STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Levy Nuclear Power Plant
Units 1 & 2
Progress Energy Florida

CONDITIONS OF CERTIFICATION

Transmission Line Portion Only

Certified XX/XX/XX

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ATTACHMENT 1: CERTIFIED CORRIDORS LOCATION MAP 44

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I. CERTIFICATION CONTROL

A. Under the control of these Conditions of Certification, Progress Energy Florida (PEF) will construct, operate and maintain the following transmission lines as part of the Levy Nuclear Power Plant Units 1 & 2 Application;

- Two 500-kilovolt (kV) transmission lines, approximately 9 miles (including approximately 2 miles on the plant site and 7 miles on the certified corridor), each connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard (LNP) in Levy County to the proposed Citrus Substation near US19 and CR488 in Citrus County, also known as the Citrus 1 and 2 transmission lines;
- One 500-kV transmission line, approximately 59 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the proposed Central Florida South Substation near the boundary between Sumter County and the City of Leesburg in Lake County, also known as the Sumter transmission line;
- One 500-kV transmission line, approximately 14 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the Crystal River Energy Complex (CREC) Switchyard in Citrus County, also known as the Crystal River transmission line;
- Two 230-kV transmission lines, approximately 0.75 miles each, connecting the proposed Citrus Substation near US19 and CR488 in Citrus County to the Crystal River East Substation in Citrus County, also known as the Crystal River East 1 and 2 transmission lines;
- One 230-kV transmission line, approximately 38 miles, connecting the Crystal River Energy Complex (CREC) Switchyard in Citrus County to the Brookridge Substation in Hernando County, also known as the Brookridge transmission line (existing 115kV line will be rebuilt and double-circuited onto single structure with new 230kV line);
- One 230-kV transmission line, approximately 3 miles, connecting the Brookridge Substation in Hernando County to the Brooksville West Substation in Hernando County, also known as the Brooksville West transmission line;
- One 230-kV transmission line, approximately 50 miles passing through Polk, Hillsborough and Pinellas Counties, connecting the Kathleen Substation to the Lake Tarpon Substation, also known as the Kathleen transmission line; and
- Two 69-kV construction/administration radial transmission lines, the North line of 375 ft in length and the South line of 4.5 miles in length, providing site and administration power for the proposed Levy Nuclear Plant Units 1 and 2, also known as the Levy North and Levy South transmission lines.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon PEF and shall apply to the construction, operation and maintenance of the transmission lines within the certified corridors. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

I. Citation: Section 403.531, F.S. (2008).

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II. APPLICABLE RULES

The construction and operation of the certified transmission line shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification: Chapter 403 (Environmental Control), Florida Statutes (F.S.), and Chapters 40D-4 (Individual Environmental Resource Permits), 40D-9 (District Land Use Rules), 62-4 (Permits), 62-17 Part I (Electrical Power Plant Siting Act), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-343 (Environmental Resource Permit Procedures), 62-345 (Uniform Mitigation Assessment Method) and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

II. Citation: Section 403.511. F.S. (2008)

III. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, 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 determined by the Department. In addition, the following shall apply:

A. “Application” shall mean the Application for Corridor Certification for the Progress Energy Florida Levy Nuclear Plant including Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen transmission lines.

B. “Complete” shall mean the post-certification filing provides the data required by the relevant Condition of Certification.

C. "DCA" shall mean the Florida Department of Community Affairs.

D. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

F. “District-owned lands” shall mean lands owned by the Water Management District at the time of certification.

G. “DOT” shall mean the Florida Department of Transportation.

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H. “Emergency conditions” shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement transmission line components or access facilities.

I. "Facility" or "Project" shall mean the Levy PEF Levy Nuclear Plant including Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen electrical “transmission lines” as defined in Section 403.522(21), F.S.

J. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

K. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.

L. "Licensee" shall mean PEF, which has obtained a certification order for the subject electrical transmission line.

M. “Listed species” shall mean the species listed in Table 2.3-3 or Table 2.3-2 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.

N. “PEF” shall mean Progress Energy Florida, the Applicant/Licensee.

O. “Post-certification submittal” shall mean a submittal made by PEF pursuant to a Condition of Certification.

P. “ROW” shall mean the transmission line right-of-way to be selected by PEF within the certified corridor in accordance with the Conditions of Certification.

