

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: FLORIDA POWER AND LIGHT COMPANY
TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3

DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

**Miami-Dade County Agency Report and Proposed Conditions for FPL Proposed
Transmission Lines for Turkey Point Nuclear Units 6 & 7
January 17, 2012**

As required by Section 403.507, Florida Statutes, Miami-Dade County is providing the following report and conditions for the transmission line portions of FPL's Site Certification Application for proposed Turkey Point nuclear units 6 and 7, dated November 28, 2007. The Electrical Power Plant Siting Act applies to associated facilities such as transmission lines. Florida law states that each local government shall prepare a report as to the consistency of the proposed transmission lines (as associated facilities) with all applicable local ordinances, regulations, standards and criteria.

In addition, this report includes information to address Florida Administrative Code Rule 62-17.133 (Rule language summarized below):

- (1) *An assessment of the facility's expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency's jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency's position on each variance exception, exemption, or other relief within the agency's jurisdiction needed by the project.*
- (2) *An evaluation of the impacts of the project, along with an assessment of any other matters within an agency's jurisdiction which will be materially affected by the project.*
- (3) *An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency's position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency's properties or works.*
- (4) *Conclusions and recommendations regarding certification. If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.*
- (5) *Proposed conditions of certification on matters within the agency's jurisdiction, including:*
 - (a) *Any postcertification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and*
 - (b) *Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency's authority to require such a condition.*
- (6) *In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification.*

In accordance with state law, Miami-Dade County submits the following report on jurisdictional matters related to the proposed transmission lines associated with Turkey Point Nuclear Units 6 and 7.

**CONCLUSIONS AND RECOMMENDATIONS REGARDING COMPLIANCE and
CERTIFICATION**

The transmission line corridors ("Eastern" and "Western") proposed for construction in Miami-Dade County would impact public and private lands, residents, businesses, natural resources, redevelopment opportunities, economic growth, and transit agency projects. Corridor alignments will also impact various municipalities, the Everglades National Park (ENP), the Biscayne National Park, the County's primary multi-modal transportation corridor (US-1), and regionally significant canals and important regional as well as local wetland restoration projects.

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

EASTERN CORRIDOR

Consistency with the CDMP and County Code is very difficult to determine due to the fact that FPL's Site Certification Application lacks specific details regarding pole locations and utility line routes. Miami-Dade County requested this information numerous times during the seven rounds of completeness review. FPL has indicated their intent to primarily use overhead lines for the Eastern Corridor (except for a subaqueous crossing of the Miami River).

Miami-Dade County does not find this technology type (overhead lines) or the proposed corridor to be in compliance with the County Code and CDMP and recommends denial of certification for the Eastern Corridor as proposed by FPL. Detailed analysis and citations explaining this conclusion are provided in sections below.

Miami-Dade County would recommend approval of certification of the Eastern Corridor, if FPL commits to bury and be responsible for the cost associated with undergrounding the proposed 230 kV transmission line along the Eastern Corridor between the Miami Substation and US1 at SW 136th Street (the C-100A Canal).

As prescribed by Florida Administrative Code Rule 62-17.133(5)(b), and in the event the Siting Board or Secretary of FDEP certifies overhead transmission lines for the Eastern Corridor, despite the County's recommendation of denial, the County recommends the conditions of certification listed below to minimize and mitigate the impacts of the proposed Eastern Corridor.

Section 1 of this report addresses conditions applicable throughout the Eastern and Western corridors, Section 2 includes conditions applicable to specific

segments of the Eastern Corridor, and Section 3 includes conditions applicable to specific segments of the Western Corridor(s).

General Description of Impacts to Eastern Corridor:

There are various potential impacts associated with the proposed Eastern Corridor. Impacts to residential and commercial areas traversed by Eastern Corridor segments would include aesthetics, character of existing neighborhoods, and the scale of the poles. The proposed transmission lines and utility poles would permanently alter the eastern skyline for Miami-Dade residents and property owners, especially those who live in units above the tree line. The proposed transmission lines and utility poles would also permanently alter the street-level views of pedestrians and motorists at ground level along all urbanized segments of the proposed Eastern Corridor.

The proposed Eastern Corridor would impact the dense urban environment of US1 from the Miami Substation in downtown Miami to the southern end of the Busway near SW 136th Street (C-100A Canal at US1). The Miami-Dade County Aesthetics Master Plan has designated US1 as a Gateway Corridor. Along these Corridors, views and general experiences of travelers define the image of the County and cities, and affect residents' quality of life, the tourist experience, and the economic development opportunities of the surrounding area. Anticipated aesthetic impacts and impacts to trees and vegetation would adversely affect the quality of this corridor. Existing and potential street trees and lower profile vegetation provides shelter for pedestrians and bicyclists from sun, heat, rain, wind, and vehicles. Impacts to this urban vegetation will additionally affect the aesthetics of US1 by removing natural buffers to incompatible land uses and street fixtures.

The US1/ M-Path is a Pedestrian Corridor, and provides for pedestrian and cyclist travel between cities, workplaces and residences; impacts to important design assets, such as mature trees, could be substantial for this Corridor. The proposed Eastern Corridor would also impact pedestrian gateways at US1 and 72nd Avenue and US1 and 88th Street, places where views, appealing architectural elements, and vegetation are important. Pedestrian gateways are additionally considered locations where overhead power lines are recommended for removal and landscaped areas shall be preserved, according to the County's Aesthetics Master Plan.

Overhead lines in segments along US1 would restrict public and private efforts to build high quality development projects designed for pedestrians. Again, as a Gateway Corridor, US1 continues to be a focus for public and private investment in transit-oriented-development and a source of economic activity for all southern Miami-Dade cities.

Removal of trees throughout the Eastern Corridor is likely to impact County initiatives to mitigate greenhouse gas emissions and the urban heat island effect. The removal of shade trees and other vegetation could discourage pedestrian activity and could impact use of transit facilities. In addition, tree removal is regulated pursuant to Section 24-49, Miami-Dade County Code and requires mitigation in the form of replacement tree canopy. (*County Code Landscape Manual, Chapter 18A; Chapter 24; CDMP Policy CON-8A, -8H, -8M, MT-8B, TE-2C*)

The County is concerned about potential long-term human exposure to electric and magnetic fields (EMF), especially to residents and workers in buildings and utilizing the Metrorail, where exposure levels may surpass state standards (which are only designed to protect humans at ground level).

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

The County anticipates that certain segments of the Eastern Corridor in the vicinity of the Princeton Canal and Homestead Air Reserve Base (in southeastern Miami-Dade County) will impact agricultural land and may impact adjacent agriculture-related businesses. The County encourages agriculture as an economic use and provides protection for agricultural lands. (CDMP Objective CON-6; Policy LU-8C; Policy LU-1R; Policy LU-1S; Land Use Element Concept #14 on page I-69)

Construction of Eastern Corridor infrastructure may also impact wetlands and wetland hydrology and sheet flows or fresh water flows to Biscayne National Park, habitat supporting threatened and endangered plant and animal species, the City of Miami Simpson Park (a County designated Natural Forest Community), the County Homestead Bayfront Park, and County owned and managed Environmentally Endangered Land properties adjacent to the transmission lines.

WESTERN CORRIDOR

Miami-Dade County finds some sections of the Western Corridor to be inconsistent with the County Code and CDMP and recommends denial of certification for those sections of the Western Corridor within Everglades National Park as proposed by FPL; detailed impact analysis and citations explaining this conclusion is provided in the section of this report entitled, "Impacts Associated with Proposed Transmission Line Corridors within and adjacent to the Everglades National Park" and "Impacts to Conflict with County Code Section 33B, East Everglades Area of Critical Environmental Concern". Although Miami-Dade County did not propose an alternate corridor under the Power Plant Siting Act Process, it is recognized that less impacting alternative alignments exist west of the Urban Development Boundary (UDB) (as adopted by the Miami-Dade Board of County Commissioners) that would be more consistent or fully consistent with applicable County Code and CDMP requirements and would entirely avoid the ENP and all Management Areas of the East Everglades Area of Critical Environmental Concern (as defined in the County Code). Miami-Dade County cannot recommend approval of certification for the Western Preferred Corridor unless the project is modified to comply with the following:

- a) No transmission line infrastructure is placed within the boundaries of Everglades National Park, and
- b) The project is modified to comply with all requirements of Miami-Dade County Code and the CDMP. This includes compliance with all requirements of Chapter 33B, including Section 33B-28 for any work in the East Everglades Area of Critical Environmental Concern, and
- c) For construction of all segments of the Western Corridor, FPL commits to all conditions of certification proffered within this report, to minimize the impacts of the proposed Western Corridor and meet substantive Code requirements.

General Description of Impacts to Western Corridor:

Potential impacts associated with the Western Corridor generally include impacts to agricultural land, residential communities (including the City of Doral and residences in the Redland), environmentally protected lands including County designated Natural Forest Communities, and lands within County wellfield protection areas. Additional impacts will affect wetlands, including hydrology and fresh water flows that benefit the Everglades National Park and associated estuaries, habitat supporting threatened and endangered plant and animal species and County owned and managed Environmentally Endangered Land properties adjacent to the transmission lines. Impacts relevant to specific segments of the Western Corridor are described in more detail in relevant subsections of this report below.

**CONDITIONS SECTION 1:
IMPACTS AND CONDITIONS APPLICABLE TO MULTIPLE SEGMENTS
WITHIN EASTERN AND WESTERN CORRIDORS**

1. General Conditions

- a. The construction, operation and maintenance of all transmission lines shall be in full compliance with all applicable non-procedural requirements of the Miami-Dade County Code including Chapters 24 and 33 as well as the Miami-Dade County Public Works Manual and Chapters 62-312 and 62-330, F.A.C.
- b. FPL shall comply with Article 7 of the Miami-Dade County Home Rule Charter where applicable for all work associated with the proposed transmission lines including work in: 1) aquatic preserves, 2) lands acquired by the County for preservation, and 3) public parks and parts thereof that are nature preserves, beaches, natural forest areas, historic or archeological areas. For County-owned preserves and parks and applicable municipal parks included under article 7 as well as Miami-Dade County Environmentally Endangered Program lands, a voter referendum approval shall be required for transmission line infrastructure unless the project has no environmental impact to the parcel or *the utility is* undergrounded per Article 7. FPL shall be responsible for the cost associated with undergrounding the transmission line. This condition shall not apply to the construction or maintenance of FPL facilities located within the proposed transmission corridors where the County has already granted an easement to FPL for power lines, provided the work or activity is an enumerated use of the easement and is contained completely within the easement and no impacts will occur within the park outside the easement. This condition shall also not apply to the list of public parks specifically excluded from Article 7.
- c. Construction of the proposed Eastern and Western transmission line corridors and related new infrastructure is contingent on certification and construction of the proposed Turkey Point Nuclear Units 6 & 7. If the proposed power generating units are not certified and constructed, additional transmission lines are prohibited in the Eastern and Western transmission line corridors.
- d. The term "construction", as used in this document and regarding required submittals for Conditions of Certification, is any activity related to development or preparations for development (s. 380.04(1) and (2)) and also includes any activity such as work by any utility and other persons engaged in the distribution or transmission of electricity for the purpose of inspecting, repairing, renewing, or constructing any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

2. Conditions Regarding Procedures for Post-Certification Submittals

- a. **Purpose of Submittals.** Conditions of Certification (COC) which provide for the post-certification submittal of site specific technical data and other information by the Licensee (FPL) to DEP or other agencies, including the County, are for the purpose of determining the Licensee's compliance with the COC. COC which require the Licensee to conduct monitoring of the environmental effects arising from the construction, operation and maintenance of a Certified Facility are for assurances of continued compliance with these COC, without further agency action.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- b. Filings.** All post-certification submittals of information by Licensee are to be filed with the DEP Siting Coordination Office, the DEP District Office(s), and any other agency, including Miami-Dade County, that is entitled to receive a submittal pursuant to these COC. All filings shall be submitted in electronic .pdf format only, unless otherwise requested by Miami-Dade County, if the data pertains to a COC drafted by the County. Each submittal shall clearly identify the Certified Facility name, PA#, and the condition number/s (e.g., Section X, Condition XX.y(z)) requiring the submittal, as identified in these COC. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.
- c. Completeness.** DEP shall review each post-certification submittal for completeness in accordance with timeframes specified by the Power Plant Siting Act. This review may include consultation with the other agency/ies receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. If any portion of a post-certification submittal is found to be incomplete, the Licensee shall be so notified.
- d. Interagency Meetings.** DEP may conduct an interagency meeting with other agencies that received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with these COC has been provided. At DEP's request or agency's request, a field inspection shall be conducted with the Licensee and the agency representative in conjunction with the interagency meeting.
- e. Determination of Compliance.** DEP shall give written notification within 90 days to the Licensee and the other agency/ies to which the post-certification information was submitted of DEP's determination whether there is demonstration of compliance with these COC. If it is determined that compliance with these COC has not been provided, the Licensee shall be notified with particularity of the deficiencies and possible corrective measures suggested.
- f. Revisions to Design Previously Reviewed for Compliance.** If revisions to site-specific designs occur after submittal, the Licensee shall submit revised plans prior to construction for review in accordance with the post-certification process specified in this Condition.
- g. Variation to Submittal Requirements.** DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and Licensee may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these COC. *[Section 403.511, F.S.; Rule 62-17.191, F.A.C.]*
- h. Post Certification Submittal Requirements Summary.** Within 90 days after certification and within 90 days after any subsequent modification or certification the Licensee shall provide the DEP and the County a complete summary of those post-certification submittals that are identified in these COC where due-dates for the information required of the Licensee are identified. A summary shall be provided as a

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

separate document for each Certified Transmission Line Corridor or segment thereof. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the County, in a sortable spreadsheet, via CD and hard copy. For subsequent modifications and certifications, a Post-Certification Submittal Requirements Summary shall be required for only those resulting in new or altered post-certification requirements. FPL shall work with DEP and Miami-Dade County to complete the Post Certification Summary Table, shown below, for all post-certification submittals herein.

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

3. Access Control for East and West Transmission Corridors

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

- a. Prior to any construction in either of the proposed East or West Transmission Corridors, FPL shall develop and implement an access control plan for the transmission corridors that accomplishes the following objectives:
 - 1) FPL shall secure access to the transmission line right of way to prevent uncontrolled access to wellfield protection areas. Uncontrolled access shall be prohibited at all times.
 - 2) FPL shall secure access to the transmission line right of way to prevent uncontrolled access to public parks and natural areas within and/or adjacent to the transmission right of way.
 - 3) FPL shall prohibit access by the general public to constructed or improved roadways located within the certified transmission corridors during construction and during operations and maintenance after construction.
 - 4) FPL shall allow MDC, SFWMD, and State of Florida agency staff reasonable access to all portions of the transmission line corridors and associated access roads for governmental purposes.

- b. The access control plan shall include the following elements:
 - 1) **Inventory and Condition of Infrastructure.** Within 90 days of transmission corridor certification, FPL shall begin preparation of a report to document condition of existing access control infrastructure in the East and West Transmission Corridors. The report shall be completed within a year of commencement and shall include the following information:

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

- a) Results of FPL inspections for those portions of the East and West Corridors that contain existing infrastructure to identify where vandalism to FPL access control measures has occurred and where unauthorized access is occurring.
- b) Recommendations for repair/replacement of existing access control infrastructure and installation of new access control infrastructure where such would restrict unauthorized access. Recommendations shall include consideration of new access control measures needed for new infrastructure to be located within the proposed East and West Corridors, including but not limited to the requirement that FPL shall install locked gates within existing and proposed fencing at any new access location.
- c) A plan to minimize unauthorized public access to MDC owned or managed lands that may otherwise occur due to new access provided along the certified transmission corridor. Since MDC staff can provide current information on where impacts to MDC land is occurring due to unauthorized access, FPL shall involve MDC staff in the development of this plan.

FPL shall provide the inventory report to Miami-Dade County's EEL Program and the SFWMD's Bureau of Land Resources for review and input within 30 days after completing the inspection. These agencies shall provide comments within 30 days, and FPL shall incorporate information provided by these agencies and finalize the report within 30 days of receipt of such information.

- 2) **Authorized Access by MDC Staff.** Upon request of MDC, FPL shall establish access for MDC staff through locked gates (double locks, master keys, etc.) and develop conditions for use of the FPL transmission road and any temporary or permanent roads located within or associated with the East or West Transmission Corridors. FPL shall allow MDC, SFWMD, and State of Florida agency staff reasonable access to all portions of the transmission line corridors and associated access roads for governmental purposes.
- 3) **Timelines for Access Control Operations/Maintenance.**
 - a) Within 90 days after finalizing the inspection report, FPL shall repair or replace existing access control infrastructure and shall keep locked all existing gates that provide access to the proposed East and West transmission corridors.
 - b) With one year of development of the final access control plan, FPL shall develop and implement a schedule for installing new and/or enhanced access control infrastructure, including but not limited to gates, locks, barricades, boulders, and other barriers, at points where there is documentation that addition of access control infrastructure would restrict unauthorized access.
 - c) FPL shall install new access control measures associated with new infrastructure to be located within the proposed East and West Corridors before construction begins for such transmission infrastructure.
- 4) **Inspection and Repair of Existing and Future Access Control Infrastructure.** FPL shall establish and implement an inspection and repair program to ensure the integrity of access infrastructure for the East and West transmission corridors as follows:

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- a) Inspection frequency shall be set according to the level of problems revealed in the inspection report. Areas with existing unauthorized access problems shall be inspected no less often than annually and infrastructure repaired as necessary until and unless repeated inspections indicate that the problem is diminishing.
 - b) FPL shall establish a process for government agencies to report problems observed when utilizing or passing near any portion of the transmission corridors. FPL shall take appropriate steps to address the reported problem within a week of notification.
- 5) **Plan Updates.** The provisions of the access plan shall be reviewed and revised as necessary upon request by FPL or the agencies to accommodate changing conditions, including but not limited to land ownership patterns, changing infrastructure, restoration projects, and patterns and/or types of unauthorized use. Modifications to the plan shall require approval by DEP in consultation with the agencies.
4. **Conditions to Ensure Pedestrian, Bicyclist, and Motorist Safety and Access** (33C-8(D)(6), and CDMP Policy TE-2D; For Transit Zones: Code Section 33C-2(C), 33C-8(D)(6))
- a. Transmission line poles and support structures shall not be located within existing or planned sidewalks. If FPL and Miami-Dade County determine that poles cannot be located outside of existing or planned sidewalks, FPL shall relocate the existing or planned sidewalks to locations that are approved by the County. FPL would be responsible for all costs in these instances.
 - b. In all locations where a new overhead 230kV transmission line is installed along US1 to transmit power, poles shall be sited to ensure clear site lines for motorists at all intersections and along all roadways in the immediate vicinity. FPL shall submit certified engineering drawings to demonstrate compliance with this condition to the County at least six months prior to any construction on the Eastern Corridor.
 - c. In all locations along US1 or within residential areas where a new overhead 230kV transmission line is installed to transmit power, poles shall be sited to ensure or improve safe and comfortable travel conditions for bicyclists and pedestrians at all intersections and along all roadways in the immediate vicinity. FPL shall submit certified engineering drawings to demonstrate compliance with this condition to the County at least six months prior to any construction on the Eastern Corridor.
 - d. FPL shall design transmission line and pole placements in accordance with the applicable provisions of the Public Works Manual and minimize interference with the proper use of streets, alleys, and other public ways and places, and with existing access rights.
 - e. FPL shall design the transmission line to comply with applicable provisions of the Americans with Disabilities Act.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

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

5. *Electric and Magnetic Field Conditions* (CDMP Policy LU-4C)

- a. FPL shall utilize technology and, where applicable, shall select pole locations to comply with state mandated EMF exposure limits. Throughout the proposed corridors, humans in multi-story buildings, on the Metrorail, and on other raised structures shall be afforded the same protections as humans at ground level (Chapter 62-814, F.A.C.). In areas where transmission lines could generate electric or magnetic fields in excess of Florida standards that would affect existing and planned development, lines shall be buried underground and FPL shall be responsible for the cost associated with undergrounding the transmission lines. Underground utilities shall be designed to protect humans from EMFs in excess of Florida standards.
- b. At least six months prior to construction FPL shall provide certified engineering drawings to the County, from the Miami Substation to the Davis Substation, and for all other spans of the proposed East and West Corridors abutting residential land use categories, demonstrating how State EMF standards will be met for existing and planned redevelopment.
- c. If the federal government or the State of Florida conclude EMFs from proximity to transmission lines can have negative impacts on humans, plants (including the agriculture industry), or animals, FPL will immediately notify all residents and governments within impacted distance of the transmission facilities and will bear all costs associated with retrofitting and if necessary, removal, of the infrastructure. (CDMP Policy LU-4C).
- d. At least six months prior to construction, FPL shall provide detailed safety information regarding EMF research related to transmission facilities, published by accredited research institutions, to residents, businesses, and property owners within appropriate distance from the transmission line ROW. At a minimum, FPL shall conduct and publish annual reviews of new research on EMF impacts on humans, plants (including the agriculture industry), and animals. Information may be provided to the public through mailings and meetings in the immediate areas of transmission facilities and shall be provided through the World Wide Web (a maintained website).

