email notification. Case number 00043241

Contact Name:

Sonja Marie Perterson - Lewis

Contact email:

speter01@temple.edu

Contact Phone:

Organization:

DEP Customer Survey

Case Subject:

Community Alarm about FPL's High - Volt Wires

Case Description:

As part of its Duval - Raven 230 kV transmission line, Florida Power and Light plans to place overhead high voltage lines through and near heavily residential areas in Baker County FL. In November 2015, FPL sent a letter (dated simply "October 2015") to nearby property owners touting the "economic growth" benefits in the wires, but not mentioning or acknowledging the very legitimate health concerns (cancers in children and adults; attention deficits, memory loss, seizures, Alzheimer's; asthma; heart disruption, and insulin disruption) that mounting credible research associates with living near high voltage wires and other environmental hazards. These wires generate electromagnetic fields (EMFs/radiation) - - in ways that are NOT the same as cell phones or microwaves. FPL already runs massive power poles through the heavily residential Knabb's Addition and Lewis Subdivision areas of MacClenny (Baker County) FL - - residential areas in which severe health disruptions are already evident, and which are areas targeted in the current expansion. As has long been a repulsive pattern with environmentally questionable or dangerous installations, the targeted communities consist primarily of Americans of African descent.

Ahead of its February 2016 pre - hearing and hearing on FPL's proposal, I sent a letter and email to the Florida Public Service Commission and FPL stating objections, reservations, and concerns about FPL's plans to strand high voltage wires in residential communities. That letter also poses several questions to FPL - - among them, (1) what research has FPL conducted and what measures has it taken in communities where its high voltage installations currently exist; (2) what information does FPL have from other's research about the effects of high voltage installations on residents, animal life, land and property, and where the public access this information in clear language and (3) how FPL and consultants decide to place wires overhead in some communities and underground in others - - not that either is safe. Since my correspondence with the FPSC and FPL, several community organizations and neighborhood groups have been in touch. Representatives of the affected neighborhoods mentioned above have met. They want/need a community meeting with FPL and EPA representatives to ask questions, get clear, honest answers and hear constructive alternatives to a plan that frankly, has frightening prospects on the affected communities.

Thank you.

Bull, Robert (Bobby)

From: SCO (Shared Mailbox)
Sent: Monday, April 04, 2016 11:31 AM
To: Bull, Robert (Bobby)
Subject: FW: Submittal Received

From: SONJA PETERSON-LEWI [mailto:speter01@temple.edu]
Sent: Monday, April 04, 2016 11:09 AM
To: SCO (Shared Mailbox) <SCO@dep.state.fl.us>
Cc: Theclovergroup1@gmail.com
Subject: Re: Submittal Received

Good Morning:

Thank you for confirming that I have the correct email address.

Several community groups are meeting this week to discuss, among other issues, Florida Power and Light's Duval-Raven 230 Kv Transmission Line plan. It is our understanding that the Transmission Siting Board makes some critical decisions about routing/placement of the proposed transmission lines. Are there any related timelines/deadlines for relaying questions/concerns to the Siting Board about this issue? We will appreciate any information you can provide. I would also like to be added to your mailing list for any updates about this issue.

Thank you,

Sonja Peterson-Lewis

On Mon, Apr 4, 2016 at 9:51 AM, SCO (Shared Mailbox) <SCO@dep.state.fl.us> wrote:

The Siting Coordination Office has received your electronic submittal.

If you have any questions, please contact the Siting Coordination Office at [\(850\) 717-9000](tel:8507179000).

Thank you.