Q. “SJRWMD” shall mean the St. Johns River Water Management District.

R. “SWFWMD” shall mean the Southwest Florida Water Management District.

S. “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., as revised through December 7, 2006.

T. “Transmission line” as defined in Section 403.522(21), F.S., shall mean one or more of the transmission lines included in the PEF Application, including the Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen transmission lines.

U. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

III. Citation: Section 403.511, F.S. (2008).

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IV. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the range described in the Application and explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon PEF in the design, construction, operation and maintenance of the certified transmission line. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

IV. Citation: Section 403.531, F.S. (2008).

V. RIGHT OF ENTRY/MONITORING

A. Upon presentation of credentials or other documents as may be required by law, PEF shall allow authorized representatives of DEP or other agencies with jurisdiction over a portion of the ROW:

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

2. During business hours, to enter PEF'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 DEP, on its own behalf or on behalf of another agency with regulatory jurisdiction, PEF shall within 10 working days or such longer period as may be mutually agreed upon by DEP and the Licensee furnish any information required by law, which is needed to determine compliance with the certification. If PEF becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be corrected promptly.

V. Citation: Section 403.531, F.S. (2008).

VI. EMERGENCY REPORTING

Replacement of ROW access roads or transmission lines constructed under this certification necessitated by emergency conditions shall not be considered a modification pursuant to Section 403.516, F.S. (2008). An oral report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency, which would require PEF to perform an activity not in accordance with the Conditions of Certification, a report to DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being

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utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

VI. Citation: Section 403.511, F.S. (2008).

VII. CERTIFIED CORRIDORS

A map of the certified corridors is attached hereto in Attachment 1.

VII. Citation: Section 403.511, F.S. (2008).

VIII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by PEF are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the ROW and the construction and maintenance of the transmission line. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without any further agency action.

B. Filings

1. All post-certification submittals of information by PEF are to be filed with the DEP Siting Coordination Office, the DEP Southwest and Northeast District Offices, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

2. The Licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

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

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C. Completeness

DEP shall promptly 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 of completeness shall specify the area of the right-of-way affected, and shall not delay further processing of the post-certification submittal for non-affected areas. PEF may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. PEF may continue to supplement the submittal with additional information through the 25th day.

If any portion of a post-certification submittal is found to be incomplete, PEF 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, which 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 reasonable assurance of compliance with the Conditions of Certification has been provided. Failure of DEP to conduct an interagency meeting or 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, PEF shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Reasonable Assurances of Compliance

DEP shall give written notification on an expedited and priority basis, but in any event within no more than 90 days, to PEF and the other agency(ies) to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, PEF shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify PEF in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

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F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, PEF may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

G. Water Quality Certification

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341. This letter shall be sent concurrently with a determination of compliance pursuant to paragraph E. above, or immediately upon request by PEF more than 90 days after the filing of a complete post-certification submittal addressing matters within DEP's environmental resource permitting jurisdiction.

H. Coastal Zone Consistency

Pursuant to Section 380.23, F.S., DEP's letter to the USCOE under paragraph G above constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

I. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to DEP, for its review, any proposed revisions to the project's site specific design that were previously reviewed for compliance with these Conditions during the post-certification review process. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

J. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and PEF may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

K. Disputes

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

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VIII. Citations: Sections 403.511, 373.413, 373.416, 120.569, and 380.23, F.S. (2008); Rules 62-17.191, 62-17.201, and 62-17.205, F.A.C.

IX. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and PEF regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. PEF or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

IX. Citations: Sections 403.511, and 120.57, F.S. (2008).

X. 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 or such provision to other circumstances shall not be affected thereby.

X. Citation: Section 403.511, F.S. (2008).

XI. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, and 403.514, F.S. Any noncompliance by PEF with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will 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 these certified transmission lines which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facilities arising under the Florida Statutes or Department rules, except that such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

XI. Citations: Section 403.141, 403.161 and 403.514, F.S. (2008).

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XII. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes.

XII. Citation: Section 403.512, F.S. (2008).

XIII. PROPERTY RIGHTS

A. The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The Licensee shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged or other state-owned lands occupied by the right-of-way for the transmission lines.

B. The Licensee shall provide an application for a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged lands, state-owned lands, or within an aquatic preserve. If any portion of the project is located on sovereign submerged lands, state-owned lands, or within an aquatic preserve then the project must comply with the applicable portions of Chapters 18-20 and 18-21, F.A.C., and Chapters 253 and 258, F.S., and PEF must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction.

C. If a portion of the project is located on sovereign submerged lands or state-owned lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the activity requires a proprietary authorization. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C.