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

- a. FPL and its contractors shall use or promote the use of non-road diesel equipment when possible, conforming to Tier 2 or better standards established by the Environmental Protection Agency (EPA). Visit <http://www.epa.gov/nonroad-diesel/regulations.htm#tier1> for guidance on the Federal government's tier standards.
- b. FPL and its contractors shall fuel all diesel vehicles, construction equipment, and generators on site with ultra-low sulfur diesel fuel (ULSD is diesel with sulfur content of 15 ppm or less) or a biodiesel blend approved by the original engine manufacturer.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- c. FPL is prohibited from establishing parking and staging areas of diesel equipment and zones to load or unload material within 500 feet of schools, hospitals, daycare facilities, elderly housing, convalescent facilities, residential communities, or public spaces with outdoor activities. FPL or its contractors shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on the general public.
- d. FPL and its contractors shall institute a Policy to limit the unnecessary idling of heavy-duty trucks, non-road construction equipment and diesel combustion engines to five consecutive minutes and to be turned off when not in use except:
 - 1) When the vehicle is stopped in traffic or has mechanical difficulties the operator has no control over;
 - 2) To bring the vehicle or equipment to the manufacturer's recommended operating temperature;
 - 3) For the health, safety and comfort of the driver and passenger(s) when there are no auxiliary power sources available to provide heating, ventilation or air conditioning;
 - 4) When necessary to operate auxiliary equipment located in or on the diesel vehicle or construction equipment, to accomplish the intended use of the vehicle or equipment (for example, cranes and cement mixers);
 - 5) When idling is necessary for inspection or repairs.
- e. FPL and its contractors shall use low-emissions multi-passenger employee transport vehicles to job-site when possible.
- f. FPL and its contractors shall control dust at sites through spraying of a suppressing agent on dust pile (non-hazardous, biodegradable). Contain fugitive dust.

7. Aviation Clearance Conditions

- a. Both the eastern and western corridors traverse areas with airport height restrictions. Pole locations and heights will be required for the Miami-Dade County Aviation Department to issue an airspace letter of determination. At least one hundred and eighty (180) days prior to beginning construction, FPL shall submit the required aviation determination applications and fees to Miami-Dade County. Transmission line construction shall not begin until FPL has received Miami-Dade County's written approval of these applications. (Relevant sections of Miami-Dade County Code of Ordinances Article XXXVII- Miami International Airport (Wilcox Field) Zoning, Article XXXIX Homestead General Aviation Airport Zoning, and Article XL Kendall Tamiami Executive Airport Zoning)
- b. Pole locations and heights shall not conflict with operations at the Homestead Air Reserve Base (HARB) or with Federal Aviation Administration (FAA) regulations. FPL shall coordinate construction plans with HARB and FAA staff six months prior to

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

construction of any transmission lines. (*Miami-Dade County Code of Ordinances Section 33-293 through 296*)

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

- a. Construction, operation and maintenance of transmission infrastructure are not allowable uses of Miami-Dade County Environmentally Endangered Lands (EEL) Program owned or managed parcels. As a condition of certification, FPL shall not impact and shall not install or place any infrastructure within Miami-Dade County EEL Program owned or managed parcels. FPL shall fully restore any impacts caused by FPL or their contractors including but not limited to those resulting from the installation or maintenance of the transmission infrastructure to the satisfaction of the Permitting, Environment and Regulatory Affairs Department (PERA) EEL Program in accordance with timeframes required by the property owner. (*Miami-Dade County Code Sections 24-48, 24-49 and 24-50, CDMP Objective CON-7, Policy CON-7A, Objective CON-8, Policy CON-8J, Objective CON-9, Policies CON-9A, CON-9B and CON-9C, Objective LU-3, Policies LU-3A and LU-3B, Objective CM-1, Policy CM-1E, Objective CM-4, Policy CM-4A*)
- b. Prescribed burning is required to maintain Miami-Dade County EEL Program owned or managed parcels. The transmission corridors lie within potential smoke dispersion corridors. Transmission infrastructure may be affected by periodic smoke events from prescribed burns or unexpected wildfires. FPL shall allow periodic burning and FPL shall design and install transmission infrastructure to allow periodic burning, including under and adjacent to transmission lines as necessary. (*Miami-Dade County Code Sections 24-48, 24-49 and 24-50 and CDMP Objective CON-8, Policies CON 8-D and CON-8E*)
- c. FPL shall maintain the transmission rights-of-way free of both prohibited (see Attachment 2) and controlled species of exotic vegetation as listed in the Miami-Dade County Code and CDMP as well as any other species required to be eradicated pursuant to State law/regulations. (*Miami-Dade County Code Chapter 33, Condition 12 of Miami-Dade County Resolution No. Z-56-07, CDMP Objective LU-3, Policy LU-3B, Objective CON-4*)
- d. Annually, FPL shall provide a report to Miami-Dade County PERA detailing the use of pesticides, including herbicides, applied within and adjacent to transmission rights-of-way located within 1,000 feet of Miami-Dade County EEL Program owned or managed parcels. This report shall include types, actual quantities and locations of application of these substances in the previous year and projected use and locations in the coming year. This report shall also include notification of any spills, non-target damage and any applications inconsistent with label restrictions. (*Miami-Dade County Code Sections 24-48, 24-49 and 24-50*)

9. Conditions regarding general vegetation management and exotic species

- a. Portions of the proposed west and east corridors pass through, adjacent to, or near natural areas that require prescribed fire to maintain the essential character of the natural area. Final design of the transmission lines and associated infrastructure must allow for, and not unreasonably interfere with prescribed fire maintenance activities that are critical to preservation of the essential character of these natural areas. (*Miami-Dade*

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

County Code Sections 24-7 and 24-48 and CDMP Objective LU-3, Policies LU-3A and LU-3B, Objective CON-8, Policy CON-8D)

- b. There shall be no planting or propagation of prohibited species (see Attachment 2) as defined by Miami-Dade County Code or listed in the CDMP or Miami-Dade County Landscape Manual within the FPL transmission rights-of-way. In addition, planting or propagation of controlled species as defined by Miami-Dade County Code or listed in the CDMP or Miami-Dade County Landscape Manual shall be prohibited within FPL transmission right-of-way within 500 feet of wetlands as well as other natural areas including but not limited to pine rocklands and hardwood hammocks. *(Miami-Dade County Code Section 24-49, Section 18B-2 and CDMP Objective CON-8, Policy CON-8I)*
 - c. Scientific literature has indicated that roads provide avenues for introduction of invasive exotic plant species to adjacent properties. Wherever new roads or road improvements are proposed within the transmission corridors FPL shall eliminate all plants listed as Prohibited (see Attachment 2) or Controlled by Miami-Dade County pursuant to the Miami-Dade County Code or CDMP, and perform quarterly maintenance to control exotic vegetation within the transmission right-of-way FPL owned or controlled lands. FPL shall limit the use of herbicide application to exotic and invasive vegetation. *(Miami-Dade County Code Sections 24-7, 24-48 and 24-49, CDMP Objective CON-8, Policy CON-8I)*
 - d. Mechanical cutting of vegetation as part of transmission line maintenance activities shall include removal of cut vegetation from wetland areas. Cut vegetation shall not be dumped in wetlands but instead transported for disposal to an approved upland facility and all handling and disposal shall be in accordance with solid waste disposal regulations (62-701.300 F.A.C. and Miami-Dade County Code Sections 24-25, 24-27 and 24-48 and Chapter 403.413)
 - e. FPL shall prepare a decontamination protocol to prevent the spread of invasive exotic species, including but not limited to *Lygodium microphyllum* (Old World climbing fern), within and between maintenance areas along transmission corridors. This decontamination protocol must be approved by the County at least six months prior to construction, and must be followed before moving from one work area to another. *(Miami-Dade County Code Chapter 24 Sections 24-7 and 24-49, Chapter 33, Condition 12 of Miami-Dade County Resolution No. Z-56-07 and CDMP CON 8I)*
- 10. *Conditions on soil and material management and disposal***
- a. Within one hundred and eighty (180) days of certification, FPL shall submit to PERA an earthwork and material disposal plan that meets applicable Miami-Dade County Code requirements and that is consistent with condition No. 7 of Miami-Dade County Resolution No. Z-56-07. The required plan shall be reviewed and approved by PERA and the Sustainability, Planning, and Economic Enhancement Department (SPEE) for compliance with the Code of Miami-Dade County before any earthwork commences within the transmission line rights of way. This plan shall include a written description of all the types of earthwork that will be conducted in association with the proposed construction and installation of the transmission line infrastructure within the certified transmission corridors and associated maintenance and access and roads. This plan shall also include a written protocol for the characterization of excavated material

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

proposed to be disposed of at any offsite locations. Characterization of the excavated material shall be required prior to approval by PERA of the proposed disposal location/s. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-44, Condition 7 of Miami-Dade County Resolution No. Z-56-07)*

- b. Within one hundred and eighty (180) days of certification, FPL shall identify in a map provided to PERA, all areas within and adjacent to the certified transmission line corridors where agricultural or industrial activities exist or may have historically existed and this map shall include property boundaries. FPL shall provide to PERA with this map a list of all potential chemicals of concern associated with the existing or historical agricultural or industrial uses at those sites. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7, 24-18 and 24-44 and Condition 7 of Miami-Dade County Resolution No. Z-56-07)*
- c. At least 90 days prior to beginning construction of the transmission lines or any associated roadways, FPL shall provide to PERA a written description of how and where it will dispose of the excavated material. The description shall include detailed sketches showing all areas proposed to be excavated, all areas proposed to be used for the temporary stockpiling of excavated material, and all pertinent information related to the proposed sites for disposal of excavated materials. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-44 and Condition 7 of Miami-Dade County Resolution No. Z-56-07)*
- d. At least 90 days prior to beginning construction of the transmission lines or any associated roadways, FPL shall provide to PERA a written description of all the best management practices that will be implemented to prevent the leaching of runoff and erosion of the excavated materials into adjacent wetlands and/or surface water bodies. Plan view and cross section view plans should be included depicting the location where the excavated material is proposed to be placed and the location of any devices and/or barriers proposed to be used for erosion and leachate runoff control. *(Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48 and Condition 7 of Miami-Dade County Resolution No. Z-56-07)*
- e. Within thirty (30) days of completion of excavated material disposal activities associated with the certified transmission line corridors, FPL shall provide to PERA copies of all excavated material disposal receipts. *(Miami-Dade County Code Chapter 33 and Chapter 24 Section 24-44 and Condition 7 of Miami-Dade County Resolution No. Z-56-07)*
- f. For any excavated material proposed to be transported off-site for reuse, FPL shall submit to PERA a "Soil Reuse Proposal" for review and approval at least 90 days prior to beginning construction of the transmission lines or any associated roadways. The aforementioned proposal shall be prepared in accordance with the Soil Reuse Guidance for Miami-Dade County dated March 22, 2004 (www.miamidade.gov/PERA/library/land/rbca_soil_reuse.pdf). The reuse activities must be approved by PERA prior to commencement of excavation. *(Miami-Dade County Code Chapter 33 and Chapter 24 Section 24-44 and Condition 7 of Miami-Dade County Resolution No. Z-56-07)*

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

- 11. Conditions for Wellfield Protection Areas** (CDMP Land Use Element text p. I-74, "Wellfield Area", p. I-78, "Future Waterwell and Cones of Influence"; CDMP Conservation Element Objective CON-3, Policy CON-3A, Land Use Element Objective LU-3, Policy LU-3B)
- a. As previously stipulated in the agreement between FPL and Miami-Dade County (dated November 30, 1989 for the Levee Midway Corridor Certification), the use of pesticides, including but not limited to herbicides, is prohibited within all portions of the transmission lines located within wellfield protection areas. (*Miami-Dade County Code Section 24-43*)
 - b. FPL, its agents and contractors shall not transport, generate or store hazardous wastes or hazardous materials as defined pursuant to Section 24-45 Miami-Dade County Code within any portion of the transmission lines located within a wellfield protection area in Miami-Dade County. Discharge or disposal of hazardous wastes or hazardous materials along or adjacent to any portion of the transmission lines including outside of wellfield protection areas is also prohibited within Miami-Dade County. (*Miami-Dade County Code Section 24-43*)
- 12. Condition regarding fill within the transmission rights of way**
- a. All fill material proposed to be placed within the certified transmission line corridor shall meet the clean fill/soil criteria, pursuant to the definition of Chapter 24-5 of the Code of Miami-Dade County, or shall be compliant with the Soil Reuse Guidance for Miami-Dade County dated March 22, 2004. (www.miamidade.gov/PERA/library/land/rbca_soil_reuse.pdf). (*Miami-Dade County Code Chapter 33 and Chapter 24 Section 24-48 and Condition 14 of Miami-Dade County Resolution No. Z-56-07*)
- 13. Condition Relating to Co-location of Public Recreation and Other Public Uses Within Transmission Line Rights-of-Way:**
- a. FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the proposed transmission line rights-of-way. (*CDMP Policy LU-1H, Miami-Dade County Parks and Open Space Master Plan*)
- 14. Condition relating to project design and wildlife impacts**
- a. FPL shall conduct a comprehensive study to identify where the certified transmission corridors cross existing wildlife travel corridors, including but not limited to mammalian, avian, reptilian and amphibian travel corridors, with special attention on travel corridors for rare, threatened or endangered fauna. This study, whose methodology must be approved by PERA, must be completed prior to final design of any infrastructure to be constructed in the corridors. FPL shall use the results of the study to inform the final design of infrastructure to be constructed to include appropriate wildlife protection features that may include but not be limited to undergrounding in specific areas, fencing, wildlife underpasses, less impacting power pole design, etc where transmission rights-of-way cross existing wildlife travel corridors. FPL shall be responsible for the cost associated with undergrounding transmission lines. (*Miami-Dade County Code Chapter*

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

33 and Chapter 24 Sections 24-7 and 24-48, Conditions 9 and 11 of Miami-Dade County Resolution No. Z-56-07, CDMP Objective CON-7 Policy CON-7A, Objective CON-9, Policies CON-9A, CON-9B, CON-9C, and Objective CM-4, Policy CM-4C)

15. Conditions relating to project design and general protected species occurrence.
(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, Condition 11 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-9A, CON-9B, CON-9C, and CON-9E)

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

16. Conditions relating to project design and protected species impacts

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

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

avoidance/mitigation measures after consultation and approval from Miami-Dade County, the FWC, and, if appropriate, the USFWS.

- 1) These surveys shall be conducted in accordance with USFWS/FWC guidelines and methodologies by a person or firm that is knowledgeable and experienced in conducting flora and fauna surveys for each potentially occurring listed species.
 - 2) These surveys shall identify any wading bird colonies or other avian rookeries or nesting areas (e.g. Everglades snail kite nesting areas) within one mile of the project that may be affected, as per USFWS buffer recommendations.
 - 3) These surveys shall identify locations of breeding sites, nests, and burrows for protected wildlife species. Nests and burrows shall be recorded with GPS coordinates, identified on an aerial photograph, and submitted with the final listed species report. Although nests and burrows may be recorded individually with GPS, Miami-Dade County and the FWC prefer that any applicable protection radii surrounding groups of nest sites and burrows be included, rather than around individual nests and burrows.
- b. FPL shall utilize this information to modify the management plan for all federal and state listed endangered or threatened species, as required under Condition 11 of Z-56-07 and shall modify final design of transmission infrastructure to avoid impacts to protected wildlife species to the degree practicable, minimize impacts that are unavoidable, and mitigate for impacts that are unavoidable through wildlife protection measures that must be approved by Miami-Dade PERA. Breeding sites for threatened or endangered species shall not be moved or destroyed.
- c. These surveys shall include an estimate of the acreage and percent cover of each existing vegetation community (Florida Land Use, Cover and Forms Classification System, or FLUCFCS, at the third degree of details), include a wildlife-based habitat classification scheme such as the Comprehensive Wildlife Conservation Strategy (FWC 2005), Description of Vegetation and Land Cover Types (FWC 2004), or Natural Communities Guide (FNAI 1990) of each community that is contained within the transmission line right-of-way and shall use GIS to document findings. Electronic copies of all GIS files used to create the survey report(s) shall be submitted to PERA and FWC as part of the reporting requirements, except as specified for listed plant species, below.
- d. This survey shall include locations for all plant species that are endangered or threatened at state or federal levels. FPL shall deposit GIS records for listed plant species with a non-governmental organization that is mutually agreeable to both FPL and Miami-Dade County PERA.
(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, Condition 11 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)

17. Condition relating to project design and wildlife corridor impacts

- a. FPL shall conduct a comprehensive study to identify where the certified transmission corridors cross existing wildlife travel corridors, including but not limited to mammalian, avian, reptilian and amphibian travel corridors, with special attention on travel corridors for rare, threatened or endangered fauna. This study, whose methodology must be approved by PERA, must be completed prior to final design of any infrastructure to be

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

constructed in the corridors. FPL shall use the results of the study to inform the final design of infrastructure to be constructed to include appropriate wildlife protection features that may include but not be limited to undergrounding in specific areas, fencing, wildlife underpasses, less impacting power pole design, etc where transmission rights-of-way cross existing wildlife travel corridors. FPL shall be responsible for the cost associated with undergrounding transmission lines. *(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3 of the Miami-Dade County Code, Condition 9 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)*

18. Condition relating to avian nesting, including wood stork/wading bird colonies

- a. In order to identify the baseline conditions which may indicate the potential for impacts to wood storks, other wading birds, and/or other avian species protected by state or federal law, and to help quantify potential mitigation for such impacts, FPL will perform the following studies prior to final design of the transmission corridor:
 - 1) Follow flight surveys should be conducted during nesting seasons where young successfully fledge from colonies, for any identified wood stork colonies within a mile of the proposed transmission corridor, including but not limited to those along Tamiami Trail (East 1, East 2, and West) and the 3B Mud East Colony. A sufficient number of seasons must be surveyed to ensure that the results include at least one nesting season that is considered average and one that is considered exceptionally successful by FWC, USFWS, and SFWMD biologists. Detailed design for the surveys shall be submitted to FWC, USFWS, SFWMD, Miami-Dade County, and, as the landowner for several known colonies, ENP, within 180 days after certification, and shall be subject to review and approval by these same agencies. The surveys shall be conducted beginning at the start of the nesting season, shall continue during the fledging period, and shall ascertain flight line corridors for the wood storks in terms of direction, destination(s), numbers of birds, altitudes, and other parameters as approved by FWC, USFWS, SFWMD, Miami-Dade County, and ENP. These data would be compared to appropriate data for the same colonies, collected to date where available, as approved by the aforementioned agencies.
 - 2) A post-certification, one-time pre-final design aerial survey, whose methodology shall be subject to review and approval by FWC, USFWS, SFWMD, Miami-Dade County, and ENP, shall be conducted via fixed wing or rotary wing aircraft, between the months of December and May, once it is confirmed by FWC, USFWS, SFWMD, Miami-Dade County, or ENP that wading birds are nesting in the area of either the proposed East or West transmission line right-of-way. The surveys should employ a series of two transects, along each side of the right-of-way. To minimize disturbance to the colonies, the flight(s) should be conducted at altitudes no less than 300 feet.
 - a) This survey shall identify any wood stork/wading bird colonies in addition to any found from agency records that may be affected within one mile of the project ROW.
 - b) Center locations of all wood stork and wading bird colonies should be delineated with a Wide Area Augmentation System (WAAS) enabled Global Positioning System (GPS) unit.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- c) Ground inspection of all wood stork and wading bird colonies needs to be made as aerial identification of intermediate-sized and dark-plumaged wading birds (little blue heron, tricolored heron, glossy ibis) is difficult at best and because they tend to nest below the vegetation canopy, making species identification all but impossible. To avoid flushing birds from their nests identification of species should be made using binoculars, and surveys should follow the protocols in Rodgers and Smith (1995). (Rodgers, J. A, and H. T. Smith. 1995. *Set-back distances to protect nesting bird colonies from human disturbance in Florida*. Conservation Biology 9: 89-99.)

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

- c. For any nesting activity by state or federally listed threatened or endangered species identified as being located within one mile from the corridor as a result of the above-referenced post-certification pre-final design survey, and for the protection of known foraging habitat, FPL shall implement the following measures:
 - 1) Modify the project to avoid all impacts to nesting activity by state or federally listed threatened or endangered species, including but not limited to undergrounding or at-grade facilities in specific areas, or relocating the corridor to be outside the recommended USFWS buffer for wood stork colonies and/or a suitable distance from any other nesting activity by state or federally listed threatened or endangered species (including but not limited to Everglades snail kites), so as to not disturb, even temporarily, any nesting habitat utilized by state or federally listed threatened or endangered species. FPL shall be responsible for the cost associated with undergrounding transmission lines. In addition, the project shall be modified as necessary to avoid all permanent impacts to foraging habitat for listed avifauna (such as but not limited to Everglades Snail Kites) within the Miami-Dade County designated East Everglades Area of Critical Environmental Concern.
 - 2) Flight Diverters – For any portion of the corridor that is outside the one-mile buffer or which would not disturb any other nesting activity by state or federally listed threatened or endangered species but which crosses one or more avian travel corridors, FPL shall install spiral/corkscrew design bird flight diverters (or other mutually agreeable design flight diverters) on the Overhead Ground Wires (OHGW) of each transmission line wherever the transmission infrastructure crosses a travel corridor. Flight diverters shall be installed according to the manufacturers' instructions, and maintained on a schedule to be approved by FWC and Miami-Dade County.
 - 3) FPL shall also install perch discouragers at transmission structure pole tops and arms to address risks from nest building and streamers (defecation) and reduced the exposure and potential risk of electrocutions.
 - 4) Mitigation Effectiveness Study – At leave six months prior to any construction, FPL shall fund a monitoring study to determine the effectiveness of proposed

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

avian mitigation measures. The results will be used to determine effectiveness of these measures in the protection of important habitats including assisting wood storks (and other state or federally listed threatened or endangered avian species) in avoiding the new transmission line facilities, and identify whether effectiveness of sections of lines with mitigation features is significantly different from unmarked lines. The design and implementation of this survey is subject to review and approval from FWC, USFWS, SFWMD, Miami-Dade County, and ENP and the agency's approval shall include the timelines required for implementation, completion and review of the survey.

- 5) Post-survey Review – After the Mitigation Effectiveness Study has been conducted, the results will be presented to FWC, USFWS, SFWMD, Miami-Dade County, and ENP. If mortality to any avian species reasonably related to collisions with the transmission lines is detected, FPL and the Study Investigator shall meet with FWC, USFWS, SFWMD, Miami-Dade County, and ENP to discuss the results of the Mitigation Effectiveness Study to determine what additional mitigation measures, including but not limited to redesign of transmission facilities or modification/relocation of the corridor, or a different configuration or greater density of flight diverters, or additional monitoring, or a combination may be required by the aforementioned agencies.