D. The licensee is hereby advised that Florida law states: "No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund 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 the required lease or easement shall be met. Construction of this activity shall not commence on sovereign submerged lands, 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 to the satisfaction of the Department.

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F. In the event an easement over forest property becomes necessary, PEF will provide, as a post-certification submittal to the Florida Department of Environmental Protection, Division of State Lands, the applicable information required by the Board of Trustees of the Internal Improvement Trust Fund for an upland easement.

XIII. Citation: Section 403.511, F.S. (2008); Chapter 3.1.1. of the B.O.R.; Chapters 18-14, 18-20, 18-21, 62-343.900(1), Section G and 62-340, F.A.C.

XIV. PROCEDURAL RIGHTS

No term or Condition of Certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

XIV. Citation: Chapter 120, F.S. (2008).

XV. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.516(1)(a), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification, after notice and receipt of no objection by a party or other substantially affected person. In addition, the Secretary of the Department is delegated the authority to modify conditions as follows:

1. The Secretary of the Department may modify any condition of this certification after notice and opportunity for hearing.

2. The Secretary of the Department may grant modifications necessary to meet licensing conditions or requirements imposed on PEF by any federal regulatory agency. PEF shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies PEF.

3. The Secretary of the Department may authorize the reconstruction of the ROW or transmission line necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

B. DEP shall give written notice to the parties to the original certification, at their last address of record, of any requests for modification filed by PEF.

XV. Citations: Sections 120.569(2)(n) and 403.516, F.S. (2008); 62-17.211, F.A.C.

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XVI. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these Conditions at the following addresses, unless PEF and DEP 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 48
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Florida Department of Community Affairs
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 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

East Central Florida Regional Planning Council
Office of the Executive Director
631 North Wymore Rd., Ste 100
Maitland, FL 32751

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Withlacoochee Regional Planning Council
Office of the Executive Director
1241 S.W. 10th Street
Ocala, FL 34471-0323

Tampa Bay Regional Planning Council
Office of the Executive Director
4000 Gateway Centre Blvd., Ste. 100
Pinellas Park, FL 33782

St. Johns River Water Management District
Office of General Counsel
4049 Reid Street
Palatka, FL 32178-1429

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, FL 34604-6899

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

Levy County
Planning Department
P.O. Box 1373
Bronson, FL 32621

Citrus County
Planning Department
Citrus County Courthouse
110 N. Apopka Ave.
Inverness, Florida 34450

Sumter County
Planning Department
910 North Main Street, Suite 301
Bushnell, FL 33513

Hernando County
Planning Department
20 North Main Street, Room 363
Brooksville, FL 34601-2849

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Hillsborough County
Planning Department
County Center, 26th Floor
601 E. Kennedy Blvd.,
Tampa, FL 33602

Hillsborough County Environmental Protection Commission
Director Office
Roger P. Stewart Center
3629 Queen Palm Dr
Tampa, FL 33619-1309

Polk County
Planning Department
330 W. Church Street
Bartow, FL 33830

Pinellas County
Planning Department
600 Cleveland Street, Suite 750
Clearwater, FL 33755

Marion County
Planning Department
601 SE 25th Avenue
Ocala, FL 34471-9109

XVI. Citation: Section 403.511, F.S. (2008).

XVII. TRANSFER OF CERTIFICATION

This certification is transferable, upon Department approval, to an entity determined to be competent to construct, operate and maintain the transmission line in accordance with these Conditions of Certification. A transfer of certification of all or part of a certified facility shall be initiated by the Licensee's filing with the Department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. The provisions of Chapter 120, F.S., will apply to the Department's approval or denial of the transfer.

XVII. Citations: Section 403.511, F.S. (2008); Chapter 120, F.S.; Rules 62-17.211 and 40D-4.351, F.A.C.

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XVIII. ROW LOCATION

A. PEF shall co-locate the transmission lines' 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, PEF's design shall reflect that new widened right-of-way.

B. To the extent feasible PEF shall locate the transmission lines' ROW so as to avoid the taking of homes.

C. PEF will locate the transmission lines' ROW so as to avoid Outstanding Florida Waterbodies (OFW) to the extent feasible and practicable, and locate the ROW within an OFW only upon a showing that the ROW alignment is clearly in the public interest.