(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3-24.48.4 of the Miami-Dade County Code, Condition 11 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-9A, CON-9B, CON-9C, and CON-9E)

19. Condition relating to a management plan for protected species

- a. FPL shall coordinate with FWC, USFWS, SFWMD, and Miami-Dade County in the development of a management plan for protected species for the transmission corridors, which shall be subject to review and approval by the aforementioned agencies. Protected species to be included in this plan shall include but not be limited to the bald eagle, migratory birds protected by the Migratory Bird Act, those species listed as endangered, threatened, or of special concern by the FWC or those listed as endangered or threatened by U.S. Fish and Wildlife Service (USFWS), and those plant species listed as endangered or threatened by the Florida Department of Agriculture and Consumer Services Division of Plant Industry.
- b. This plan shall address management and preservation of protected species found within one mile of the transmission corridors and their habitats, and shall be submitted to FWC, USFWS, SFWMD, and Miami-Dade County prior to final design of the transmission lines and associated infrastructure. The plan shall identify and preserve, to the maximum extent possible, all habitat identified as significant to these species. No construction in the transmission corridors shall occur until the management plan for protected species has been reviewed and found sufficient by FWC, USFWS, SFWMD, and Miami-Dade County and FPL demonstrates that appropriate wildlife and plant protection measures have been implemented in final design and location of the transmission infrastructure.

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

(Section 24-7 of the Miami-Dade County Code, Section 24-18(A) of the Miami-Dade County Code, Section 24-48.3 of the Miami-Dade County Code, Condition 11 of Miami-Dade County Resolution No. Z-56-07, CDMP Objectives CON-7 and CON-9, CDMP Policies CON-7A, CON-7J, CON-9A, CON-9B, CON-9C, and CON-9E)

20. Conditions relating to manatee protection during construction. *With respect to construction, maintenance and operation of the proposed project transmission lines:*

- a. The Standard Manatee Conditions for In-Water Work (revision 2009) shall be followed for all in-water activity located where waters are accessible to manatees. Blasting as a dredge method shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC and the Coastal Resources Section of Miami-Dade County PERA at least six months prior to these methodologies being used.
- b. At least six months prior to the beginning of in-water construction located where waters are accessible to manatees, FPL shall contact both FWC and Miami-Dade County PERA to determine whether observers shall be required, how many observers will be needed, and who those observers will be. If observers are recommended, manatee observers must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessel, or any in-water work associated with construction or demolition activities shall not be performed after sunset. Following project completion, a report summarizing manatee sightings, collisions or injuries shall be prepared by FPL and this report shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section and Miami-Dade County PERA's Coastal Resources Section.
- c. If a cofferdam is used during in-water construction to minimize release of sediment, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

(Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C, Section 3792291, F.S., Section 379.2431, F.S., and Chapter 68A-27, F.A.C.)

21. General conditions relating to listed species habitat

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

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

transmission lines and associated infrastructure, including maintenance roads. (CDMP Objective CON-7, Policy CON-7A, and Objective CM-1, Policy CM-1E)

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

- a. Impacts shall be avoided and minimized in all wetland areas. No less than 90 days prior to commencement of work within each segment of transmission line right-of-way that is located within or impacts wetlands (including site clearing or other preparation work), FPL shall provide Miami-Dade County PERA with complete and detailed plans, and construction methodology, for all proposed work within the transmission corridor. This information shall be provided as a post certification submittal for review and approval by Miami-Dade County PERA, and shall be of sufficient detail for the County to evaluate the proposed work for conformance with ERP regulations as well as the Miami-Dade County CDMP, Chapter 33B, and **Section 24-48, Miami-Dade County Code**. The proposed work shall demonstrate that all avoidable impacts associated with roads and other infrastructure to be located within and adjacent to the wetland portions of the transmission corridors have been eliminated and that unavoidable impacts have been minimized, and that the project design maximizes preservation of existing natural resources as required pursuant to **Section 24-48.4 Miami-Dade County Code**. The proposed design and construction of the transmission lines shall incorporate features that avoid and minimize impacts to natural resources including but not limited to wetlands, flora, fauna, and rare, threatened and endangered species. This may include but is not limited to selective placement of transmission line infrastructure, varying the transmission line structure span length as appropriate, use of reduced fill pad size, elimination of fill pads for transmission line structures, elimination of access roads where not necessary, construction of access roads at wetland grade, undergrounding of transmission lines, collocation with existing features, and modification of construction techniques to eliminate avoidable impacts and reduce unavoidable impacts. FPL shall be responsible for the cost associated with undergrounding transmission lines. Access roads, culverts and all other structures shall be located to avoid conflict with existing underground utilities including but not limited to water and sewer facilities. In the event temporary fill is used in wetlands to facilitate construction of the transmission line, the temporary fill shall be removed and the wetlands restored after construction to minimize impacts to wetlands. PERA will review the submittal for compliance with the requirements of this condition and the requirements of the Miami-Dade County Code, and FPL shall modify the plan as necessary to comply with these requirements. Work on portions of the transmission lines within wetlands as well as any other portions impacting wetlands shall not commence until PERA has approved the submittal through a determination that it meets the requirements of this condition, the Miami-Dade County Public Works Manual and Chapters 24 and 33B, of the Miami-Dade County Code.
- b. FPL shall execute a permanent flowage easement in favor of the county, state and federal governments across those portions of the transmission corridors located within the Comprehensive Everglades Restoration Plan (CERP) Biscayne Bay Coastal Wetlands (BBCW) Project study area boundaries (CDMP Policy CON-7C). In accordance with Condition 17 of Z-56-07, this flowage easement shall be approved by

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

MDC PERA based on a coordinated review by the agencies and shall be executed by FPL prior to any clearing or construction within any of the approved transmission corridors. MDC PERA shall record the flowage easement in the public records after acceptance of the finalized language. (*Condition 17 of Miami-Dade County Resolution No. Z-56-07, Miami-Dade County Code Chapter 33 and Chapter 24 Section 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B, Objective CON-7, Policy CON-7C, and Objective CM-1 Policy CM-1B*).

- c. FPL, through its design, construction, maintenance and operation of infrastructure to be located within the transmission corridors, shall actively support, to the greatest extent applicable, the restoration and maintenance of surface water flow through wetland systems of the Shark River Slough, Everglades National Park, and the saline wetlands of southeastern Miami-Dade County. Any work, use, alteration or construction that constrains or prevents the restoration or maintenance of water flow is prohibited. (*Miami-Dade County Code Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A, LU-3B and LU-3C, Objective CON-7, Policies CON-7C and CON-7J and Objective CM-1, Policy CM-1B*).

23. Conditions for Wetland Mitigation

- a. A complete and detailed comprehensive wetlands mitigation plan, that addresses permanent and temporary impacts, shall be submitted to the FDEP, SFWMD and Miami-Dade County PERA for review and approval by each of these agencies prior to any work or construction within the transmission corridors and prior to the performance of any of the mitigation. In order to be acceptable to Miami-Dade County, the mitigation plans shall meet all the requirements of Chapter 24 of the Miami-Dade County Code as well as the applicable conditions of Miami-Dade County Resolution No. Z-56-07 as well as applicable state and federal regulations. In addition, because the maintenance of the transmission lines once constructed will require continual impacts to wetlands and other natural areas, the mitigation plan shall fully address these continuing impacts. (*CDMP Objective CON-7, Policy CON-7A, Objective CM-1, Policy CM-1E, and Objective CON-9, Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, Condition 9 of Miami-Dade County Resolution No. Z-56-07, Basis of Review Section 4.3.1.2*)
- b. FPL shall mitigate for unavoidable wetland impacts (and other impacts as applicable) that occur in parks designated at the federal, state, regional, or local level to the extent possible within the same park in which the impacts occur. Prior to mitigating within mitigation banks located within or adjacent to any such parks, FPL shall perform mitigation according to the hierarchy of Section 24-48 of the Miami-Dade County Code including avoidance and minimization of impacts and in a manner consistent with Everglades Restoration projects including but not limited to CERP and the Modified Water Delivery Project. Mitigation shall not prohibit, delay or otherwise constrain Everglades Restoration projects. FPL shall also mitigate for unavoidable wetland impacts (and other impacts as applicable) that would occur in wetland areas to the extent possible within the same area in which the impacts occur. If there are insufficient mitigation opportunities available in the same park or in the same wetland area in which the impacts occur, FPL may mitigate for unavoidable wetland impacts within adjacent or nearby wetland basins or may purchase credits in a mitigation bank that is considered acceptable by FDEP, the SFWMD and Miami-Dade County PERA. To the extent

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

possible, FPL shall undertake mitigation projects in the same park or wetland area or in adjacent wetland basins before purchasing or otherwise seeking credits from an appropriate mitigation bank. *(CDMP Objective CON-7, Policy CON-7A, Objective CM-1, Policy CM-1E, and Objective CON-9, Miami-Dade County Code Sections 24-7 and 24-48, Basis of Review Section 4.3.1.2)*

- c. If the west secondary corridor is certified, FPL shall execute a permanent flowage easement in favor of the county, state and federal governments across all FPL owned lands and easements held by FPL at the time the corridor is certified and which are located within the boundaries of Everglades National Park. This flowage easement shall be approved by MDC PERA based on a coordinated review by the agencies and shall be executed by FPL and recorded by Miami-Dade County in the public records prior to any clearing or construction within any of the transmission corridors approved under the pending application. MDC PERA shall record the flowage easement in the public records after acceptance of the finalized language. The overarching purpose of this condition is to insure mitigation is performed according to the hierarchy of Section 24-48 of the Miami-Dade County Code including avoidance and minimization of impacts and to insure consistency with Everglades Restoration projects including but not limited to CERP and the Modified Water Delivery project. *(Miami-Dade County Code Sections 24-7 and 24-48, 33B-26 and 33B-28, CDMP Objective LU-3, Policies LU-3A and LU-3C, Objective CON-7, Policy CON-7C)*

- d. If the west preferred corridor is certified, all FPL owned lands and easements held by FPL at the time the corridor is certified and located within the current boundaries of Everglades National Park shall be placed under a conservation and flowage easement and included as a preservation component of the required mitigation. FPL shall execute a permanent conservation and flowage easement in favor of the county, state and federal governments across all FPL owned lands and easements held by FPL at the time the corridor is certified and which are located within the boundaries of Everglades National Park. This conservation and flowage easement shall be approved by MDC PERA based on a coordinated review by the agencies and shall be executed by FPL and recorded by Miami-Dade County in the public records prior to any clearing or construction within any of the transmission corridors approved under the pending application. MDC PERA shall record the easement in the public records after acceptance of the finalized language. The overarching purpose of this condition is to insure mitigation is performed according to the hierarchy of Section 24-48 of the Miami-Dade County Code including avoidance and minimization of impacts and to insure consistency with Everglades Restoration projects including but not limited to CERP and the Modified Water Delivery project. *(Miami-Dade County Code Sections 24-7 and 24-48, 33B-26 and 33B-28, CDMP Objective LU-3, Policies LU-3A and LU-3C, Objective CON-7, Policy CON-7C)*

- e. Due to the uncertainty of the timing of any mitigation proposed at HID because it is not being proposed "up-front" and because it is not known when the wetland impacts will occur, reasonable assurance must be provided that sufficient area will be available at HID at the time the wetland impacts would be mitigated. Therefore, for any mitigation to be acceptable at the Hole In the Donut (HID) as currently proposed for wetlands impacts associated with the transmission corridor infrastructure, reasonable assurance shall be provided to the agencies demonstrating that adequate credits will be available at HID for

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

restoration work not yet performed at the time the proposed wetland impacts would begin. Unless the credits and location(s) are permanently reserved at HID by purchase in advance of the work or some equivalent assurance is provided that the mitigation opportunity at HID will continue to exist at the time the mitigation is to be utilized, acceptance of mitigation at HID cannot be pre-approved in advance by Miami-Dade County under applicable regulations including Chapter 24 of the Miami-Dade County Code.. FPL shall, in coordination with Everglades National Park as the HID mitigation bank manager, identify the specific location(s) and boundary(ies) of any mitigation proposed within HID in a post certification submittal to FDEP and MDC PERA. To be acceptable to Miami-Dade County, the submittal shall be sufficient in detail to confirm that the required amount of mitigation would be provided in the form of wetland restoration at HID in an area or area(s) yet to be restored at the time this mitigation commences. The submittal must also demonstrate the bank manager's agreement to reserve the area(s) for FPL until this mitigation is performed. The required mitigation shall be based on the actual amount and locations of wetland impacts and the mitigation ratios required by Miami-Dade County as specified herein below. *(the Basis of Review, the Uniform Mitigation Assessment Methodology and Chapter 24 of the Miami-Dade County Code)*

- f. For any mitigation to be acceptable at the HID, ratios required as a condition of certification shall not be less than those required by Miami-Dade County pursuant to its evaluation under the Basis of Review, the Uniform Mitigation Assessment Methodology, the CDMP and Chapter 24 of the Miami-Dade County Code. The minimum required ratios determined by Miami-Dade County vary between and within segments due to the varying quality of the wetlands and are included herein as a component of the agency report (see Attachment 1). These ratios are based on the quality of the wetlands at the time of corridor certification and it is acknowledged that their quality may change in the future before proposed impacts would occur. If wetland quality changes in any segment of an approved transmission corridor prior to the proposed impact to the extent that the ratio may need to be adjusted, FPL or the agencies may request that the required ratio be reevaluated at that time and a new ratio, if appropriate, shall be established for that segment upon approval by the wetland regulatory agencies. *(the Basis of Review, the Uniform Mitigation Assessment Methodology, the CDMP and Chapter 24 of the Miami-Dade County Code)*
- g. Impacts to tree islands and other forested wetlands shall not be mitigated at HID. Wetland impacts mitigated at HID shall be in-kind only. *(United States Army Corps of Engineers requirement)*

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

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

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

b. At least one hundred and eighty (180) days prior to the commencement of construction of any portion of the transmission line which will cross over, on, under, or otherwise use a Miami-Dade County canal right-of-way or canal reservation, complete drawings showing the proposed facilities must be submitted to Miami-Dade County PERA for documentation of compliance with Chapters 24 and 33 of the Miami-Dade County Code of Ordinances. DEP and PERA will review the drawings for compliance with Chapters 24 and 33 of the Miami-Dade County Code and FPL shall correct the drawings as necessary to comply with Code requirements based on this review. Work under these drawings shall not commence until DEP and PERA have approved the drawings. These drawings shall depict the proposed crossing in both plan and profile views and shall show, at a minimum:

- 1) The canal right-of-way lines;
- 2) The top of the canal bank and its elevation;
- 3) The centerline of the levee and its elevation
- 4) The canal maintenance berm and its elevations at its highest point;
- 5) The location of any poles, towers, and/or access roads located within the County's right-of-way;
- 6) The location of any anchors, downguys, or spanguys within the County's right-of-way;
- 7) The elevation of the lowest line, wire, or cable crossing over the County's right-of-way, given at the lowest point of sag in the span within the County's right-of-way;
- 8) The location and elevation of any buried facilities;
- 9) The location of the facilities in relation to a section line, major road, or other prominent well-known landmark by which the facilities may be located in the field.
- 10) Should FPL desire to utilize Miami-Dade County's canal right-of-way for access during construction of the transmission line and/or for inspection and maintenance after construction, FPL shall submit to Miami-Dade County PERA a detailed plan identifying the proposed route, type and number of vehicles to be used, and frequency of such use.

25. Conditions on Water and Sewer Infrastructure

- a. Access to all water and sewer valves, sanitary sewer manholes, and other control mechanisms shall be maintained throughout construction to ensure the public health and safety in the event of an emergency. Covering valve boxes and manholes is considered unauthorized obstruction of and tampering with Water and Sewer Department (MDWASD) Utilities.
- b. FPL's contractors shall locate and proceed with caution when excavating within five (5) feet of Miami-Dade County Water and Sewer Department facilities.
- c. No trees or palms should be planted within five (5) feet of any MDWASD facility.
- d. FPL's contractors shall comply with Chapter 556 F.S. relating to underground facility damage prevention and safety.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0556/0556.html

26. Conditions on Roadway Dedications and Other waivers

- a. FPL shall dedicate or otherwise convey to Miami-Dade County land needed for streets, roads, and public ways that are listed in Attachment 3, pursuant to Section 33-133 of the Miami-Dade County Code. Dedication or conveyance documents, as appropriate, shall be executed by FPL prior to any clearing or construction within any of the approved transmission corridors.

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

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

28. Conditions for historic places and structures: *The proposed overhead transmission line route that runs along the US-1 corridor has the potential to impact several historic sites throughout the county. Additionally, the portion of the routes that are west of the turnpike, particularly near Krome Avenue and westward, have the potential to impact several sites of archaeological importance.*

- a. Placement of overhead transmission line poles is prohibited within 50 feet of any eligible or designated historic site boundary. Additionally, transmission line poles shall not negatively impact any significant view corridors from a historic site. *(CDMP Land Use Element, Objective LU-6)*
- b. FPL shall perform a historic and archaeological survey along all proposed routes prior to final selection of pole placement. Survey results shall be submitted to the Office of Historic and Archaeological Resources for final comments as it relates to pole placement. The Office of Historic and Archaeological Resources may also submit their own comments related to eligible or existing historic and archaeological sites along the proposed routes, as some of the proposed routes may have already been surveyed by this office. *(CDMP Land Use Element, Objective LU-6)*
- c. Archaeological monitoring shall be performed during all construction west of Krome Avenue. Should archaeological deposits or resources be discovered during such monitoring, the county archaeologist shall be given adequate time (up to one week per site) to collect artifacts and document the site before construction continues. *(CDMP Land Use Element, Objective LU-6)*
- d. Coordination with the appropriate State and regional agencies, including the Miccosukee Tribe of Indians, must be undertaken if an archaeological site is discovered, per CDMP Policy LU-6H.
- e. If any impact to a historic or archaeological site cannot be avoided completely, then the applicant must provide mitigation as determined by the Historic Preservation Board. Such mitigation may include additional trees, landscaping, appropriate lighting for the historic site and historic marker placement. *(CDMP Land Use Element, Objective LU-6)*

29. Protected tree and vegetation conditions:

- a. Existing specimen trees, native vegetation (including canopy, understory, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible. (Miami-Dade County Code Sections 18A-2, 18A-5, 24-48 and 24-49, CDMP Objective CON-8, Policies CON-8C, CON-8D CON-8E and Objective CM-1 policy CM-1A and CM-1D)
- b. At least ninety six months prior to commencement of work within each segment of transmission line within uplands on newly established transmission line right-of-way (including site clearing or tree removal), FPL shall submit to Miami-Dade County (and applicable municipalities) for review and approval as a post-certification submittal a tree survey for that segment showing all upland trees that need to be removed, as well as a tree planting plan to compensate for the tree canopy to be removed for that segment as required by Section 24-49 Miami-Dade County Code. Miami-Dade County (and applicable municipalities) will review the survey and the adequacy of the plan for compliance with the requirements of the Miami-Dade County Code and municipal laws, and FPL shall correct the survey as well as modify the plan as necessary to comply with these Code requirements. Work under the tree planting plan shall not commence until Miami-Dade County (and applicable municipalities) have approved the survey and plan through a determination that both meet the requirements of Section 24-49, Miami-Dade County Code, and municipal law. FPL shall perform and complete the tree planting in a timely manner as specified in the approved plan. No trees within a newly established transmission line right-of-way shall be removed, transplanted or damaged by FPL, their agents or contractors until Miami-Dade County (and applicable municipalities) approval has been granted, with the exception of specific prohibited species (see Attachment 2) as defined under Miami-County Code that do not require a tree removal permit pursuant to Section 24-49, Miami-Dade County Code. Removal of trees from botanic gardens or state approved nurseries are not subject to the tree or canopy replacement requirements contained herein. For purposes of this condition, state approved nurseries shall mean those nurseries with a valid certificate of registration from the Division of Plant Industry. Wetland mitigation requirements are described in other conditions of certification and trees located within wetlands are not subject to these tree or canopy replacement requirements.
- c. For established and constructed transmission line rights-of-way, FPL shall meet all applicable local and state requirements relating to tree removal and tree trimming and provide Miami-Dade County PERA a minimum of five (5) business days' advance written notice prior to conducting routine vegetation maintenance and tree pruning or trimming activities, as required by Section 163.3209, Florida Statutes (2010).
- d. For all tree and vegetation pruning within transmission line rights of way certified in conjunction with Turkey Point units 6 & 7 FPL shall utilize best management practices for tree pruning and utility line tree pruning as described by the Tree Care Industry (companion publications to ANSI A300 Part 1). In addition to maintain safe clearance from lines for workers, FPL shall consider tree health and structure to reduce impacts from storms and aesthetics, especially in urban areas.
- e. FPL shall not maintain vegetation on or adjacent to a transmission line right-of-way in a manner that would violate the clearance requirements specified in Table 2 of ANSI

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

Z133.1-2000 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2., or that would violate the National Electrical Safety Code as adopted by the Florida Public Service Commission.

30. Condition regarding cost recovery for plan reviews and inspections:

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

31. Condition regarding Electric Vehicle Charging Stations:

FPL shall work with Miami-Dade County and the South Florida Regional Planning Council, in accordance with goals determined through the Florida Gold Coast Sustainable Community Planning for Electric Vehicle Charging and Infrastructure Project, to provide electric vehicle charging stations at County parking garages/lots, County rights-of-way and other appropriate locations along the eastern and western transmission line corridors.

32. Condition regarding inspection of transmission line facilities:

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

CONDITIONS SECTION 2:

EASTERN CORRIDOR SEGMENT DESCRIPTIONS, IMPACTS, AND CONDITIONS

FPL's proposed eastern corridor has been divided into segments to organize the description of impacts and conditions based upon County Code provisions which apply to defined geographic locations and distinct CDMP text, policies, and CDMP land use map categories with different allowed uses. In some cases, conditions apply to multiple segments of the Eastern Corridor. The Figure 1 below depicts relevant CDMP land uses and transmission line segments described in narrative form throughout this section of the report. From north to south the proposed 230kV Eastern Corridor transmission line would extend roughly 36.7 miles according to Site Certification Application materials submitted to the County for this project. The subsections below include conditions designed to address potential impacts relevant to the Eastern Corridor including specific segments of the corridor.

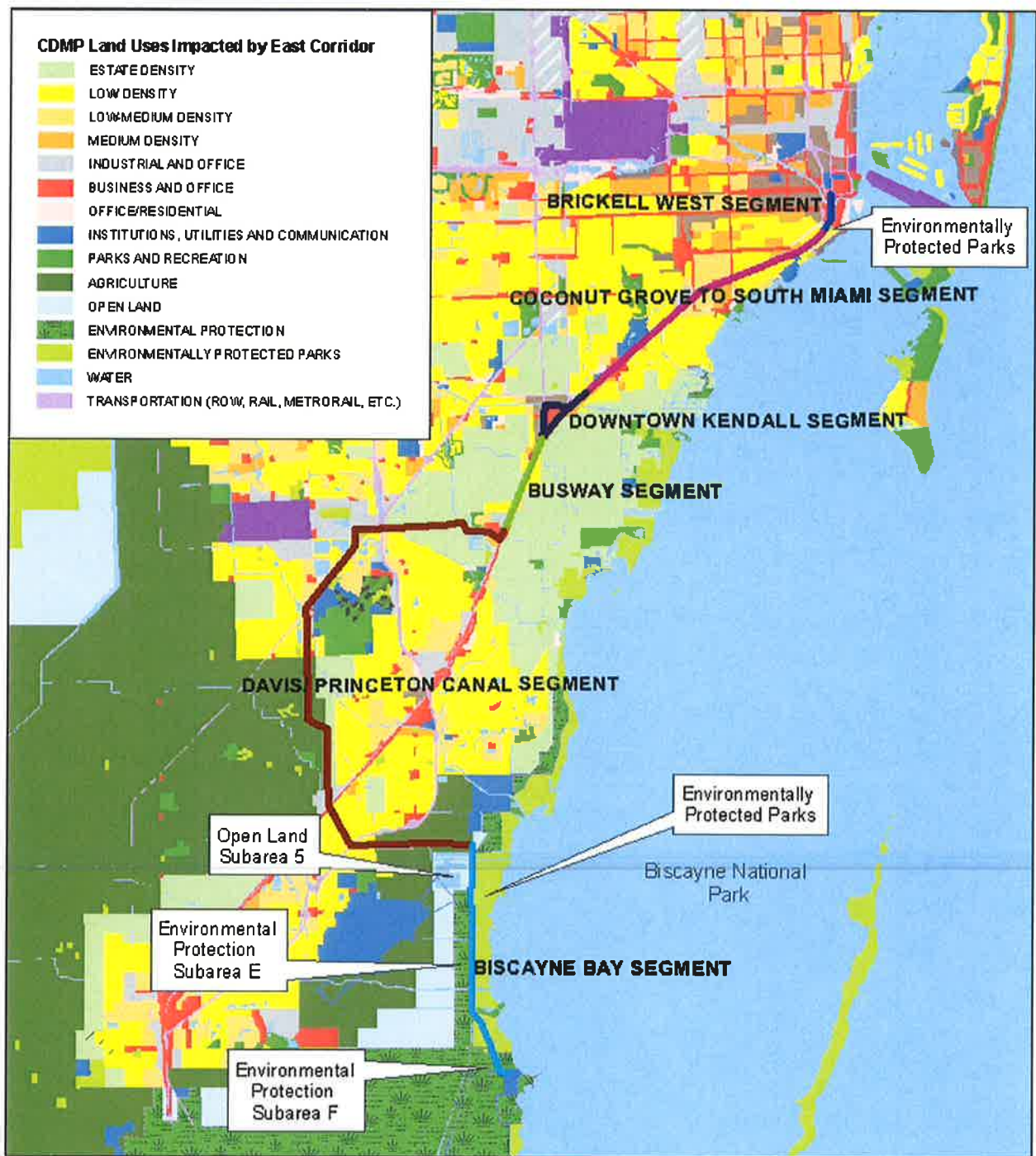


FIGURE 1

CDMP LAND USES INTERSECTED BY FPL PROPOSED EASTERN CORRIDOR SEGMENTS

MIAMI-DADE COUNTY
 Planning and Zoning Department

0 1.25 2.5 5 Miles

Date: June 1, 2011.
 Data: Department of Planning and Zoning, Miami-Dade County.

Brickell West Segment: Miami Substation to SW 19th Road. This segment of downtown Miami and the western Brickell area includes a separated Metrorail and I-95 configuration with major north-south streets including I-95, SW 3rd Avenue, SW 2nd Avenue, SW 1st Avenue and SW 1st Court. A subaqueous crossing of the Miami River is proposed for this segment. The Metrorail transitions from an elevated structure at the north end of this segment to an at-grade alignment near SW 17th Road.

This segment is located within a Metropolitan Urban Center as established by the CDMP and many of the pedestrian-oriented features of this Metropolitan Urban Center may be impacted by the proposed transmission lines within this area. This area shall be characterized by "high quality urban design" (CDMP p. I-46). Design emphasis of all Urban Centers and all of their individual components shall be to create active pedestrian environments through high-quality design of public spaces with "human scale appointments", and connectivity using pedestrian linkages such as sidewalks and bike lanes. Streets shall be designed for pedestrian mobility, interest, safety and comfort as well as vehicular mobility. And, "Emphasis shall be placed on sidewalks, with width and street-edge landscaping increased where necessary to accommodate pedestrian volumes or to enhance safety or comfort of pedestrians on sidewalks along any high-speed roadways." Streets in urban centers shall also provide furnishings such as benches, light fixtures, and bus shelters. (CDMP pgs I-46 through I-48, Policies TE-2C and TE-2D). Proposed poles could impact aforementioned design and mobility features and goals, and the overall quality of the pedestrian environment. Potential impacts to this area also include the City of Miami Simpson Park (a designated Natural Forest Community) and South Side Park.

1. Urban and Neighborhood Area Conditions

- a. For the City of Miami Simpson Park, FPL shall comply with "Conditions regarding Natural Forest Communities", in the section of this report entitled, "Impacts and Conditions Applicable to Multiple Segments Within Eastern and Western Corridors". (CDMP Policy CON-8C, Code Section 24-49)
- b. Transmission line poles shall be neutral-colored concrete single-pole pylons directly embedded into the ground; no guy wires, anchors, metal bases, or other support structures will be permitted in East Corridor segments from the Miami Substation to southernmost end of the Busway Segment (SW 132nd Street). Pole designs shall be selected to ensure the smallest feasible pole base diameter. Any deviation from the use of aforementioned materials or design must be reviewed and approved for aesthetic impacts by the County. At least six months prior to construction, all pole specifications, including heights above 117 feet, shall be submitted to the County for review and approval. Pole designs necessitating guide wires or cables or caissons (structures other than single monopoles) are also prohibited in all residential land use categories. (CDMP Land Use Element, LU-4C, LU-4D, LU-4A, CDMP 'Residential Communities Guidelines for Urban Form', p. I-27 #9)
- c. Poles supporting transmission lines shall allow for maximum growth of existing canopy trees while maintaining national minimum approach distances for workers (National Electrical Safety Code, ANSI Z133), required clearance from the Metrorail guideway and other infrastructure, and minimum ground clearance for lines. Pole heights shall be minimized by using best available technology to limit sagging of transmission lines and

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

by maintaining regular pruning schedules. No additional tree clearance area shall be allowed for transmission lines poles other than the ANSI requirements.

- d. Pole and transmission line placement shall not inhibit or significantly constrain future site development (including redevelopment and expansion of existing development) along the East Corridor from the Miami Substation to the southernmost end of the Busway Segment (SW 132nd Street), particularly in transit zone areas. (*Sec. 33C-8 Rapid Transit Zone District Regulations for non-Metrorail Development Within the City of Miami (C) Development Parameters and (D) Site Plan Review Standards and Criteria*).
 - e. Transmission lines shall not be located in the ROW such that future development would cause residential, office or commercial structures to be located within unsafe distances of transmission lines, as established by FDEP EMF regulations. (*Chapter 62-814, F.A.C., Miami-Dade County Code Sec. 33-284.62, 33-284.63, 33-284.55 and Sec. 33C-8(C) and (D), CDMP Objective LU-7 and Policies LU-4C, LU-7A, LU-7B, LU-7D, LU-7E, LU-7H, and LU-7I, CDMP Transportation Element, Policy MT-8B and MT-8C*)
- 2. Tree canopy and streetscape beautification for all overhead transmission line alignments between the Miami Substation and the southern end of the Busway (US1 and C-100A Canal):**
(*CDMP Land Use Element Objective LU-4, Policies LU-4A, LU-4C, LU-4D; CDMP Residential Communities "Guidelines for Urban Form", p. I-27 #9; CDMP Transportation Element, Policy MT-8B and Policy TE-2C, County Code Sections 18A and 18B*)
- a. If transmission corridors associated with Turkey Point Units 6 & 7 are certified by the State of Florida, transmission line pole line placement between the Miami Substation and the southern end of the Busway shall be designed to minimize impacts to and removal of street trees, landscaping, and pedestrian amenities including benches and bus shelters. Notwithstanding other conditions, engineering adjustments shall be utilized for the Davis-Miami 230-kV transmission line to minimize impacts to existing street trees and landscaping. Such engineering adjustments may include reduced span lengths or increased pole heights.
 - b. Licensee shall install vegetation as described herein to enhance the viewscape, comfort, and safety of transit users, motorists, pedestrians and bicyclists, and minimize impacts from transmission lines and poles, as prescribed by the Conceptual US1 Enhancement Plan developed by Miami-Dade County and affected municipalities, in conjunction with FPL. The Conceptual US1 Enhancement Plan must be approved by the County, affected municipalities, and FDOT prior to certification of Turkey Point Units 6 & 7. Licensee is required to comply with zoning Resolution No. Z-56-07, Condition 13, which permits licensee to plant landscaping required by County Code at an off-site location. Plant material required through Condition 13 of zoning approval Z-56-07 may count toward compliance with the Conceptual US1 Enhancement Plan and subsequent detailed landscaping plan.
 - c. At least six months prior to any construction associated with Turkey Points 6 & 7 project, including associated facilities, or removal of any vegetation between the Miami Substation and the southern end of the Busway, FPL shall submit a Detailed Landscaping Plan for review and approval as a post-certification submittal to Miami-

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

Dade County, affected municipalities, and FDOT. The Plan shall describe all proposed removals, replacements and relocation of vegetation and other public amenities and shall include proposed maintenance prescription plans for each span of the East Corridor between the Miami Substation and the southern end of the Busway (US1 and C-100A Canal). The Detailed Landscaping Plan shall comply with the Conceptual US1 Enhancement Plan, approved by the County prior to certification of Turkey Point Units 6 & 7. The Detailed Landscaping Plan must be approved by the County, affected municipalities, and FDOT prior to construction of Turkey Point Units 6 & 7. The pre-certification Conceptual US1 Enhancement Plan and the post-certification Detailed Landscaping Plan shall include the following items:

- 1) **Required planting quantities and types.** Existing street trees planted in public and private rights-of-way or on public and private property and existing lot trees planted on public and private property shall not count towards meeting this condition. Required vegetation applies to the Eastern Corridor between the Miami Substation and the southern end of the Busway (US1 at C-100A Canal).
 - a) **Street trees.**
 - i. Street trees shall be planted at a maximum average spacing of thirty-five (35) feet on center.
 - ii. At time of planting, all street trees shall have a minimum clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches.
 - iii. All street trees must be canopy trees (no palms) and shall be planted to allow trees to reach full height and form.
 - b) **Trees/shrubs.**
 - i. At least five (5) "trees/shrubs" shall be planted per newly installed or reconstructed transmission line pole.
 - ii. At time of planting, all "trees/shrubs" shall have an overall height of eight (8) feet and a one and a half (1.5) inch caliper.
 - iii. "Trees/shrubs" shall be clustered in an informal planting arrangement near to and/or adjoining transmission line poles, where possible, together with "shrubs and shrub-like" and "sub-shrubs and groundcover" vegetation.
 - c) **Shrubs and shrub-like.**
 - i. Species in the "shrubs and shrub-like" category shall be provided at a minimum ratio of ten (10) per required "trees/shrubs" (50 per pole).
 - ii. At time of planting, all "shrubs and shrub-like" plantings shall have a minimum of eighteen (18) inches in height when measured immediately after planting.
 - d) **Sub-shrubs and ground cover.**
 - i. Species in the "sub-shrubs and groundcover" category shall be provided at a minimum ratio of twenty-five (25) per required "trees/shrubs" (125 per pole).

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- e) **Species requirements and specifications.**
- i. Vegetation shall be selected from categories delineated in the Miami-Dade Landscape Manual. FPL shall select a variety of species from within each category mentioned herein to ensure that plantings are resilient to local climate conditions and achieve design goals of Miami-Dade County and affected municipalities for the US1 corridor and the Busway.
 - ii. Thirty (30) percent shall be native species; and
 - iii. Fifty (50) percent shall be low maintenance and drought tolerant; and
 - iv. Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list;
 - v. Additional planting specifications regarding mulch and plant quality shall comply with relevant sections of the County Landscape Ordinance (*Miami-Dade Code of Ordinances, Section 18A-6(F), (G), (K)*).
- 2) **Planting locations.** All required vegetation shall be planted in accordance with the Conceptual US1 Enhancement Plan and Detailed Landscaping Plan. If obstructions to planting in public rights-of-way exist in any particular area, as determined by Miami-Dade County, the Florida Department of Transportation (FDOT), and/or the appropriate authority within the municipality, required vegetation shall be planted in medians, on private/public property (with the owners' consent) adjacent to or across from the affected public roadway side, or along adjacent private streets and/or easements. Placement of trees should prioritize shade for pedestrians and bicyclists, and then paved areas and must be planted to maximize aesthetic benefits. If required vegetation cannot be located on private or public land in accordance with this condition, the trees and other required vegetation shall be planted in the immediate vicinity.
- 3) **Planting design.** Plantings shall be provided to visually buffer transmission line poles from the Miami Substation to the southernmost end of the Busway Segment (SW 136th Street/ the C-100A Canal). Visual buffers shall minimize the vertical and linear impacts of the transmission facilities through informal type plantings and to enhance the urban environment. Earthen berms may be incorporated in the overall design scheme, provided necessary clearances required by the National Electrical Safety Code, ANSI Z133, as may be updated from time to time.
- 4) **Vegetation maintenance agreement.** The Conceptual US1 Enhancement Plan and the post-certification detailed landscaping plan shall include a vegetation maintenance agreement to state that licensee shall plant, establish, and replace required vegetation to ensure survivorship as long as transmission line infrastructure is in place. Species requirements and quantities shall be described licensee's vegetation maintenance agreement.

- a. Where applicable, FPL shall coordinate amongst municipalities, the County, and the FDOT to ensure that any existing maintenance agreements for vegetation in rights-of-way reflect new conditions associated with the certification of the Eastern Corridor.

 - d. **Light fixtures.** To help mitigate visual impacts FPL shall install light fixtures adjacent to the Metrorail guideway, the M-Path, sidewalks, or other pedestrian areas and should be "pedestrian scale" in height, design, and candle strength. Fixtures located along the Busway should be of a height, design, and candle strength that complement the urban environment while minimizing light pollution. Planned fixture designs and installation plans, including proposed locations, shall be submitted to Miami-Dade County for review and approval at least six months prior to construction.
- 3. Transit Infrastructure Conditions:**
- a. When overhead lines are placed in rights of way adjacent to the Metrorail guideway, poles shall be placed in line with the existing Metrorail guideway concrete pylons (support structures) to minimize aesthetic impacts.
 - b. When mitigation plantings occur in rights of way adjacent to the Metrorail guideway, FPL shall comply with all County Transit standards to ensure sufficient clearance for existing infrastructure.
 - c. There shall be no attachment of any kind to any part of the Metrorail guideway structure.
 - d. All plans and specifications depicting the exact location of the proposed FPL infrastructure (within MDT ROW) must be submitted to MDT 180 days prior to construction. Transmission line construction shall not begin until FPL has received Miami-Dade County's written approval of the plans and specifications.
 - e. All transmission lines must be installed in strict accordance with the "MDT Adjacent Construction Manual".
 - f. Minimum clearance between the FPL transmission lines and the Metrorail guideway shall be a minimum of 30' or as required by OSHA/NEC, whichever is greater.
 - g. License agreement Conditions:
 - 1) FTA and BCC approvals
 - 2) License agreement similar to the existing Brickell lease agreement between FPL and MDT needs to be approved by FTA and BCC 6 months prior to construction.
 - 3) FPL is to comply with all conditions and requirements listed in the license agreement and subject to a fee to be determined at the time the license agreement is executed.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- h. The proposed FPL transmission lines plan may be located within the US-1 Busway/Metrorail right of way. Any FPL plan must maintain the vertical and horizontal clearance envelope for future managed lanes (4 lanes elevated) and/or heavy rail service throughout the Busway corridor.
- i. Any future plans MDT has for the construction of a Metrorail extension to Homestead may be adversely affected by the proposed transmission lines due to the additional physical constraints these poles will place on the existing corridor. This may increase the cost of constructing the future Metrorail extension. FPL shall reimburse the County for any additional construction cost caused by the proposed transmission line.
- j. FPL's transmission lines may cause depreciation of MDT property value, especially at the Metrorail stations where Transit Oriented Developments are desirable. FPL shall reimburse the County for any reduction in real estate value caused by the proposed transmission lines.
- k. MDT has concerns that Electro-Magnetic Interference (EMI) from the new infrastructure may interfere with Metrorail's train control system. Lightning strikes attracted by the high poles may also affect Metrorail's systems infrastructure. Any new FPL capital plan must have no net adverse impacts on MDT facilities.
- l. MDT will require spotters/flaggers to be assigned to the project site during construction to ensure the safety of our mass transit patrons and system. The cost of this spotter/flagger shall be born by FPL.
- m. As this design is conceptual in nature, MDT reserves the right to review further details to this project and comment on those details.
- n. Transmission lines shall not obstruct future mass transit developments such as rapid transit lines, express bus lanes or high-occupancy vehicles (HOV) lanes from the Miami Substation to the southernmost end of the Busway Segment (C-100A Canal at US1). (*CDMP Policy MT-7B, Objective TC-2*) FPL shall consult with the County and City of Miami, South Miami, and Pinecrest regarding approved site plans for Metrorail Station areas.

Coconut Grove to South Miami Segment: This segment begins near SW 19th Road and ends at SW 80th Street. The Metrorail guideway transitions from an at-grade alignment to an elevated structure. The I-95 highway terminates into an at-grade ramp to join US1 in this segment and is buffered by vegetation. The northern portion of this segment has residential land uses adjacent to the right-of-way (ROW) and near Vizcaya Station, both sides of the ROW and Station have some mature canopy trees.

Immediately south of the Vizcaya Metrorail Station, the eastern US1 ROW is narrow and confined by a masonry wall. Small to medium street trees and other vegetation exist on both sides of the Metrorail and the western Miami-Dade Transit ROW contains the M-Path. There are street trees and light poles in the median in this area. Institutional and commercial land uses are found south of Vizcaya, then further south residential uses buffer both sides of the US1 ROW. Near Bird Road (SW 40th Street), warehouses are located to the west of the Metrorail, and Coconut Grove businesses are located on the east side of US1.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

The Metrorail intersects Bird Road just northeast of the Douglas Road Metrorail Station, in the vicinity of the Merrick Village development/commercial center. Businesses line the ROW throughout this segment. South of Bird Road, businesses are located between US1 and the Metrorail and Ponce de Leon Blvd runs parallel and to the west of the Metrorail.

South of Le Jeune Road (SW 42nd Ave.) to Riviera Drive (and the canal) US1 and the Metrorail continue to be separated by businesses. South of Riviera Drive, US1 runs adjacent to the Metrorail (on the east side) and the University of Miami is located west of the Metrorail guideway. Ponce de Leon Blvd continues parallel to US1 toward Red Road (SW 57th Avenue).

From Red Road (SW 57th Ave.) to SW 80th Street, US1 is separated from the Metrorail only by vegetation (no businesses).

4. Rapid Transit Zone Conditions:

- a. Transmission lines shall be buried underground where located within Rapid Transit Zone districts within the City of Miami (includes Vizcaya Station, Brickell Station, Coconut Grove Station, and Douglas Road Station) and FPL shall be responsible for the cost associated with undergrounding the transmission lines. (*Code Section 33C-8(D)(15)*)

5. Transit Infrastructure Conditions:

- a. All transit infrastructure conditions listed above also apply to the Coconut Grove to South Miami Segment.

6. Urban and Neighborhood Area Conditions:

- a. All Urban and Neighborhood Area Conditions listed above also apply to the Coconut Grove to South Miami Segment.

7. Tree canopy and streetscape beautification for all overhead transmission line alignments between the Miami Substation and the southern end of the Busway (US1 and C-100A Canal):

- a. All "Tree canopy and streetscape beautification . . ." conditions listed above also apply to the Coconut Grove to South Miami Segment.