D. Unless the underground facility owner is responsible for resolving the conflict, to the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

XVIII. Citations: Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S. (2008).

XIX. 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 Southwest and Northeast District Office, State Forest, Office of Greenways & Trails (OGT), DOT, DCA, SWFWMD, SJRWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, and Hillsborough Counties, and the Hillsborough County EPC, delineating the certified corridors and the selected transmission lines' ROW for the areas within each agency's jurisdiction. In addition, PEF shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. PEF 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 and on a line-by-line basis. The agencies receiving the aerial photographs from PEF shall have an opportunity to review the photographs and to notify DEP, within 12 days of PEF's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or requirements of the Conditions of 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 PEF's designated ROW cannot be accomplished in compliance with the Conditions of Certification, PEF shall be so notified in writing, with copies

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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 PEF's submittal of the aerial photographs to the agencies, PEF 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 PEF's risk, and no party will be stopped 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 PEF has acquired interest in the entire length of the transmission lines' ROW, PEF shall:

1. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. PEF shall also file with the appropriate 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, PEF shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined PEF will submit information to each county, as appropriate, that is consistent with information typically submitted for appropriate County ROW permits.

XIX. Citations: Sections 403.511, F.S. (2008); Rule 62-17.191, F.A.C.

XX. DRAINAGE AND EROSION CONTROL

A. Maintenance of Drainage/Hydroperiod

1. PEF shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the transmission line ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude PEF from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's

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Environmental Resource Permitting Information Manual, including but not limited to Section 4.4, or if appropriate, the SJRWMD's Environmental Resource Permitting Information Manual.

XX. Citations: Sections 373.416 and 403.511, F.S. (2008); Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.

B. Erosion/Runoff Control

1. PEF shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. Grass seed and mulch or sod must be installed and maintained on exposed slopes prior to finalization of construction, and at all times measures must be taken to prevent erosion, sedimentation or turbid discharges into wetlands and or waters of the state, where the soils have been disturbed during construction.

3. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings, and must be maintained in effective condition at all locations where sediment has the potential to reach nearby wetlands until construction in the area is completed and disturbed soil areas are stabilized. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of the applicable nonprocedural requirements in Rule 40D-4, F.A.C.

4. PEF shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F .A .C., by taking appropriate measures to stabilize affected areas.

XX.B. Citations: Section 403.511, F.S. (2008); Rules 40D-4.381, and 62-296.320, F.A.C.

XXI. CONSTRUCTION PRACTICES

A. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., PEF shall seek approval from the DEP Southwest and Northeast District Offices whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by PEF relating to open burning shall be submitted to Levy County, for any open burning that

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will take place in Levy County, for informational purposes. No open burning will take place in Hillsborough County.

XXI.A. Citations: Section 403.511, F. S. (2008); Chapters 51-2 and 62-256, F.A.C.

B. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the non-procedural requirements of applicable regulations of Chapter 62-701, F.A.C.

XXI.B. Citations: Section 403.511, F.S. (2008); Chapter 62-701, F.A.C.

C. Hazardous Substances and Spills

1. If hazardous substances are used in the construction or maintenance of the transmission line, PEF shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies.

2. Fuel and other petroleum product spills that enter stormwater drains or waterbodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to the appropriate DEP District Water Resources Office (NED - ph: 904-807-3302; SWD - ph: (813) 632-7600). Smaller ground surface spills shall be cleaned up as soon as practical.

XXI.C. Citations: Sections 403.511 and 403.414, F.S. (2008); Chapter 40D-4, F.A.C.;

XXII. ELECTRIC AND MAGNETIC FIELD EFFECTS

A. Bee Hives

PEF shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the transmission line on bee hives.

XXII.A. Citation: Section 403.511, F.S. (2008).

B. Radio and Television Interference

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

XXII.B. Citation: Section 403.511, F.S. (2008).

C. Electric and Magnetic Fields

The Levy transmission lines shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with

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any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

XXII.C. Citations: Section 403.523(10), F.S. (2008); Chapter 62-814, F.A.C.

XXIII. HERBICIDES

Herbicides applied in the ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used in the ROW unless effects on non-targeted vegetation are minimized.

XXIII. Citations: Sections 403.061, 403.088, 487.031 and 487.041, F.S. (2008).

XXIV. OPERATION AND MAINTENANCE OF FACILITIES

PEF shall properly operate and maintain the transmission line to achieve compliance with the Conditions of Certification.