8. M-Path Conditions:

- a. FPL shall maintain a minimum clear zone from the edge of the M-Path as specified by the County. FPL shall submit requests for any alteration of the M-Path to the County for review and approval at least six months prior to any construction on the Eastern Corridor. M-Path alterations shall ensure consistency with the goals of the M-Path Master Plan; FPL would be responsible for all financial burden associated with approved M-Path modifications.
- b. FPL shall include surface enhancements to the M-Path and intersection improvements where the corridor parallels the M-Path. A review of the proposed surface enhancement and intersection improvements shall be provided to Miami-Dade County staff. (*CDMP Land Element Policy LU-1H*)

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

- c. FPL shall provide additional pedestrian scale lighting along the M-Path (also see Brickell West Segment, Condition 2.b.)
- 9. **Transit Developmental Impact Committee Review Condition:**
 - a. Prior to construction, final utility line pole sites within the South Miami Metrorail Station and the University Metrorail Station must be reviewed and approved by the Rapid Transit Developmental Impact Committee, through the Station Area Design and Development Program process, a joint municipal-County program. (*County Code Sec.33C(2)(D)(9)(d)*)
- 10. **Condition regarding preferred alignment within the Coconut Grove to South Miami Segment:**
 - a. Between SW 19th Road and SW 30th Road, and with the intent of minimizing impacts to existing vegetation, any above ground transmission lines and poles shall be located in close proximity to I-95, on the west side of the highway.
- 11. **Pedestrian Gateways:** Improve the pedestrian gateways located at US-1 at 72nd Street (Sunset Drive) and US-1 at 88th Street (Kendall Drive), as follows:
 - a. Beautification/mitigation concepts: pedestrian shelters or canopies, special pavement treatments at noteworthy locations, signage, removal of high-mast lighting, wider sidewalks, public art, street furnishings for sculptural and focal points, seating areas and pedestrian shelters. (*Miami-Dade County Aesthetics Master Plan*)
 - b. Allow for context-sensitive design in fixtures and poles where appropriate, in areas such as historic sites. (*Miami-Dade County Aesthetics Master Plan*)
 - c. Make efforts to remove overhead power lines at major gateways. (*Miami-Dade County Aesthetics Master Plan*)
 - d. Previously landscaped areas with trees larger than 3" trunk caliper shall be preserved. (*Miami-Dade County Aesthetics Master Plan*)

Downtown Kendall Segment: SW 80th Street to SW 98th Street. At the north end of this segment, only vegetation separates US1 from the Metrorail. At the south end of the segment the ROW between US1 and the Metrorail has widened and businesses are located between the infrastructure. Medium density commercial uses line both sides of the ROW.

- 12. **Vehicular Gateways:**
 - a. Make efforts to remove overhead power lines at major vehicular gateways, such as State Road 826 and US-1. Beautification/mitigation concepts for this area include: public artwork, native plants, solar powered lights, pedestrian shelters or canopies, green buffers between sidewalks and US-1 travel lanes, pedestrian lighting, removal of high-mast lighting. (*Miami-Dade County Aesthetics Master Plan*)
- 13. **Downtown Kendall Urban Center Conditions**
 - a. Transmission lines shall be buried underground where located within the Downtown Kendall Urban Center District which includes the Dadeland North and Dadeland

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

South Metrorail Stations and FPL shall be responsible for the cost associated with undergrounding the transmission line. (Code Sec. 33-284.62(B)(3)(i))

- b. If the State of Florida approves overhead transmission lines within this area, overhead transmission lines shall be restricted to outlying areas as depicted on Figure 2, below.
14. ***Tree canopy and streetscape beautification for all overhead transmission line alignments between the Miami Substation and the southern end of the Busway (US1 and C-100 Canal):***
- a. If the State of Florida approves overhead transmission lines within this area, all conditions in the section entitled, "Tree canopy and streetscape beautification for all overhead transmission line alignments between the Miami Substation and the southern end of the Busway (US1 and C-100 Canal) also apply to the Downtown Kendall Segment.
15. ***Urban and Neighborhood Area Conditions:***
- a. If the State of Florida approves overhead transmission lines within this area, all "Urban and Neighborhood Area Conditions" listed above also apply to the Downtown Kendall Segment.
16. ***Transit Infrastructure Conditions:***
- a. If the State of Florida approves overhead transmission lines along US1 or within the MDT right-of-way, all "Transit Infrastructure Conditions" listed above also apply to the Downtown Kendall Segment.
17. ***M-Path Conditions:***
- a. If the State of Florida approves overhead transmission lines along US1 or within the MDT right-of-way, and allows an alignment adjacent to the M-Path, all transit infrastructure conditions listed above also apply to the Downtown Kendall Segment.

**TURKEY POINT UNITS 6 & 7
 POWER PLANT SITING APP. PA03-45A3
 DOAH Case No. 09-03575-EPP
 DEP OGC Case No. 09-3107**



FIGURE 2					
LEGEND	REFERENCES				
East Preferred Corridor Miami-Dade County's Downtown Kendall Urban Center Exclusion Zone	Sources: FPL, 2009; Miami-Dade County, 2009, 2011; ECT, 2011.				
FIGURE	<table border="1"> <tr> <td>TITLE</td> <td>PROJECT</td> </tr> <tr> <td>MIAMI-DADE COUNTY'S KENDALL AREA RIGHT-OF-WAY LOCATION PREFERENCE</td> <td>TURKEY POINT UNITS 6 & 7 PROJECT: TRANSMISSION LINES</td> </tr> </table>	TITLE	PROJECT	MIAMI-DADE COUNTY'S KENDALL AREA RIGHT-OF-WAY LOCATION PREFERENCE	TURKEY POINT UNITS 6 & 7 PROJECT: TRANSMISSION LINES
TITLE	PROJECT				
MIAMI-DADE COUNTY'S KENDALL AREA RIGHT-OF-WAY LOCATION PREFERENCE	TURKEY POINT UNITS 6 & 7 PROJECT: TRANSMISSION LINES				

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

Busway Segment: SW 98th Street to SW 136th Street. This segment extends south from SW 98th Street along US1 and the Busway to approximately SW 136th Street (C-100A Canal at US1), south of The Falls shopping mall. Various land use types are adjacent to the corridor on the west side (including residential) and these properties abut a sidewalk, then the Busway, and then a partially landscaped public right-of-way. The southbound US1 lanes are separated from northbound lanes by a partially landscaped median. Land uses on the east side of US1 are primarily commercial.

17. Busway Conditions

- a. Any overhead transmission lines in the vicinity of the Busway (approximately south of SW 98th Street to SW 136th Street) shall be co-located with existing electrical facilities between US1 travel lanes and the Busway lanes. (CDMP Policy LU-4A and Policy MT-8B)
- b. Within the Busway Segment, any transmission line pole placement shall be restricted to the right-of-way located between the southbound US1 lanes and the Busway. (CDMP Policy LU-4A and Policy MT-8B)
- c. As noted above, additional conditions apply to this segment, “Aesthetic and vegetation conditions for all segments between the Miami Substation and the southern end of the Busway Segment (US1 and C-100A Canal)” and “Neighborhood and property conditions for proposed transmission lines between the Miami Substation and the southern end of the Busway Segment (US1 and SW 136th Street) and all other portions of the Eastern Corridor where transmission lines intersect residential land use categories as designated by the CDMP Land Use Plan map” and “Conditions for all segments adjacent to the Metrorail Guideway”. (CDMP Policy LU-4A and Policy MT-8B)
- d. All transit infrastructure conditions listed above also apply to the Busway Segment (some conditions will take effect when the Metrorail is extended south).

Davis/ Princeton Canal Segment: This east-west segment overlays an existing transmission line ROW that departs from US1 just south of The Falls shopping mall and extends west along the C-100C Cutler Drainage Canal to SW 132nd Street and continues west to the Davis Substation. Residential uses line the corridor in this area.

From the Davis Substation this segment then runs south along the CSX Railway and passes immediately to the west of Zoo Miami property. Adjacent land uses south of 184th Street are agricultural. The corridor intersects with US1 (again) near SW 244th Street at the C-102 Princeton Canal. This segment then passes through (or near to) designated Natural Forest Communities. CDMP land use categories intersected in this area include Industrial and Office, Estate Density Residential, Agriculture, Low Density Residential, Office/Residential, and Business and Office.

At the intersection of US1 and SW 244th Street the corridor follows the C-102 Princeton canal southeast until it heads east intermittently along the canal and SW 261st Street. Adjacent land uses include single family residential and agricultural. This segment ends where it meets the L-

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

31E canal and heads south. CDMP land use categories intersected in this area include Agriculture, Low Density Residential, and Business and Office.

18. Conditions for segments traversing land designated Agriculture:

- a. Where the proposed transmission line corridor intersects land designated Agriculture on the CDMP Land Use Plan map outside of established transmission line rights-of-way, FPL shall minimize impacts to agricultural land and the agriculture industry. FPL shall minimize access road widths and pole placement pads and shall avoid impacts to structures that support the agriculture industry. FPL shall coordinate with property owners to minimize impacts to existing businesses. (CDMP Objective CON-6; Policy LU-8C; Policy LU-1R; Policy LU-1S; Land Use Element Concept #14 on page I-69)
- b. Where the transmission line corridor passes through or adjacent to properties with residential uses, *outside of established transmission line rights-of-way*, FPL shall provide vegetation as described in the conditions in section, "**Tree canopy and streetscape beautification for all overhead transmission lines passing through or adjacent to residential properties, outside of established transmission line rights-of-way.**"
- c. Within the Davis/ Princeton Canal Segment, FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the proposed transmission line rights-of-way. A courtesy review of the proposed surface enhancement shall be provided to County staff. (CDMP Land Use Element, Policy LU-1D, LU-1H, Objective LU-4, Miami-Dade County Open Space Master Plan)

Biscayne Bay Segment. This segment begins where the corridor heads south at its intersection with the L-31E canal (and SW 97th Avenue). The corridor continues south along the canal, SW 97th Avenue, and the coast of Biscayne Bay and then crosses through Homestead Bayfront Park (a Miami-Dade County park). The corridor then enters FPL property at Turkey Point and ends at the Clear Sky Substation. CDMP land use categories include Open Land Subarea 5 near the northern end, Environmental Protection Subarea F, and Environmentally Protected Parks (Biscayne National Park and Homestead Bayfront Park). This segment also includes designated "Mangrove Protection Areas" (CDMP Coastal Management Element, Policy CM-1A).

Impacts are anticipated in Environmental Protection Subarea F, which includes coastal wetlands which should be managed to maintain their important biologic and hydrologic functions. Although necessary electrical generation and transmission facilities are permitted in this Subarea, and FPL has existing electrical facilities in this Subarea, approval of any new uses, and replacements, and expansions of any existing uses will be conditioned upon demonstrated consistency with the CDMP, all prevailing environmental regulations, and compatibility with CERP.

19. Conditions for alignments intersecting Environmental Protection Subarea F:

- a. FPL must design transmission and access road structures for minimal ground coverage and minimal impact on hydrology, ecosystems, and habitats throughout the Subarea. Consistency with all wetlands restoration plans for the general area, including CERP, applicable environmental regulations, and policies of the CDMP will be required through reviews by County staff. Expansions to existing uses must demonstrate through design

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

and engineering that biologic and hydrologic functions inherent to these areas will be preserved. *(Miami-Dade County Section 24-48, CDMP text, Land Use Element p. I-64, I-65, and I-68, CDMP Objective LU-3, Policies LU-3A and LU-3B, Objective CM-1, Policies CM-1A, CM-1B and CM-1E)*

- b. FPL shall construct improvements to sheet flow across all portions of the transmission corridors located within the CERP Biscayne Bay Coastal Wetlands Project Study boundaries where construction or upgrade of transmission infrastructure is necessary. Complete and detailed engineering plans and calculations describing these improvements shall be submitted to PERA (Miami-Dade County) and the SFWMD for review and approval within one year of certification of the transmission corridor(s). FPL shall modify the plans as necessary and in a timely manner in order to obtain PERA and SFWMD approval. All sheet flow improvements shall be constructed in accordance with PERA specified time frames (Condition 17 of Miami-Dade County Resolution No. Z-56-07) once the plans have been approved. *(Miami-Dade County Code Chapter 33, Chapter 24 Section 24-48, Condition 17 of Miami-Dade County Resolution Z-56-07, CDMP Objective LU-3, Policies LU-3A and LU-3B Objective CON-7, Policy CON-7J and Objective CM-1, Policy CM-1B)*
- c. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B)*

20. Conditions related to Biscayne National Park

- a. Impacts to Biscayne National Park by FPL or its contractors, agents, and/or assigns as a result of clearing or any other work including installation of transmission line infrastructure are prohibited within the transmission corridors. National Park approval of any impacts associated with expansion of established transmission line corridors (with recorded easements) within the BNP must be demonstrated to the County at least six months prior to any construction in the National Park. *(CDMP Land Use Element p. I-52, I-52.1, I-52.2)*
- b. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B)*

Impacts are expected within Homestead Bayfront Park, a County-owned park designated Environmentally Protected Parks on the CDMP Land Use Plan map. FPL has existing electrical lines within the boundary of this park, but all modifications and expansions within the park shall be consistent with Miami-Dade County Home Rule Charter Section 7.02 and the CDMP. *(CDMP Objective LU-3, Policies LU-3A and LU-3B, and Land Use Element, p. I-52 through I-52.2)*

21. Conditions for transmission lines within Homestead Bayfront Park:

- a. Access roads, transmission towers and accessory structures within Homestead Bayfront Park shall be located and constructed in a manner that minimizes impacts on adjacent park land.
- b. A courtesy review of the proposed vegetation to be impacted or removed within Bayfront Park shall be provided to the County.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- c. Conditions in the section entitled, "Conditions regarding inspection of transmission line facilities" also apply to Homestead Bayfront Park.
 - d. Conditions in the section entitled, "Conditions Regarding General Vegetation Management and Exotic Species" also apply to Homestead Bayfront Park. All potential mitigation measures required shall occur in areas designated by the Miami-Dade County Parks, Recreation, and Open Spaces Department (PROS), the Department of Permitting, Environment and Regulatory Affairs (PERA) and the Sustainability, Planning, and Economic Enhancement Department (SPEE).
 - e. Conditions in the section entitled, "General Wetland Conditions" also apply to Homestead Bayfront Park.
 - f. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. (*CDMP Objective LU-3, Policy LU-3B*)
- 22. Condition to maintain sheet-flow in specific wetland sloughs and within the Biscayne Bay Coastal Wetlands Area**
- a. Sheet flow impacts are prohibited to wetland sloughs important to the Everglades and Everglades restoration including Wink-eye slough, Taylor slough, and northeast Shark River slough. In addition, FPL shall not constrain the restoration and maintenance of these natural surface water flows pursuant to the CDMP in any areas where the transmission corridors would cross these natural features. Any construction work including preconstruction earthwork in these slough areas crossed by the FPL transmission line corridor shall maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. FPL shall identify access and maintenance road design and construction techniques such as elevated roadways to bridge the slough features, stabilized at-grade roads or geoswales that would not extend above existing wetland grades in these slough areas, or other design alternatives that will maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. These design and construction techniques shall also be sufficient to accommodate the increased flowage anticipated from planned restoration projects such as the 50-cfs pump proposed to be constructed linking the Florida City Canal with Wink Eye Slough under the CERP BBCW Alternative O project.

For Wink Eye Slough, the engineering design shall be based on the requirement that sheet flow shall not be impacted to within the limits of jurisdictional wetlands in Sections 30 and 31 of Township 57 South, Range 39 East, and Section 36 of Township 57 South, Range 38 East by construction or operation of the transmission roadway or associated infrastructure. Of all potential designs considered by FPL, the most practicable one (given engineering constraints and costs) that would minimize wetland impacts and prevent sheet flow impacts shall be selected for final design, submittal and approval. DEP and Miami-Dade County shall verify that the proposed final design will not impact sheet flow in this slough and shall also verify that the final design is also in full compliance with all other requirements of this condition of certification and other applicable conditions of certification prior to commencement of any work within the transmission corridor including but not limited to clearing, earthwork or site preparation.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

(Miami-Dade County Code Chapter 33, Chapter 24 Sections 24-7 and 24-48, Condition 17 of Miami-Dade County Resolution Z-56-07, CDMP Objective LU-3, Policies LU-3A and LU-3B and LU-3C, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J)

- b. At least ninety (90) days prior to beginning construction of the transmission lines or any associated roadways including but not limited to preconstruction earthwork or clearing, FPL shall provide to Miami-Dade County PERA for review and approval, design details and information demonstrating preservation of sheet-flow in wetland slough areas consistent with the applicable substantive requirements of Miami-Dade County, including requirements of Miami-Dade County Resolution No. Z-56-07, the CDMP and the Miami-Dade County Code. FPL shall not commence work within the transmission line corridors until Miami-Dade County PERA and FDEP have determined that the design as well as construction techniques meet all requirements of this condition. *(Miami-Dade County Code Chapter 33, Condition 7 Miami-Dade County Resolution Z-56-07)*

CONDITIONS SECTION 3:

WESTERN CORRIDOR SEGMENT DESCRIPTIONS, IMPACTS, AND CONDITIONS

FPL's proposed western corridors have been divided into segments to organize the description of impacts and conditions based upon County Code provisions which apply to defined geographic locations and distinct CDMP text, policies, and CDMP land use map categories with different allowed uses. The Figure 3 below depicts relevant CDMP land uses and transmission line segments described in narrative form throughout this section of the report. From north to south the two proposed 500kV Western Preferred Corridor transmission lines would extend roughly 43.6 miles and the proposed 230 kV line would extend roughly 52 miles, according to Site Certification Application materials submitted to the County for this project. The subsections below include conditions designed to address potential impacts relevant to the Western Corridors including specific segments of the corridor.

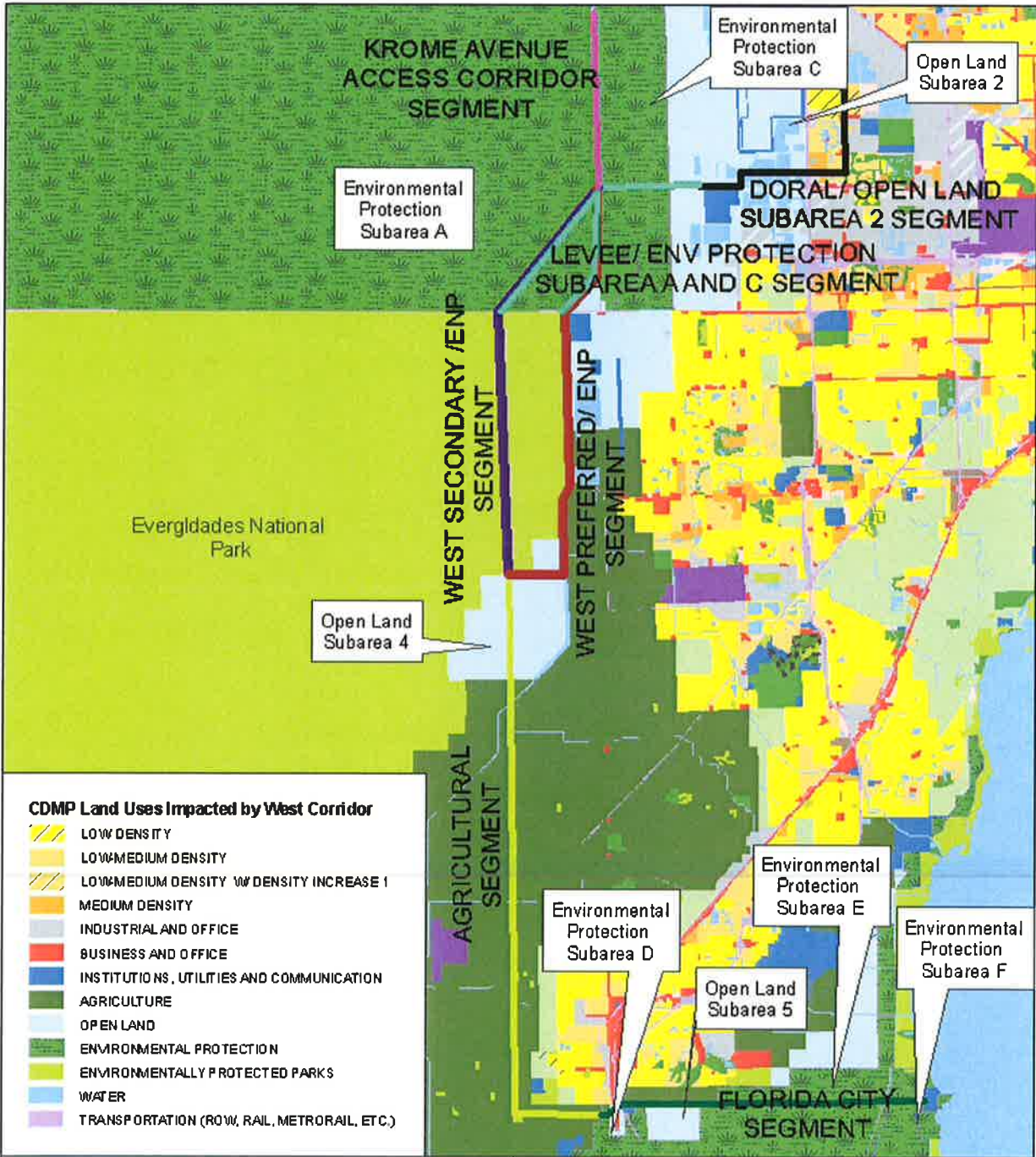
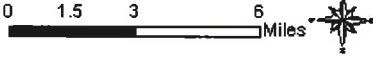


FIGURE 3

CDMP LAND USES INTERSECTED BY FPL PROPOSED WESTERN CORRIDOR SEGMENTS



Planning and Zoning Department



Date: June 1, 2011.
 Data: Department of Planning and Zoning, Miami-Dade County.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

Doral/ Open Land Subarea 2 Segment. This segment of the corridor originates at the Pennsocco Substation and terminates at the Levee Substation, intersecting unincorporated Miami-Dade County, Medley, and Doral. CDMP land use categories intersected include Industrial and Office, Low Medium Density Residential (with Density Increase), Medium Density Residential, Business and Office, Transportation, Parks and Recreation, and Open Land Subarea 2 (Northwest Wellfield).

The 230 kV line proposed for this segment would negatively impact the residential land use areas it intersects. The scale and height of the lines would impact the character, pedestrian oriented design, and aesthetics of these neighborhoods. Redevelopment opportunities would be affected depending on pole placement and transmission line alignments. The current and future planned pedestrian quality of these areas would also be impacted by the removal of vegetation and proposed maintenance of clearance zones impacting the potential for tree canopy relief for pedestrians and bicyclists, and exacerbating the heat island effect where tree canopies shade paved areas.

1. Conditions for residential areas within this segment:

- a. Pole and transmission line placement shall not inhibit or significantly constrain future site development (including redevelopment and expansion of existing development). FPL shall submit plan and profile drawings for all transmission facilities to County and municipal planning departments at least six months prior to construction of transmission line infrastructure in this area. Aforementioned agencies will review pole and line locations for consistency with land use categories, zoning, and approved site plans for public and private development. (*Chapter 163, F.S., CDMP Land Use Element page I-26, "Residential Communities", Objective LU-4, Policy LU-4A, LU-4D*)
- b. Transmission line poles shall be neutral-colored concrete single-pole pylons directly embedded into the ground; no guy wires, anchors, metal bases, or other support structures will be permitted in residential areas within this segment. Pole designs shall be selected to ensure the smallest feasible pole base diameter. Any deviation from the use of aforementioned materials or design must be reviewed and approved for aesthetic impacts by the County. At least six months prior to construction, all pole specifications, including heights above 117', shall be submitted to the County for review and approval. Pole designs necessitating guide wires or cables or caissons (structures other than single monopoles) are also prohibited in all residential land use categories. (*CDMP Land Use Element, LU-4C, LU-4D, LU-4A, CDMP 'Residential Communities Guidelines for Urban Form', p. I-27 #9*)
- c. Transmission lines shall not be located in the ROW such that future development would cause residential, office or commercial structures to be located within unsafe distances of transmission lines, as established by FDEP EMF regulations. (*Chapter 62-814, F.A.C., CDMP Land Use Element Objective LU-4, Policy LU-4A, LU-4C*)

2. Tree canopy and streetscape beautification for all overhead transmission lines passing through or adjacent to residential properties, outside of established transmission line rights-of-way: (*CDMP Land Use Element, LU-4C, LU-4D, LU-4A, CDMP 'Residential Communities Guidelines for Urban Form', p. I-27 #9, (CDMP Residential Communities "Guidelines for Urban Form", p. I-27 #9; CDMP Transportation Element, Policy MT-8B and Policy TE-2C, County Code Sections 18A and 18B)*)

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

- a. If transmission corridors associated with Turkey Point Units 6 & 7 are certified by the State of Florida, transmission line pole line placement ***adjacent to residential properties, outside of established transmission line rights-of-way*** shall be designed to minimize impacts to and removal of street trees, landscaping, and pedestrian amenities including benches and bus shelters. Notwithstanding other conditions, engineering adjustments shall be utilized to minimize impacts to existing street trees and landscaping. Such engineering adjustments may include reduced span lengths or increased pole heights.
- b. Licensee shall install vegetation as described herein to enhance the viewscape, comfort, and safety of transit users, motorists, pedestrians and bicyclists, and minimize impacts from transmission lines and poles, as prescribed by a Conceptual Enhancement Plan for New Transmission Line Corridors Along/Within Residential Properties for developed by Miami-Dade County and affected municipalities, in conjunction with FPL. The Conceptual Enhancement Plan for New Transmission Line Corridors Along/Within Residential Properties must be approved by the County, affected municipalities, and FDOT prior to certification of Turkey Point Units 6 & 7. Licensee is required to comply with zoning Resolution No. Z-56-07, Condition 13, which permits licensee to plant landscaping required by County Code at an off-site location. Plant material required through Condition 13 of zoning approval Z-56-07 may count toward compliance with the Conceptual US1 Enhancement Plan and subsequent detailed landscaping plan.
- c. At least six months prior to any construction associated with Turkey Points 6 & 7 project, including associated facilities, or removal of any vegetation ***adjacent to residential properties, outside of established transmission line rights-of-way***, FPL shall submit a Detailed Landscaping Plan for review and approval as a post-certification submittal to Miami-Dade County, affected municipalities, and FDOT. The plan shall describe all proposed removals, replacements and relocation of vegetation and other public amenities and shall include proposed maintenance prescription plans for each span of the transmission line corridors ***adjacent to residential properties, outside of established transmission line rights-of-way***. The detailed landscaping plan shall comply with the Conceptual Enhancement Plan for New Transmission Line Corridors Along/Within Residential Properties, approved by the County prior to certification of Turkey Point Units 6 & 7. The Detailed Landscaping Plan must be approved by the County, affected municipalities, and FDOT prior to construction of Turkey Point Units 6 & 7. The pre-certification Conceptual Enhancement Plan for New Transmission Line Corridors Along/Within Residential Properties and the post-certification Detailed Landscaping Plan shall include the following items:
 - 1) **Required planting quantities and types.** Existing street trees planted in public and private rights-of-way or on public and private property and existing lot trees planted on public and private property shall not *count* towards meeting this condition. Required vegetation applies to the Western Corridor ***adjacent to residential properties, outside of established transmission line rights-of-way***.
 - a) **Street trees.**

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

- i. Street trees shall be planted at a maximum average spacing of thirty-five (35) feet on center.
 - ii. At time of planting, all street trees shall have a minimum clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches.
 - iii. All street trees must be canopy trees (no palms) and shall be planted to allow trees to reach full height and form.
- b) **Trees/shrubs.**
- i. At least five (5) "trees/shrubs" shall be planted per newly installed or reconstructed transmission line pole.
 - ii. At time of planting, all "trees/shrubs" shall have an overall height of eight (8) feet and a one and a half (1.5) inch caliper.
 - iii. "Trees/shrubs" shall be clustered in an informal planting arrangement near to and/or adjoining transmission line poles, where possible, together with "shrubs and shrub-like" and "sub-shrubs and groundcover" vegetation.
- c) **Shrubs and shrub-like.**
- i. Species in the "shrubs and shrub-like" category shall be provided at a minimum ratio of ten (10) per required "trees/shrubs" (50 per pole).
 - ii. At time of planting, all "shrubs and shrub-like" plantings shall have a minimum of eighteen (18) inches in height when measured immediately after planting.
- d) **Sub-shrubs and ground cover.**
- i. Species in the "sub-shrubs and groundcover" category shall be provided at a minimum ratio of twenty-five (25) per required "trees/shrubs" (125 per pole).
- e) **Species requirements and specifications.**
- i. Vegetation shall be selected from categories delineated in the Miami-Dade Landscape Manual. FPL shall select a variety of species from within each category mentioned herein to ensure that plantings are resilient to local climate conditions and achieve design goals of Miami-Dade County and affected municipalities for the US1 corridor and the Busway.
 - ii. Thirty (30) percent shall be native species; and
 - iii. Fifty (50) percent shall be low maintenance and drought tolerant; and

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- iv. Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list;
 - v. Additional planting specifications regarding mulch and plant quality shall comply with relevant sections of the County Landscape Ordinance (*Miami-Dade Code of Ordinances, Section 18A-6(F), (G), (K)*).
- 2) **Planting locations.** All required vegetation shall be planted in shall be planted in accordance with the Conceptual Enhancement Plan and Detailed Landscaping Plan If obstructions to planting in public rights-of-way exist in any particular area, as determined by Miami-Dade County, the Florida Department of Transportation (FDOT), and/or the appropriate *authority* within the municipality, required vegetation shall be planted in medians, on private/public property (with the owners' consent) adjacent to or across from the affected public roadway side, or along adjacent private streets and/or easements. Placement of trees should prioritize shade for pedestrians and bicyclists, and then paved areas and must be planted to maximize aesthetic benefits. If required vegetation cannot be located on private or public land in accordance with this condition, the trees and other required vegetation shall be provided to the County for planting in the immediate vicinity.
- 3) **Planting design.** Plantings shall be provided to visually buffer transmission line poles ***adjacent to residential properties, outside of established transmission line rights-of-way***. Visual buffers shall minimize the vertical and linear impacts of the transmission facilities through informal type plantings and to enhance the urban environment. Earthen berms may be incorporated in the overall design scheme, provided necessary clearances required by the National Electrical Safety Code, ANSI Z133, as may be updated from time to time
- 4) **Vegetation maintenance agreement.** The Conceptual Enhancement Plan for New Transmission Line Corridors Along/Within Residential Properties and the post-certification detailed landscaping plan shall include a vegetation maintenance agreement to state that licensee shall plant, establish, and replace required vegetation to ensure survivorship as long as transmission line infrastructure is in place. Species requirements and quantities shall be described licensee's vegetation maintenance agreement.
- a) Where applicable, FPL shall coordinate amongst municipalities, the County, and the FDOT to ensure that any existing maintenance agreements for vegetation in rights-of-way reflect new conditions associated with the certification of the Western Corridor.
- d. **Light fixtures.** To help mitigate visual impacts FPL shall install light fixtures adjacent to adjacent or nearby sidewalks, or other pedestrian areas and should be "pedestrian scale" in height, design, and candle strength. Fixtures located along

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

neighborhood streets should be of a height, design, and candle strength that complement the urban environment while minimizing light pollution. Planned fixture designs and installation plans, including proposed locations, shall be submitted to Miami-Dade County for review and approval at least six months prior to construction.

3. **Condition for Open Land Subarea 2 (Northwest Wellfield):** With respect to Open Land Subarea 2, FPL has an established right-of-way in this area currently utilized for overhead electrical poles and lines. However, proposed expansion/modification of these facilities must be consistent with the CDMP. For this Subarea, the CDMP states, "Uses that could compromise groundwater quality shall not occur in this area." Since multiple public wells are located in this Subarea, and could be impacted by any spills or leaching of contaminants into the ground, the CDMP also requires land uses in this area to comply with the Northwest Wellfield Protection Plan, and relevant sections of Chapter 24 and Chapter 33 of the Miami-Dade County Code.

- a. Conditions in the section entitled "Conditions for Wellfield Protection Areas" apply to Open Land Subarea 2 (Northwest Wellfield).

Levee/ Environmental Protection Subarea A and C Segment. This segment originates at the Levee Substation, intersects Krome Avenue (177th Avenue), and terminates at SW 8th Street. Land use categories intersected by this segment include Open Land Subarea 2, Transportation, Environmental Protection Subarea C (Miami-Dade-Broward Levee Basin), and Environmental Protection Subarea A (State Water Conservation Area).

Impacts to the Environmental Protection lands (Subarea A and C) may not be compatible with the subareas' environment, objectives of the Comprehensive Everglades Restoration Plan (CERP), and may adversely affect long-term ecosystem viability, form and/or function. Environmental Protection Subarea C is a wetland area and all land use and site alteration proposals will be closely evaluated for conformity with all prevailing environmental regulations, including Chapter 24 restrictions related to protection of the Northwest Wellfield Protection Area, and objectives of CERP. Land uses in Water Conservation Area 3 are governed by the South Florida Water Management District.

4. **Conditions to minimize impacts in Environmental Protection Subarea C (Miami-Dade-Broward Levee Basin):** (CDMP Land Use Element, p. I-64- I-67).
- a. For alignments within Environmental Protection Subarea C: FPL must submit a letter of approval from the South Florida Water Management District and submit plans to the County for PERA approval at least six months prior to any construction in this area. Non-compliance with this condition would necessitate alteration of the transmission line corridor. (CDMP Land Use Element p. I-67)
- b. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. (CDMP Objective LU-3, Policy LU-3B)
5. **Conditions to minimize impacts in Environmental Protection Subarea A (State Water Conservation Area):** (CDMP Land Use Element, p. I-64- I-65).

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- a. Transmission line uses within Environmental Protection Subarea A must be compatible CERP objectives, and shall not adversely affect long-term ecosystem viability, form or function. Additionally there shall not be impacts to South Florida Water Management District's programs or policies associated with Water Conservation Area 3.
- b. For alignments within Environmental Protection Subarea A: The applicant must demonstrate through design features that the construction and long term establishment of transmission line poles, transmission lines, filled areas, and service roads will not adversely affect South Florida Water Management District projects and plans for this area. To demonstrate compliance with this condition, the applicant must submit a letter of approval from the South Florida Water Management District at least six months prior to any construction in this area and submit plans to the County for PERA approval. Non-compliance with this condition would necessitate alteration of the transmission line corridor.
- c. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. (*CDMP Objective LU-3, Policy LU-3B*)

6. *Conditions to maintain sheet-flow in specific wetland sloughs and within the Biscayne Bay Coastal Wetlands Area (Miami-Dade County Resolution Z-56-07, Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B and LU-3C, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J)*

- a. Sheet flow impacts, as a result of the proposed transmission line project, are prohibited to wetland sloughs important to the Everglades and Everglades restoration including Wink-eye slough, Taylor slough, and northeast Shark River slough. In addition, FPL shall not constrain the restoration and maintenance of these natural surface water flows pursuant to the CDMP in any areas where the transmission corridors would cross these natural features. Any construction work including preconstruction earthwork in these slough areas crossed by the FPL transmission line corridor shall maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. FPL shall identify access and maintenance road design and construction techniques such as elevated roadways to bridge the slough features, stabilized at-grade roads or geoswales that would not extend above existing wetland grades in these slough areas, or other design alternatives that will maintain an equivalent level of sheet-flow to that which currently exists in these sloughs. These design and construction techniques shall also be sufficient to accommodate the increased flowage anticipated from planned restoration projects such as the 50-cfs pump proposed to be constructed linking the Florida City Canal with Wink Eye Slough under the CERP BBCW Alternative O project.

For Wink Eye Slough, the engineering design shall be based on the requirement that sheet flow shall not be impacted to within the limits of jurisdictional wetlands in Sections 30 and 31 of Township 57 South, Range 39 East, and Section 36 of Township 57 South, Range 38 East by construction or operation of the transmission roadway or associated infrastructure. Of all potential designs considered by FPL, the most practicable one (given engineering constraints and costs) that would minimize wetland

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

impacts and prevent sheet flow impacts shall be selected for final design, submittal and approval. DEP and Miami-Dade County shall verify that the proposed final design will not impact sheet flow in this slough and shall also verify that the final design is also in full compliance with all other requirements of this condition of certification and other applicable conditions of certification prior to commencement of any work within the transmission corridor including but not limited to clearing, earthwork or site preparation.
(County Code Section 24-48, CDMP Land Use Element Policy LU-3A, LU-3B)

- b. At least ninety (90) days prior to beginning construction of the transmission lines or any associated roadways including but not limited to preconstruction earthwork or clearing, FPL shall provide to Miami-Dade County PERA for review and approval, design details and information demonstrating preservation of sheet-flow in wetland slough areas consistent with the applicable substantive requirements of Miami-Dade County, including requirements of Miami-Dade County Resolution No. Z-56-07, the CDMP and the Miami-Dade County Code. FPL shall not commence work within the transmission line corridors until Miami-Dade County PERA and FDEP have determined that the design as well as construction techniques meet all requirements of this condition. (Miami-Dade County Code Chapter 33, Condition 17 of Miami-Dade County Resolution Z-56-07)

7. Other conditions

- a. Wetland conditions in the section entitled, "Impacts and Conditions Applicable to Multiple Segments within Eastern and Western Corridors" are applicable to wetlands within this segment.

Krome Avenue Access Corridor Segment. This segment intersects Environmental Protection Subarea A and C. Depending on the final alignment of the proposed corridor, the applicant shall comply with the conditions listed in the section above ("Levee/ Environmental Protection Subarea Segment") for Environmental Protection Subarea C, conditions listed below for Environmental Protection Subarea A (State Water Conservation Area), and the condition below related to greenway trail enhancement.

8. Other conditions

- a. Wetland conditions in the section entitled, "Impacts and Conditions Applicable to Multiple Segments within Both Corridors" are applicable to wetlands within this segment.
- b. Conditions in the section, "Condition to maintain sheet-flow in specific wetland sloughs and within the Biscayne Bay Coastal Wetlands Area" apply to this area.

9. Conditions to minimize impacts in Environmental Protection Subarea A (State Water Conservation Area): (CDMP Land Use Element, p. I-64- I-65).

- a. See conditions above for Environmental Protection Subarea A.

10. Condition to enhance greenway trails:

- a. FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the proposed transmission line rights-of-way. A courtesy review of the proposed surface enhancement shall be provided to PROS staff, simultaneously

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

with PERA and SPEE staff. (CDMP Land Use Element, Policy LU-1H, Miami-Dade County Open Space Master Plan)

Impacts associated with Proposed Transmission Line Corridors within and adjacent to the Everglades National Park.

FPL proposes two potential transmission line corridors that would intersect Everglades National Park. FPL's "Western Secondary Corridor" enters ENP approximately 2.9 miles west of Krome Avenue at SW 8th Street and extends 7.4 miles south to SW 120th Street. This proposed alignment corresponds with lands owned by FPL. FPL's proposed "Western Preferred Corridor" runs along the eastern boundary of the ENP and this 930 foot corridor extends 330 feet into the park, with 600 feet overlapping the SFWMD L-31N canal and levee. As proposed, the transmission lines would be constructed within the portion of the western preferred corridor located within the current boundaries of the National Park if this corridor were to be approved, and access roadways are proposed to extend from the transmission lines eastward across additional wetlands owned by the South Florida Water Management District (SFWMD) located between the boundary of the Park and the L-31N canal which is also owned by the SFWMD.

The following paragraphs provide basis for the determination that transmission line uses are not consistent or compatible with the Everglades National Park. The Everglades National Park is a land area designated as an Environmentally Protected Park on the Miami-Dade County Land Use Plan map and in the adopted text of the CDMP Land Use Element. The CDMP states, "Land uses and activities which may occur in the National Parks and Big Cypress National Preserve, are outlined in management plans for those areas prepared and adopted by the National Park Service." (CDMP Land Use Element, p. I-52 and I-52.2) This text goes on to state, "Miami-Dade County supports the implementation of the National Park Service's management policies" and "Because of their wetlands value, areas within the boundaries of Everglades National Park that are not owned by the National Parks Service are subject to careful evaluation on a case-by-case basis...". Land use restrictions for private properties that fall within the Everglades National Park boundary are outlined by the Land Protection Plan (LPP) published by the United States Department of the Interior, National Park Service, in April 1991. The LPP specifies the following:

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

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

Policy LU-3C. Development in the Big Cypress Area of Critical State Concern, and in the East Everglades as defined in Section 33B-13, Code of Miami-Dade County, Florida

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

(1981) shall be limited to uses, designs, and management practices which are consistent with adopted State regulations and policies, the Comprehensive Everglades Restoration Plan, and related federal, State or County policies, plans or regulations as may be formulated, consistent with the goals, objectives and policies of this comprehensive plan. Miami-Dade County shall improve its enforcement of East Everglades development regulations and shall improve such regulations if necessary to enable effective enforcement."

As currently proposed, the transmission line corridor segments proposed to be located within the East Everglades Area of Critical Environmental Concern do not comply with the required Environmental Performance Standards contained within Section 33B-26 of the Code of Miami-Dade County, Florida. Code provisions are described in more detail in the section below entitled, "*Impacts to Conflict with County Code Section 33B, East Everglades Area of Critical Environmental Concern*".

Specific anticipated impacts to the ENP and adjacent publicly owned wetlands including wetlands owned by the SFWMD are described in paragraphs below.

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

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

Information provided in the application indicates that impacts associated with construction of the West Preferred Corridor within the East Everglades Area of Critical Environmental Concern would include direct filling impacts to as much as 117.96 acres of wetlands. This includes elimination of wetlands in Everglades National Park (ENP) associated with the construction of transmission tower pads and associated infrastructure for the FPL-designated West Preferred Corridor. The projected wetland acreage impacts included in the application for the portion of segment 3 located within the East Everglades Area of Critical Environmental Concern includes: segment 3A -15.33 acres and segment 3B - 102.63 acres. These amounts include impacts to SFWMD owned wetlands resulting from FPL's proposed use of Levee L-31N for access to the proposed transmission line facilities. Analysis of these project related impacts indicates a clear

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

opportunity for further reductions in project related impacts. Therefore the project as proposed does not adequately avoid and minimize impacts in the East Everglades area, including impacts to wetlands and important habitat for rare, threatened, and endangered species as required pursuant to County Code. Section 24-48.4 of the Miami-Dade County Code requires projects to avoid and minimize project related impacts, and maximize preservation of natural resources.

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

FPL proposes to exchange land it owns within the west secondary corridor of ENP for a linear strip along the Park's eastern boundary in order to construct facilities within the west preferred corridor. This land exchange is subject to a federal review and approval and it is unknown whether this federal approval will be obtained. The land exchange would significantly impact the national park due to the removal of nearly 260 acres of high-quality wetlands from within the current boundaries of ENP. These 260 acres would no longer be under direct federal management and protection because as part of the land exchange, the boundary of ENP would be relocated to remove the eastern strip from the national park.

Both the Western Preferred and Western Secondary transmission line corridors would result in significant negative avian impacts, including state and federally listed threatened and endangered bird species. The County has considered information on avian impacts provided by the U.S. Fish and Wildlife Service, the Department of Interior (ENP), and FPL consultants. The U.S. Fish and Wildlife Service has stated that the number of birds nationwide that are killed annually is conservatively estimated at tens of thousands to as high as 174 million deaths due to collision with transmission and distribution lines. (*United States Department of the Interior, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, "Migratory Bird Mortality, Many Human-Caused Threats Afflict our Bird Populations". January 2002.*)

Scientific literature and information provided by FPL indicate that the presence of electric power lines, whether for transmission or distribution, raises the risk of collision and electrocution for a wide variety of avian species, including state and federally listed threatened and endangered species. Scientific literature reports that the risk is particularly elevated where power lines cross wetlands and/or avian travel corridors. Much of the proposed West Corridor and some portions of the proposed East Corridor, as currently described in the SCA and supplementary documentation, may elevate the risk of avian collision to an unacceptable level because the transmission lines are proposed to be located in wetlands, near bird rookeries, in habitats utilized by state and federally listed threatened and endangered avian species, and they cross avian travel corridors.