XXIV. Citation: Section 403.511, F.S. (2008).

XXV. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Submittals for Activities Within Wetlands or Other Surface Waters

1. Prior to the projected commencement of construction of any portion of the transmission lines in wetlands or other surface waters, PEF shall provide to DEP's Southwest and Northeast Districts' Environmental Resource Permitting Sections all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), with copies to SWFWMD, SJRWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, and Hillsborough Counties, and the Hillsborough County EPC for informational purposes for the portions of the transmission lines in each agency's jurisdiction. Information may be submitted by discrete sections of the ROW and/or on a line-by-line basis; PEF shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed form for each section shall be reviewed pursuant to Condition VIII. "Construction" in this context shall include land clearing, excavation, the placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

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2. PEF shall provide reasonable assurance that the construction, operation and maintenance of the proposed facilities, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD, or if applicable SJRWMD.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-approved or SJRWMD-approved wetland and surface water verifications within the boundaries of the PEF ROW may be used and reproduced for this delineation consideration.

4. The Licensee shall provide to the Department's District Office and Water Management District, as appropriate, information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with rules adopted by the Department. The Licensee shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

XXV.A. Citations: Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S. (2008); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 62-17.665(7)(d), F.A.C.; and Chapter 62-340, Chapter 62-343.900(1)(Section E and C) F.A.C.;

B. Consultation with Wetland Agencies

At the request of PEF, DEP Siting Coordination Office may conduct an interagency meeting for PEF to consult with the wetlands resource permitting staffs of DEP, SWFWMD or SJRWMD as appropriate, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, PEF shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

XXV.B. Citation: Section 403.523, F.S. (2008).

C. Reduction and Elimination of Impacts

1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, PEF shall utilize adjacent existing PEF access roads and public roads for access to the transmission line ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the

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extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the certified corridor except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, or the SJRWMD's ERP Manual, as appropriate. For example, where practicable, the length of the span between transmission line structures shall be varied and other design changes made, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

d. In the event temporary fill is used to facilitate construction of the transmission line, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

2. Wetland Clearing

a. PEF shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and Levy County (for portions of the lines located in Levy County) in the post-certification review process. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 31 feet on each side of the outer conductors, along new access roads, and in the structure pad areas (approximately 60 feet by 50 feet). Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas, beyond 31 feet on either side of the outer conductors and the structure pads, shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors, within access roads and in the structure pads may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the area beyond 20 feet on either side of the outer conductors shall be left in place to preserve the root mat.

XXV.C. Citations: Sections 373.414 and 373.416, F.S. (2008); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.

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D. Mitigation

1. For each transmission line certified as part of the Project, mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

a) All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

b) The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

c) Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

d) Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and

e) The proposed construction and clearing shall not adversely affect threatened and endangered species; and

f) The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.

g) Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.

h) Clearing or fill must not occur within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Waterbody (OFW).

2. If a line does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, PEF shall propose a mitigation plan as a post-certification submittal under Condition VIII. The following information shall be provided to the DEP Southwest and

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Northeast Districts Environmental Resource Permitting Section for review and to other affected counties, for portions of the line located in those counties, for informational purposes:

a) detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;

b) acreage of the type and quality of wetland being impacted at each such site;

c) narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;

d) detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;

e) acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;

f) if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and

g) an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.

h) To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

3. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with PEF in the development of acceptable mitigation plans for the impact areas using UMAM. The mitigation plans proposed by PEF shall be submitted for review and compliance monitoring to DEP under Condition VIII. Provide the supporting UMAM information required in Chapter 62-345, F.A.C. A restoration plan will be provided for the impact areas by PEF.

4. If DEP, upon review of the proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from this project, PEF may propose additional or alternative mitigation or dispute the determination pursuant to Condition IX.

5. If the proposed mitigation plan is deemed acceptable by DEP and does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions as an Attachment.

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6. No construction within wetlands subject to the regulatory jurisdiction of DEP that does not comply with the non-procedural limitations of Rule 62-341.620(2)(b)-(i), F.A.C., or paragraph A above, shall commence until DEP approves a mitigation plan, and, if a bank is not used, mitigation construction conditions, success criteria and a monitoring plan are incorporated into the certification conditions.

7. PEF shall be deemed to have met the requirements of this condition if PEF satisfies the criteria of either Section 3.3 or Appendix 4(3) of the SWFWMD's Basis of Review for Environmental Resource Permit Applications (February 2007) or SJRWMD's ERP Basis of Review as appropriate, and Chapter 62-345, F.A.C., if applicable.

XXV.D. Citations: Sections 373.414, 403.511, and 403.814(6), F.S. (2008); Rules 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and Chapter 62-345, F.A.C.