Both the proposed West Preferred and proposed West Secondary Corridors are located within a mile of known wood stork colonies located along or in the vicinity of Tamiami Trail, and in Water Conservation Area 3B. Habitat management guidelines for the wood stork that have been adopted by the US Fish & Wildlife Service include recommendations that power lines not be built within one mile of a known wood stork colony, in part to protect fledgling and juvenile birds that are inexperienced at flying. The Ecological Risk Assessment of Potential Impacts of Turkey

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

Point Units 6 & 7 West Corridor Transmission Lines on Wood Storks by Pandion Systems (provided by FPL in the 5th Completeness Response) states that both of these proposed corridors pose an elevated risk of mortality to wood storks due to collision. The avian impacts report recently completed by Everglades National Park (Evaluation of potential impacts of proposed Florida Power & Light Company transmission power lines on avian resources in Everglades National Park, Everglades National Park 2010) states that nesting colonial wading birds adjacent to the West Preferred Corridor, including wood storks, are at the greatest risk of injury and mortality from the power lines as compared to all other bird groups. Additionally, habitat management guidelines for the wood stork that have been adopted by the US Fish & Wildlife Service state that disturbances such as removal of vegetation and construction of power lines that occur within 1500 feet from a colony edge are likely to be detrimental to the survival of the colony. Construction and operation of the proposed transmission line infrastructure in this corridor is likely to impact the success of these colonies. In addition, based on the aforementioned data and information, wood stork mortality will occur as a result of the project if transmission lines are constructed in this area as proposed and habitat for rare, threatened and endangered species will be degraded and destroyed.

Much of the proposed West Corridor is located in wetlands that are utilized for nesting and/or foraging by a variety of water-dependent birds, including but not limited to wading birds and waterfowl. A number of the water-dependent birds, such as the wood stork and the Everglades snail kite, are listed at either the state or federal levels as Endangered or Threatened. Populations of the Everglades snail kite, in particular, have fallen to critically low levels, with juvenile survival being the key to population recovery. The transmission infrastructure, as proposed, would involve the filling of wetlands and installation of infrastructure that will permanently degrade a significant amount of this habitat (the habitat under the wires) and permanently destroy additional habitat (the habitat that is lost to filling of wetlands), thereby disrupting the local hydrology and impacting local feeding conditions for water-dependent birds. The portion of the proposed West Corridor that is within the East Everglades Area of Critical Concern also passes through or near well-documented nesting habitat for both the wood stork and the Everglades snail kite. FPL acknowledged in its Third Completeness Response (SFWMD(3)-03) that the proposed West Corridor passes near 4 wood stork rookeries located along or near Tamiami Trail or in Water Conservation Area 3B and both the West Preferred and West Secondary corridors cross the Secondary Management Zone for at least one of them. PERA also notes that at least two snail kite nests were confirmed in this area in 2010. The US Fish and Wildlife Service indicated, in a preliminary assessment of the proposed West Preferred transmission line corridor provided to Everglades National Park on August 12, 2010, that "the proposed corridor will result in eliminating or altering suitable foraging habitat within the core foraging area (CFA) of at least five active wood stork colonies". The US Fish and Wildlife Service also indicated in the same assessment that the "proposed corridor is likely to affect the Everglades snail kite by eliminating or altering existing nesting and foraging habitat." Transmission line activities that would adversely affect habitat that is critical to federal or State designated, endangered or threatened species, are prohibited unless FPL sufficiently demonstrates there is a public necessity and there are no possible alternative sites where the activity(ies) can occur. (CDMP Policy CON-9A). The County CDMP states that all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities (CON-9B). The CDMP also specifies that rookeries and nesting sites used by these designated species shall not be moved or destroyed (CON-9C).

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

As noted above, transmission infrastructure in the proposed West transmission corridors would, as conceptually designed, disrupt scenic views across Miami-Dade County's local, state, and federally-protected conservation lands. Public enjoyment of conservation lands includes aesthetic characteristics of those lands. The proposed East and West transmission corridors pass through, adjacent to, or near lands designated as conservation lands, including but not limited to Miami-Dade County's Environmentally Endangered Lands and Everglades and Biscayne National Parks. The viewshed is likely to be dominated by the transmission infrastructure for a significant distance from the actual transmission corridor because of the number of lines proposed and the size of the transmission infrastructure proposed to support these lines. This is of particular concern in the East Everglades area of Everglades National Park, where no transmission lines currently exist.

Impacts to Conflict with County Code Section 33B, East Everglades Area of Critical Environmental Concern

This section of the report describes how the provisions of Section 33B and Chapter 24 of the County Code reflect and support protections for the Everglades National Park in the adopted CDMP.

As currently proposed, the transmission line corridor segments proposed to be located within the East Everglades Area of Critical Environmental Concern do not comply with the required Environmental Performance Standards contained within Section 33B-26 of the Code of Miami-Dade County, Florida. Impacts prohibited by the Code are summarized below:

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

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

Chapter 24 of the Code of Miami-Dade County requires projects to maximize preservation of existing natural resources including protection of important wetland ecological resources and endangered species habitat, and also includes consideration of aesthetic impacts and impacts to rare, threatened and endangered species when determining whether proposed work can be authorized. In addition, Section 33B-28 of the Code of Miami-Dade County specifically requires avoidance and minimization of adverse effects, including visual impacts, within the East Everglades Area of Critical Environmental Concern.

Impacts within the County's designated East Everglades Area of Critical Environmental Concern and Everglades National Park as proposed are not consistent with Chapters 24 and 33 of the Code of Miami-Dade County. In addition, degradation and destruction of wetlands designated as Future Wetlands in the Land Use element and endangered species habitat would result which is inconsistent with CDMP Objective LU-3, Policies LU-3A and LU-3C, Objective CON-7, Policy CON-7A, Objective CON-9, Policies CON-9A, CON-9B, CON-9C.

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

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

FPL's mitigation plan and proposed transmission corridors do not comply with Section 24-48.4 of the Code of Miami-Dade County because both of the proposed alignments involving wetland impacts within and adjacent to the current boundaries of Everglades National Park (ENP) are avoidable and because the project would not maximize the preservation of existing natural resources which are of high quality and of local, state and national significance and because the proposed work does not meet the environmental and other requirements of Chapter 33B, which is required under Chapter 24. In addition, the proposed mitigation for these wetland impacts at Hole in the Donut is not consistent with the applicable state and county requirements with respect to the proposed ratios and Miami-Dade County has advised FPL and DEP of this in completeness submittals relating to deficiencies in the overall mitigation plan. The project is also inconsistent with the aforementioned Miami-Dade County listed species habitat protection requirements because one or more alternatives exist to avoid these listed species impacts and because listed species habitats would be degraded in some areas and destroyed in others.

Based on the above, Miami-Dade County finds the portions of the proposed transmission corridors located within the current boundaries of Everglades National Park to be

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

inconsistent with the County Code and CDMP. As previously mentioned, although Miami-Dade County did not propose an alternate corridor under the Power Plant Siting Act Process, it is recognized that less impacting alternative alignments exist west of the UDB that would be more consistent or fully consistent with applicable County Code and CDMP requirements and would entirely avoid the ENP and all Management Areas of the East Everglades Area of Critical Environmental Concern.

The portion of the project proposed in the East Everglades Area of Critical Environmental Concern shall be relocated outside the East Everglades or not be constructed unless the project is modified to meet all requirements of County Code Chapter 24 and 33B including but not limited to the Section 33B-28 and provided the portions of the corridor are built with roadless construction techniques and without fill pads for the transmission lines. Furthermore, additional modification of project design in this area would be required to avoid all permanent impacts to rare, threatened and endangered species by techniques such as undergrounding, and FPL shall be responsible for the cost associated with undergrounding transmission lines.

Agricultural Segment. This segment begins at SW 120th Street and extends south through Open Land Subarea 4 (East Everglades Residential Areas), Agricultural Subarea 1 (East Everglades Agricultural Area), then land designated Agriculture, then Environmentally Protected Parks (Kings Highway Pineland and Sunny Palms Pineland EEL property) and finally turns east near SW 364th Street. FPL has existing transmission facilities within this Segment, however expansions and modifications must be consistent with the CDMP. Due to anticipated impacts to agricultural properties and businesses that may result from proposed Western Corridor construction, conditions are provided below to address these impacts for land designated Agriculture and Agricultural Subarea 1. Compatible and necessary utility facilities may be approved in Open Land Subarea 4 within this Segment, however impacts to residential uses in this area must be addressed.

11. ***Conditions for new transmission line alignments passing through or adjacent to properties with residential uses within Open Land Subarea 4 (outside of established transmission line rights-of-way): (CDMP Land Use Element Objective LU-4, Policy LU-4A, LU-4D)***
 - a. Where the proposed transmission line corridor intersects land designated Open Land Subarea 4 on the CDMP Land Use Plan map, conditions in the section entitled, "*Tree canopy and streetscape beautification for all overhead transmission lines passing through or adjacent to residential properties, outside of established transmission line rights-of-way*" also apply to applicable portions of this segment.
12. ***Condition for land designated Agriculture:***
 - a. Where the proposed transmission line corridor intersects land designated Agriculture on the CDMP Land Use Plan map, conditions in the section entitled, "*Tree canopy and streetscape beautification for all overhead transmission lines passing through or adjacent to residential properties, outside of established transmission line rights-of-way*" also apply to applicable portions of this segment.
13. ***Condition for alignments intersecting Agricultural Subarea 1:***
 - a. Where the transmission line corridor passes through or adjacent to properties with residential uses in land designated Agricultural Subarea 1 on the CDMP Land Use Plan

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

map, conditions in the section entitled, “*Tree canopy and streetscape beautification for all overhead transmission lines passing through or adjacent to residential properties, outside of established transmission line rights-of-way*” also apply to applicable portions of this segment.

For lands designated Environmentally Protected Parks all portions of this land shall be managed in a manner consistent with the goals, objectives, and policies for development of the applicable environmental resources or protection area. For lands that are owned or managed by the Miami-Dade County Environmentally Endangered Lands (EEL) Program, these lands shall be managed and preserved according to the EEL ordinance as adopted in the County Code.

14. *Conditions for alignments intersecting or in the vicinity of Environmentally Protected Parks, as well as lands owned or managed by Miami-Dade County Environmentally Endangered Lands (EEL) program:*

- a. Conditions under the section entitled, “*Conditions for Miami-Dade County Environmentally Endangered Lands (EEL)*” apply to this area.

15. *Conditions for Kings Highway Natural Forest Community.* The proposed transmission corridor in this segment will impact a County designated Natural Forest Community (NFC) on the Kings Highway NFC parcel (property folio number 30-7810-000-0140) that contains rare, threatened and endangered plant species and provides habitat for federal or State designated, endangered or threatened animals. This pine rockland forest is known as the Kings Highway NFC and the current boundaries of this NFC do not extend onto any other privately owned parcels. The proposed transmission corridor infrastructure will also impact associated geologic features (limerock substrate) on this site; the threatened and endangered plants on this site depend on this limerock substrate. Prescribed burning and exotic vegetation management are required to maintain this pine rockland plant community, including specific rare, threatened and endangered species. Installation of transmission infrastructure on this site could preclude the use of fire to maintain this protected plant community unless the infrastructure is properly designed and the NFC is managed and maintained on a regular basis. Chapter 24 of the Miami-Dade Code requires NFC impacts to be avoided/minimized and also requires preservation of the remaining NFC. (*Supporting Miami-Dade County Code Chapter 33, Chapter 18, Chapter 24 Sections 24-7, 24-48 and 24-49, Condition 20 of Miami-Dade County Resolution Z-56-07, CDMP objectives and policies include Objective CON-8 and Policy CON-8D and CON-8E.*)

- a. **Commencement of Work in Kings Highway NFC.** FPL shall not commence work within the Kings Highway NFC FPL easement until FPL demonstrates compliance with all applicable conditions with its proposed design as well as construction techniques. No vegetation or substrate within the transmission line corridor will be removed, transplanted, or damaged by FPL, their agents or contractors until FPL has demonstrated compliance with applicable conditions relating to work in the Kings Highway NFC.
- b. **Acquisition of Additional Easement for Mid Span 230 kV Pole.** Extending the boundary of the proposed transmission corridor westward beyond the existing 330 foot wide easement will require the acquisition of additional easement/right-of-way for access

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

to the proposed midspan unguyed 230 kV pole in order to provide construction access as proposed by FPL to minimize NFC impacts. Therefore, if the corridor is certified, the requisite property interest necessary shall be obtained in the area located between the west boundary of the existing easement on the Kings Highway NFC parcel and the western boundary of the proposed transmission corridor. This alignment is a quarter section line and FPL shall therefore also acquire and dedicate right of way in this area if Miami-Dade County determines such is appropriate. This added easement/right-of-way shall be used to also access all other NFC areas necessary for line and pole installation and maintenance and access elsewhere through the NFC shall be prohibited.

c. Avoidance and Minimization of Impacts and Preservation of Pine Rockland NFC -

At least ninety (90) days prior to commencement of work including site preparation or vegetation removal within the transmission line corridor located on the Kings Highway NFC FPL easements, FPL shall submit to FDEP and MDC PERA construction plans that demonstrate compliance with the applicable conditions of certification and the substantive requirements of MDC, including requirements of Z-56-07, the CDMP and the MDC Code including but not limited to the following:

- 1) Except for access to the new poles, construction access and maintenance access shall be located outside the NFC. The proposed access for the midspan unguyed 230kV pole shall also be utilized for access to all other necessary pole installations and maintenance.
- 2) All avoidable impacts to this NFC shall be eliminated and all unavoidable impacts shall be minimized to the greatest extent practicable. In addition, modification of the project shall be required such that not more than one set of supporting structures is required within the NFC.
- 3) Work associated with installation of poles and transmission lines shall be performed to minimize clearing and substrate disturbance. Only the minimum amount of clearing and grubbing necessary to achieve installation of the poles and lines is permitted in order facilitate regeneration of pine rockland plant species and future management, in accordance with the accepted pine rockland management practices mentioned below.
- 4) The total of all temporary clearing as well as permanent pre-emption or impact to NFC within the easement shall be minimized to the greatest practicable extent. The permanent removal of NFC for the poles and anchors is acknowledged and authorized not to exceed 1,200 square feet and all other temporary impacts to NFC associated with construction shall be restored.
- 5) In order to minimize impacts to pine rockland substrate, staging of equipment, materials or debris within the NFC shall be prohibited at all times. All staging shall occur outside of NFC boundaries.
- 6) The remaining areas of the easement not pre-empted by the transmission line support structure including all temporarily impacted areas, shall be managed and preserved in accordance with accepted pine rockland land management practices and pursuant to the preservation requirements of Section 24-

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

49.2(l)(1)(b) Miami-Dade County Code. This shall include but not be limited to herbiciding of exotic vegetation and periodic burns as required under these conditions of certification. Non target damage to rare, threatened or endangered plant species as a result of herbicide application is prohibited.

- 7) With the exception of areas where pole and guywire installation is to occur, the complete removal of Dade County slash pines and other native trees is prohibited. Outside of areas where complete removal is authorized, only trimming, pruning or topping of pines and other native trees, to obtain the minimum clearance necessary, is authorized. All line clearing work shall be done in accordance with the most recent American National Standards (ANSI) A-300 Standard Practices of Tree Care Operations. Trimming or topping of slash pines and other native trees shall be performed only for purposes of maintaining adequate line clearance and performed in a timely manner such that the required work does not result in the effective destruction of native trees to the extent practicable. All exotic vegetation requiring maintenance clearing shall be completely removed by cutting at the lowest point possible and by treating cut stumps immediately with appropriate herbicide. Resprouts shall be treated within thirty (30) days. Dead pine snags shall be left in place to provide habitat for cavity nesting birds and other wildlife. All vegetative material that is cut, trimmed, topped or otherwise removed shall be taken off site and disposed of properly in accordance with all applicable local and state solid waste disposal regulations. The placement, staging or storage of mulched material is prohibited within the NFC.
- d. **Protection of Vegetation and Substrate.** FPL shall maintain the substrate and understory within the Kings Highway NFC to the greatest extent practicable, utilizing mats and rubber tired vehicles for construction access, as well as during line and pole installation. Damage as well as permanent alteration or filling of the substrate is prohibited within the NFC for access purposes. Within FPL's transmission line easement, all trees and NFC understory vegetation outside of those areas where work is to be undertaken are to remain and be protected by barriers throughout the construction phase of the project. No work (including but not limited to land clearing or grading) may begin within designated NFC until FPL demonstrates compliance with this condition and PERA inspections are conducted to verify fencing pursuant to Section 24-49.5, Miami-Dade County Code. (PERA inspections require two weeks notice.)
- e. **NFC Restoration within FPL's Easement.** All NFC areas within the easement that are disturbed through the installation of transmission line infrastructure shall be restored as soon as practicable and within sixty (60) days of completion of that portion of the construction work located within the Kings Highway NFC. Restoration shall include, but not be limited to, substrate restoration including but not limited to the removal of spoil material as well as removal and subsequent control of all exotic plants. Damage or disturbance to NFC substrate outside of the FPL easement is also prohibited and any unauthorized work or damage to NFC outside the easement shall be restored. Restoration shall also be required for any damage or disturbance of NFC within the easement that is not in accordance with the conditions of certification or the substantive requirements of MDC. FDEP and MDC PERA shall be notified when restoration is complete so inspections can be conducted to verify compliance.

TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107

- f. NFC Restoration Beyond FPL's Easement.** Impacts shall be prohibited to Kings Highway NFC adjacent to the FPL easement and FPL shall restore the NFC damaged by the portion of the access road that extends beyond the easement area as well as any additional portions of this road that are no longer needed based on this project. This restoration work shall be completed as soon as practicable and within sixty (60) days of completion of that portion of the construction work located within the Kings Highway NFC easement. Restoration shall include, but not be limited to, the removal of spoil material if determined appropriate by FDEP or MDC PERA and removal and subsequent control of all exotic plants.
 - g. Prescribed Burns.** FPL shall design and install the transmission infrastructure to allow for prescribed burns within the FPL ROW in order to maintain the Kings Highway NFC. Prior to construction, FPL shall have a prescribed burn performed on the FPL easement land and shall herbicide all exotic vegetation that regrows within sixty (60) days of the burn. Following construction, FPL shall have performed prescribed maintenance burns within the FPL easement on appropriate intervals with the approval of the Florida Division of Forestry (DOF) as applicable, upon notice and coordination. The burning intervals shall not be less frequent than once every five (5) years.
 - h. Removal of Exotic Vegetation.** No construction work (including preconstruction clearing or other site preparation work) shall occur on the Kings Highway NFC prior to the eradication of all MDC Code prohibited species from the portion of the NFC located within the FPL easement. Subsequent to initial eradication, FPL shall perform exotic vegetation control for all invasive species within the FPL easement portion of the Kings Highway NFC on a periodic basis. All remaining NFC within the FPL easement shall be regularly managed to preserve the pine rockland habitat and all maintenance activities shall be performed in a manner that prevents further damage to all pine rockland substrate at the site. All exotic vegetation eradication and maintenance work shall be performed by hand and no heavy equipment shall be allowed within the easement to perform this exotic vegetation work without prior agency approval. Prohibited species under MDC Code and the CDMP are listed in Attachment 2.
- 16. Other condltions:**
- a.** Conditions in the section, "*Condition to maintain sheet-flow in specific wetland sloughs and within the Biscayne Bay Coastal Wetlands Area*" are applicable to any slough or slough headwaters in this area.

Florida City Segment. As this southernmost segment of the Western Corridor extends eastward (east of SW 158th Avenue, generally parallel to SW 359th street) it intersects Environmental Protection Subarea D (Canal-111 Wetlands), Open Land Subarea 5 (South Miami-Dade), Business and Office, Agriculture, Environmental Protection Subarea E (Southeast Wetlands), and Environmental Protection Subarea F (Coastal Wetlands and Hammocks). This segment passes through Unincorporated Miami-Dade County and the City of Florida City.

Environmental Protection Subarea D is a wetlands area where use approvals must demonstrate consistency with the CDMP, CERP objectives, and all prevailing environmental regulations. FPL has an existing utility line and access road within this Subarea, however County CDMP policy specifically states, ". . . no improvements or expansions involving further filling or drainage of

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

wetlands should be permitted.” Impacts to Environmental Protection Subareas E and F have been discussed previously in this report.

17. Condition for alignments intersecting Environmental Protection Subareas D, E and F:

- a. FPL must design transmission and access road structures for minimal ground coverage and minimal impact on hydrology, ecosystems, and habitats throughout the Subarea. Consistency with all wetlands restoration plans for the general area, including CERP, applicable environmental regulations, and policies of the CDMP will be required through reviews by County staff and must be demonstrated within one year of certification of the transmission corridor(s). Expansions to existing uses must demonstrate through design and engineering that biologic and hydrologic functions inherent to these areas will be preserved. *(Miami-Dade County Resolution Z-56-07, Miami-Dade County Code Chapter 33 and Chapter 24 Sections 24-7 and 24-48, CDMP Objective LU-3, Policies LU-3A and LU-3B, Objective CM-1, Policy CM-1B, and Objective CON-7, Policies CON-7C and CON-7J, CDMP text, Land Use Element p. I-64, I-65, and I-68)*
- b. FPL shall construct improvements to sheet flow across all portions of the transmission corridors located within the CERP Biscayne Bay Coastal Wetlands Project Study Boundaries where construction or upgrade of transmission infrastructure is necessary. Complete and detailed engineering plans and calculations describing these improvements shall be submitted to PERA and the SFWMD for review and approval within one year of certification of the transmission corridor(s) or at least six months prior to any construction. FPL shall modify the plans as necessary and in a timely manner in order to obtain PERA and SFWMD approval. All sheet flow improvements shall be constructed in accordance with PERA specified time frames (Condition 17 of Miami-Dade County Resolution No. Z-56-07) once the plans have been approved. *(Miami-Dade County Code Chapter 33, Condition 17 of Miami-Dade County Resolution Z-56-07)*
- c. FPL shall utilize adjacent existing public roads for access to the ROW for construction, operation, and/or maintenance purposes, wherever possible. *(CDMP Objective LU-3, Policy LU-3B)*

18. Other conditions:

- a. Conditions in the section, “*Condition to maintain sheet-flow in specific wetland sloughs and within the Biscayne Bay Coastal Wetlands Area*” are applicable to this area.
- b. Conditions previously provided in this report apply to this segment of the corridor where they impact land designated Agriculture, residential areas, and wetlands.

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

RESPECTFULLY SUBMITTED

CARLOS A. GIMENEZ

Miami-Dade County Mayor

Stephen P. Clark Center

111 N.W. 1st Street, 29th Floor

Miami, Florida 33128

Tel: (305) 375-5071

By: 

Jack Osterholt

Interim Director, Sustainability,
Planning and Economic Enhancement
Department

Reviewed by County Attorney
for legal sufficiency:


John McClinnis

Assistant County Attorney

Abbie Schwaderer-Raurell

Assistant County Attorney

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by _____ U.S. mail _____ facsimile XX electronic mail **ONLY** this 17th day of January, 2012, to:

Peter Cunningham, Esq.

Carolyn Raepple, Esq.

Virginia Dailey, Esq.

Hopping Green & Sams, P.A.

P.O. Box 6526

Tallahassee, FL 32314

peterc@hgslaw.com

craepple@hgslaw.com

vdailey@hgslaw.com

Michael S. Tammaro, Senior Attorney

Florida Power and Light Company

700 Universe Boulevard

Juno Beach, FL 33408

michael.tammaro@fpl.com

Jennifer Brubaker, Asst. Gen. Cnsl.

Public Service Commission

2450 Shumard Oak Blvd.

Tallahassee, FL 32399-0850

jbrubake@psc.state.fl.us

Sam Goren, Esq.

Michael D. Cirullo, Jr., Esq.

Goren, Cherof, Doody, Ezrol

South Florida Regional Planning Council

3099 E. Commercial Blvd., Suite 200

Fort Lauderdale, FL 33308

sgoren@cityatty.com

mcirullo@cityatty.com

Julie O. Bru, Esq.

City of Miami, City Attorney

444 SW 2 Avenue, Suite 945

Miami, FL 33130

JOBru@miamigov.com

Vmendez@miamigov.com

Toni L. Sturtevant, Asst. Gen. Cnsl.

State of Florida Department of

Environmental Protection

3900 Commonwealth Blvd, M.S. 35

Tallahassee, FL 32399-3000

toni.sturtevant@dep.state.fl.us

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

David L. Jordan, Asst. Gen. Cnsl.
Department of Economic Opportunity
Office of the General Counsel
Caldwell Building
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
David.Jordan@DEO.MyFlorida.com

Jimmy L. Morales, Esq.
John Herin, Esq.
City of Doral, City Attorney
Stearns Weaver Miller Wessler Alhadeff
& Sitterson, PA
150 West Flagler Street, Suite 2200
Miami, FL 33130
jmorales@stearnsweaver.com
jherin@stearnsweaver.com

Kelly Samek, Asst. Gen. Cnsl.
Fish and Wildlife Conservation Comm.
620 S. Meridian Street
Tallahassee, FL 32399-1600
Kelly.Samek@MyFWC.com

Melvin Wolfe, Esq.
Town of Medley, Town Attorney
7777 NW 72 Avenue
Medley, FL 33166
elizanel@townofmedley.com

Kimberly Mencion, Asst. Gen. Cnsl.
Dept. of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0450
Kimberly.Mencion@dot.state.fl.us

Cynthia A. Everett, PA
Village of Pinecrest, City Attorney
7700 N. Kendall Drive, Suite 703
Miami, FL 33156
cae@caeverett.com

Ruth Holmes, Asst. Gen. Cnsl.
South Florida Water Mgt. District
3301 Gun Club Road

Matthew Pearl, Esq.
Office of the City Attorney
City of Homestead
Weiss, Serota, Helfman, Pastoriza, Cole,

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

West Palm Beach, FL 33406

rholmes@sfwmd.gov

& Boniski, PL

2525 Ponce de Leon Boulevard, Suite 700

Coral Gables, FL 33134

mpearl@wsh-law.com

Craig E. Leen, Coral Gables City Attorney

405 Biltmore Way

Coral Gables, FL 33134

cleen@coralgables.com

Elizabeth M. Hernandez, Esq.

Jennifer Cohen Glasser, Esq.

Akerman Senterfitt

One Southeast Third Avenue

Miami, FL 33131-1704

elizabeth.hernandez@akerman.com

jennifer.glasser@akerman.com

Regine Monestime, Esq.

City of Florida City, City Attorney

The Monestime Firm, PA

12550 Biscayne Boulevard

Suite 800

North Miami, FL 33181

reginemonestime@bellsouth.net

Thomas F. Pepe, Interim City Attorney

City of South Miami

1450 Madruga Avenue, Suite 202

Coral Gables, FL 33146-3163

tpepe@southmiamifl.gov

Eve A. Boutsis, Esq.

Village of Palmetto Bay, City Attorney

Figueredo, Boutsis and Montalbo, PA

18001 Old Cutler Road, Suite 556

Palmetto Bay, FL 33157

eboutsis@fbm-law.com

**TURKEY POINT UNITS 6 & 7
POWER PLANT SITING APP. PA03-45A3
DOAH Case No. 09-03575-EPP
DEP OGC Case No. 09-3107**

Richard Grosso, Esq.
Jason Totoiu, Esq.
Robert Hartsell, Esq.
Friends of the Everglades
3305 College Avenue
Fort Lauderdale, FL 33314
Richard@evergladeslaw.org
Jason@evergladeslaw.org
Robert@evergladeslaw.org

Robert Shillinger
Chief Assistant County Attorney
Monroe County
1111 12th Street, Suite 408
Key West, FL 33040
Shillinger-bob@monroecounty-fl.gov

David Lyons, President
Kendale Homeowners Association
10310 SW 103rd Court
Miami, FL 33176-3519
Delta75@bellsouth.net

Kerri L. Barsh, Esq.
Greenberg Traurig, P.A.
333 Avenue of the Americas
Suite 4400
Miami, FL 33131-3224
(Miami-Dade Limestone Products Assoc.)
barshk@gtlaw.com



John McInnis
Assistant County Attorney

Miami-Dade County Transmission Line Agency Report

ATTACHMENTS

ATTACHMENT 1
FPL Transmission Line Corridor Mitigation (Minimum HID Ratios)

West Preferred Corridor			
SEGMENT	MAP #	SPECIFIC AREA	RATIO
5B	27	Between Pensuco substation and approximately NW 106 St.	1.5 to 1
5B	26	Along east side of NW 107 Ave. from just north of NW 90 St. to approximately NW 66 St.	2 to 1
5B	25	Along NW 107 Ave. from NW 66 St. south to NW 50 St.	1.5 to 1
5A	25	Along South side of NW 50 St. from NW 107 Ave. to Turnpike	1.5 to 1
5A	25	Along south side of NW 50 St. from Turnpike west to NW 122 Ave.	2.5 to 1
5A	24	Along south side of NW 50 St. from NW 122 Ave. to NW 137 Ave. And along NW 137 Ave. from NW 50 St. to NW 41 St.	2 to 1
5A	24	Along north side of NW 41 St. from NW 137 Ave. west to NW 147 Ave.	2 to 1
5A	23	Small area east of NW 147 Ave.	2 to 1
4	23	L-shaped mitigation area along the north and west sides of substation & adjacent wetland to the east of the substation	2.5 to 1
4	23	Exotics dominated wetland (Melaleuca) between Levee substation and the Dade-Broward Levee	2 to 1
4	23	West of Dade-Broward Levee	2 to 1
4	22	Open area of clump east of Krome Ave.	4 to 1
3C*	22	Along west side of Krome Ave. southward of theoretical NW 41 St.	3.5 to 1
3C*	21	Along west side of Krome Ave.	3.5 to 1
3C*	20	Along west side of Krome Ave. southward to SW 8 St.	3.5 to 1
3B	20	Along west side of Krome Ave. south of SW 8 St. along west side of L-31N Canal.	**
3B	19	Along west side of L-31N Canal	**
3B	18	Along west side of L-31N Canal	**
3B	17	Along west side of L-31N Canal	**
3B	16	Along west side of L-31N Canal, northern portion of segment	3.5 to 1
3B	16	Along west side of L-31N Canal (wetlands previously farmed, now fallow)	1.5 to 1
3A	16	Along north side of SW 120 St. from L-31N canal west to SW 197 Ave. (wetlands previously farmed, now fallow)	1.5 to 1
3A	15/28	Along north side of SW 120 St. from SW 197 Ave. to SW 204 Ave, open prairie	3.5 to 1
2	15	Along east side of SW 204 Ave. from SW 120 St. to about SW 128 St. (in wetland areas, if any)	1.5 to 1

ATTACHMENT 1
FPL Transmission Line Corridor Mitigation (Minimum HID Ratios)

SEGMENT	MAP #	SPECIFIC AREA	RATIO
2	14	South of SW 128 St. to SW 152 Ave. (in wetland areas, if any)	1.5 to 1
2	13	South of SW 152 St. to L-31N Canal (in active farm fields that contain wetlands)	1.5 to 1
2	12	From L-31N south to about SW 204 St. (in active farm fields that contain wetlands)	1.5 to 1
2	11	From about SW 204 St. south to about SW 234 St. (in active farm fields that contain wetlands)	1.5 to 1
2	10	From about SW 234 St. south to about SW 262 St. (in active farm fields that contain wetlands)	1.5 to 1
2	9	From about SW 262 St. south to about SW 290 St. (in active farm fields that contain wetlands)	1.5 to 1
2	8	From about SW 290 St. to south to about SW 320 St. (in active farm fields that contain wetlands)	1.5 to 1
2	7	From about SW 320 St. south to about SW 344 St. (in active farm fields that contain wetlands)	1.5 to 1
2	6	From about SW 344 St. south to about SW 364 St. (in active farm fields that contain wetlands)	1.5 to 1
2	6	From about SW 204 Ave. east to about SW 187 Ave. (in wetland areas, if any)	1.5 to 1
2	5	From about SW 187 Ave. to diagonal road just west of 182 Ave. (in active farm fields that contain wetlands)	1.5 to 1
2	5	From diagonal road to end of farm areas (in active farm fields that contain wetlands)	1.5 to 1
2	5	End of farm areas (approximately SW 179 Ave.) to FEC	3 to 1
1D	5	East of FEC to US-1	2.5 to 1
1D	5	Northern tip of "Triangle" (between US-1 and Card Sound Road)	2.5 to 1
1D	5	Winkeye slough to forested wetland	3.5 to 1
1D	5	Forested wetlands to SW 167 Ave.	**
1D	4	SW 167 Ave. to SW 162 Ave. (in wetland areas, if any)	1.5 to 1
1D	4	East of SW 162 Ave. to narrow stretch of prairie (in wetland areas, if any)	2.5 to 1
1D	4	East of prairie to agricultural area located just west of SW 157 Ave.	1.5 to 1
1D	4	Agricultural area just west of SW 157 Ave. (in wetlands previously farmed, now fallow & active farm fields that contain wetlands) to SW 157 Ave.	1.5 to 1
1D	4	SW 157 Ave. to SW 150 Ave. (under ACI)	1.5 to 1
1D	4	SW 150 Ave. to approx. SW 146 Ave.	**
	3	forested component	**
1C	3	prairie areas	3.5 to 1
1C	2	west side - possible forested component	**
1B	1	Tree Island east of SW 117 Ave.	**

Secondary Corridor

ATTACHMENT 1
FPL Transmission Line Corridor Mitigation (Minimum HID Ratios)

SEGMENT	MAP #	SPECIFIC AREA	RATIO
Secondary Corridor	15/28	Point at which the Preferred and Secondary corridors diverge at SW 120 St.	4 to 1
Secondary Corridor	29	FPL property entirely surrounded by ENP	4 to 1
Secondary Corridor	30	FPL property entirely surrounded by ENP	4 to 1
Secondary Corridor	31	FPL property entirely surrounded by ENP	4 to 1
Secondary Corridor	32	South and north of SW 8th St. & crossing SW 8 St. under the corridor boundary line.	3.5 to 1
Secondary Corridor	32	South and just north of SW 8th St. Canal/ditch feature under the boundary line - Center of ditch	1.5 to 1
Secondary Corridor	32	South and just north of SW 8th St. Canal/ditch feature under the corridor boundary line - Edges of ditch are forested wetlands. Cannot be mitigated in HID.	**
Secondary Corridor	34/35	North of SW 8 St. within WCA-3B (small portion of canal that crosses the corridor near L-30 & Krome Ave. and joins the Preferred corridor east of Krome).	3.5 to 1
Secondary Corridor	22/35	North of SW 8 St. within WCA-3B (small portion of canal that crosses the corridor near L-30 & Krome Ave. and joins the Preferred corridor east of Krome)- Center of ditch	2.0 to 1
Secondary Corridor	35	North of SW 8th St. within WCA-3B (small portion of canal that crosses the corridor near L-30 & Krome Ave. and joins the Preferred corridor east of Krome). Edges of ditch are forested wetlands. Cannot be mitigated in HID.	**

* Only scoring west side of the corridor unless District allows them to use the east side.

**Tree Islands and forested wetlands cannot be mitigated in HID - have to go to EMB or other mitigation areas.

*** All ratios provided are the minimum ratios acceptable to Miami-Dade County.

ATTACHMENT 2: PROHIBITED SPECIES

Species – Latin Name	Species Common Name
<i>Abrus precatorius</i>	Rosary pea
<i>Acacia auriculiformis</i>	Earleaf acacia
<i>Adenanthera pavonina</i>	Red beadtrees, red sandalwood, coralwood, redwood, circassian bean tree, peacock flower-fence, coral pea, Barbados pride
<i>Albizia lebbek</i>	Woman's tongue, lebbek tree, siris tree
<i>Antigonon leptopus</i>	Coral vine, queen's jewels
<i>Ardisia crenata</i>	Scratchthroat, coral ardisia
<i>Ardisia elliptica</i>	Shoebutt, shoebutt ardisia
<i>Bischofia javanica</i>	Javanese bishopwood, bishopwood, bischofia, toog
<i>Casuarina spp.</i>	Australian pine, sheoak, beefwood
<i>Cestrum diurnum</i>	Dayflowering jessamine, day blooming jasmine, day jessamine
<i>Cinnamomum camphora</i>	Camphortree, camphor tree
<i>Colubrina asiatica</i>	Asian nakedwood, leatherleaf, latherleaf
<i>Cupaniopsis anacardioides</i>	Carrotwood
<i>Dalbergia sissoo</i>	Indian Rosewood, sissoo
<i>Dioscorea alata</i>	White yam, winged yam
<i>Dioscorea bulbifera</i>	Air potato, bitter yam, potato vine
<i>Fichhornia crassipes</i>	Common water-hyacinth, water-hyacinth
<i>Ficus altissima</i>	Council tree, lofty fig, banyan tree, false banyan
<i>Ficus benghalensis</i>	Banyan tree, banyan fig, Indian banyan, East Indian fig tree, bengal fig
<i>Ficus microcarpa</i>	Indian laurel, laurel fig, Malay banyan, Chinese banyan, glossy leaf banyan
<i>Flacourtia indica</i>	Governor's plum, Madagascar plum, batoko plum, ramonchi
<i>Hydrilla verticillata</i>	Waterthyme, hydrilla
<i>Hygrophila polysperma</i>	Indian swampweed, green hygro
<i>Hymenachne amplexicaulis</i>	Trompetilla, West Indian marsh grass

<i>Imperata cylindrica</i>	Cogongrass
<i>Ipomea aquatica</i>	Water-spinach
<i>Jasminum dichotomum</i>	Gold Coast jasmine
<i>Jasminum fluminense</i>	Brazilian jasmine, jazmin de trapo
<i>Leucaena leucocephala</i>	White leadtree, lead tree, jumbie bean, tan-tan
<i>Ludwigia peruviana</i>	Peruvian primrosewillow
<i>Lygodium</i> spp. except <i>L. palmatum</i>	Climbing fern, e.g. Old World climbing fern, Japanese climbing fern
<i>Macfadyena unguis-cati</i>	Catclawvine
<i>Melaleuca quinquenervia</i>	Punk tree, melaleuca, cajeput, paperbark tree, tea tree, swamp tea tree
<i>Melia azedarach</i>	Chinaberrytree, Chinaberry
<i>Merremia tuberosa</i>	Spanish arborvine, yellow morning-glory, woodrose, Hawaiian woodrose, ceylon morning glory, Spanish wood vine
<i>Mimosa pigra</i>	Black mimosa, Catclaw mimosa
<i>Neyraudia reynaudiana</i>	Burmareed, silkreed
<i>Paederia</i> spp.	Sewervine, skunkvine, onion vine
<i>Panicum repens</i>	Torpedograss
<i>Pennisetum purpureum</i>	Elephantgrass, Napiergrass
<i>Pistia stratiotes</i>	Water lettuce
<i>Pueraria montana</i> var. <i>lobata</i>	Kudzu
<i>Rhodomyrtus tomentosa</i>	Rose myrtle, Downy rose-myrtle
<i>Rhynchelytrum repens</i>	Rose natalgrass, Natal grass
<i>Ricinus communis</i>	Castorbean, castor oil plant, palma christi, wonder tree
<i>Sapium sebiferum</i>	Popcorn tree, Chinese tallowtree
<i>Scaevola taccada</i>	Beach naupaka, scaevola, half-flower
<i>Schefflera actinophylla</i>	Australian umbrella tree, octopus tree, Queensland umbrella tree, umbrella tree, rubber tree, starleaf
<i>Schinus terebinthifolius</i>	Brazilian pepper, Christmas berry tree, Florida holly

<i>Senna pendula</i> var. <i>glabrata</i>	Valamuerto, Climbing cassia, Christmas cassia, Christmas senna
<i>Solanum tampicense</i>	Aquatic soda apple, wetland nightshade
<i>Solanum viarum</i>	Tropical soda apple
<i>Talipariti tiliaceum</i>	Mahoe, sea hibiscus, yellow mahoe
<i>Tectaria incisa</i>	Incised halberd fern
<i>Thespesia populnea</i>	Seaside Mahoe, portia tree, cork tree, false rosewood
<i>Tribulus cistoides</i>	Puncture vine, burrnut, Jamaican feverplant, billy-goat weed, large yellow caltrop
<i>Urochloa mutica</i>	Paragrass

**ATTACHMENT 3: ROADS / RIGHTS-OF-WAY ASSOCIATED WITH
FPL TURKEY POINT UNITS 6 & 7 AND ALL RELATED FACILITIES**

All ROW within Sections 29, 30, 31 and 32, Township 57, Range 40 plus ROW for SW 117 Ave in Section 25-57-39 between L31E and SW 117 Ave

- Remove roads as applicable*
- Close and convey to Miami-Dade County

NW 41 St between NW 167 Ave and NW 177 Ave

- Close and convey portions adjacent to public land to SFWMD or Miami-Dade County
- Dedicate portions adjacent to private land

SW 102 Ave between SW 312 St and SW 328 St

- Close and convey dedicated portions to Miami-Dade County
- Convey undedicated portions to Miami-Dade County

SW 102 Ave between SW 328 St and SW 336 St

- Close and convey to Miami-Dade County

SW 102 Ave between SW 336 St and SW 340 St

- Close and convey to Miami-Dade County

SW 107 Ave between SW 300 St (Military Canal) and SW 312 St

- Dedicate ROW adjacent to FPL folios (need at least 120' for road and spreader associated with CERP BBCW project)

SW 107 Ave between SW 312 St and SW 328 St

- Close and convey dedicated portions to Miami-Dade County
- Convey undedicated portions to Miami-Dade County

SW 107 Ave between SW 336 St and SW 344 St

- Close and convey to Miami-Dade County

SW 107 Ave between SW 260 St and SW 261 St

- Dedicate ROW adjacent to FPL folios

SW 109 Ave between SW 319 St (Mowry/C-103 Canal) and SW 344 St

- Dedicate ROW adjacent to FPL folios (need at least 120' for road and spreader associated with CERP BBCW project)

SW 112 Ave between SW 319 St (Mowry/C-103 Canal) and SW 344 St

- Dedicate ROW adjacent to FPL folios (need at least 120' for road and spreader associated with CERP BBCW project)

SW 117 Ave between SW 260 St and SW 261 St

- Dedicate ROW adjacent to FPL folios

SW 117 Ave between SW 321 St (Mowry/C-103 Canal) and SW 344 St

- Dedicate ROW adjacent to FPL folios (need at least 120' for road and spreader associated with CERP BBCW project)

SW 136 St between SW 124 Ave and SW 127 Ave

- Dedicate ROW adjacent to FPL folios

SW 137 Ave between SW 344 St and SW 359 St

- Remove roads as applicable*
- Close and convey to Miami-Dade County

SW 202 Ave between SW 363 St and SW 364 St

- Dedicate ROW adjacent to FPL folios

SW 336 St between L-31E and SW 104 Ave

- Close and convey to Miami-Dade County

SW 344 St between SW 97 Ave and SW 107 Ave

- Dedicate ROW adjacent to FPL folios

SW 344 St between SW 203 Ave and SW 204 Ave

- Dedicate ROW adjacent to FPL folios

SW 344 St between SW 137 Ave and SW 142 Ave

- Remove roads as applicable*
- Close and convey excess ROW to Miami-Dade County

SW 360 St between SW 203 Ave and SW 204 Ave

- Dedicate ROW adjacent to FPL folios

SW 97 Ave between SW 312 St and SW 328 St

- Close and convey dedicated portions to Miami-Dade County
- Convey undedicated portions to Miami-Dade County

* Road removal refers to deconstruction of temporary access roads once they are no longer needed by FPL

Other Note:

The Miami-Dade County Parks, Recreation, and Open Spaces (PROS) Department needs access to maintenance roads for passive use as trails (bike and equestrian). This should continue to be coordinated through the Sustainability, Planning, and Economic Enhancement Department (SPEED).