E. Greenways and Trails

Within 90 days following Certification by the Siting Board, PEF will provide a perpetual easement to the Office of Greenways and Trails (OGT) for a future trail on the PEF owned corridor from Dunnellon, north to Chiefland and south to the extension of the Suncoast Parkway II connection in Citrus County as a condition for the use of Cross Florida Greenway Lands.

XXVI. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Occurring or Potentially Occurring in the Corridors

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	*Rana capito*	SSC	
Eastern indigo snake	*Drymarchon couperi*	T	T
Florida pine snake	*Pituophis melanoleucus mugitus*	SSC	
Short-tailed snake	*Stilosoma extenuatum*	T	
Gopher tortoise	*Gopherus polyphemus*	T	
Florida scrub jay	*Aphelocoma coerulescens*	T	T
Little blue heron	*Earetta caerulea*	SSC	
White ibis	*Euudocimusa lbus*	SSC	
Southeastern American kestrel	*Falcosp aiverius paulus*	T	
Florida sandhill crane	*Grus canadensis vratensis*	T	
Whooping crane	*Grus americana*	SSC	E*(federal lands)
Red-cockaded woodpecker	*Picoides borealis*	SSC	E
Snail kite	*Rostrhamus sociabilis plumbeus*	E	E
Florida mouse	*Podomys. floridanus*	SSC	
Sherman's fox squirrel	*Sciurus niger shermani*	SSC	

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Florida black bear	*Ursus americanus floridanus*	T*	

SSC = Species of Special Concern; E= Endangered; T= Threatened
*except in Baker and Columbia Counties or in Apalachicola National Forest

B. General Listed Species Survey

1. The Licensee will coordinate with the FWC to obtain the current survey protocols for all listed species that may occur within the transmission lines' corridor or could be affected by the transmission corridor prior to conducting detailed surveys for the selected transmission line right-of-way (ROW) once access has been obtained.

2. The results of those detailed surveys will be provided to FWC, as well as any local governments for informational purposes, and coordination will occur with the FWC on appropriate impact mitigation methodologies.

C. Gopher Tortoise

1. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and Gopher Tortoise Permitting 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, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, 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 permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

2. A permit is not required 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 will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.

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4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

D. Bald Eagle

1. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15.

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS Bald Eagle Monitoring Guidelines, dated 2007, or subsequent versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, conservation and mitigative measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

E. Red-Cockaded Woodpecker

1. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (Picoides borealis) to ensure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS Red-Cockaded Woodpecker Recovery Plan.

2. The Licensee will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

F. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan for the certified facilities that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of

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reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at: http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf. A copy of the Avian Protection Plan for transmission lines in Levy County will be submitted to Levy County for informational purposes.

XXVI. Citations: Article IV, Sec. 9, Fla. Constitution; 403.5113(2), F.S.; Rule 62- 17.191, F.A.C.; 379.2291, F.S.; Rule 68A-27, and 68A-16.001 F.A.C.

XXVII. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES

After the ROW has been selected, PEF 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 and the Counties, upon the County's request for such consultation. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR and the Counties. 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 and/or the Counties, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action.

XXVII. Citations: Sections 267.061 and 403.531, F.S. (2008)

XXVIII. FLORIDA DEPARTMENT OF TRANSPORTATION

A. Post-Certification Reviews of FDOT Matters

1. 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, F.A.C.

2. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by PEF on State transportation facilities during construction and operation of the transmission line will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

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3. 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, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); 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. U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line should take into consideration the planned widening of these facilities, to the extent practicable. If future widening is required, the cost of relocating or reconstructing the transmission line and pipeline will be borne by the Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. 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.

5. 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, F.A.C., including the attainment of any permit required thereby.

6. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. 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 geographic 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 of

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Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

7. Level of Service on State Roadway Facilities

All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FIHS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

B. Best Management Practices

1. 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, F.A.C.; 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; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

2. It is recommended that PEF encourage transportation demand management techniques by doing the following:

a. Placing a bulletin board on site at staging and show-up areas for car pooling advertisements.

b. Requiring that heavy construction vehicles remain onsite or at staging areas for the duration of construction to the extent practicable.

3. If PEF uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, PEF should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

XXVIII. Citations: Chapters 14-26, 14-46, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapter 316, F.S. (2008); Sections 337.401-404, F.S. (2008); 14 C.F.R. Part 77.

XXIX. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. The proposed transmission lines will be co-located within existing rights-of-way (ROWS) and other impacted areas wherever feasible.

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