



# **Power Plant and Transmission Line Site Certification**

**Part II of Chapter 403, Florida Statutes**

SFWMD Governing Board Meeting  
December 15, 2011



[sfwmd.gov](http://sfwmd.gov)

**Ruth A. Holmes, Senior Attorney  
Office of Counsel**



# Legislative Provisions - Chapter 403, F.S.



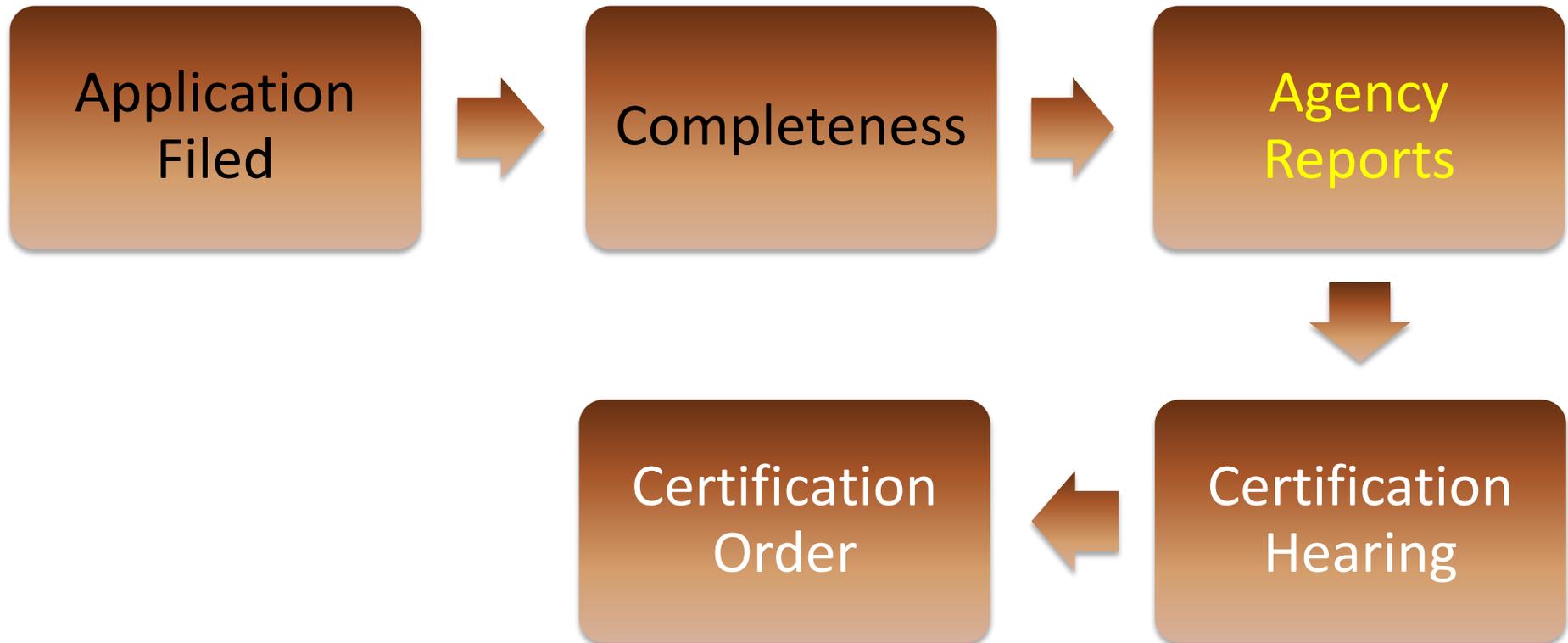
- **Power Plant Siting Act**
- **Transmission Line Siting Act**
- **Legislative Policy**
- **One stop permitting process for the location and operation of electrical power plants and transmission lines**

# Certification Pre-emption

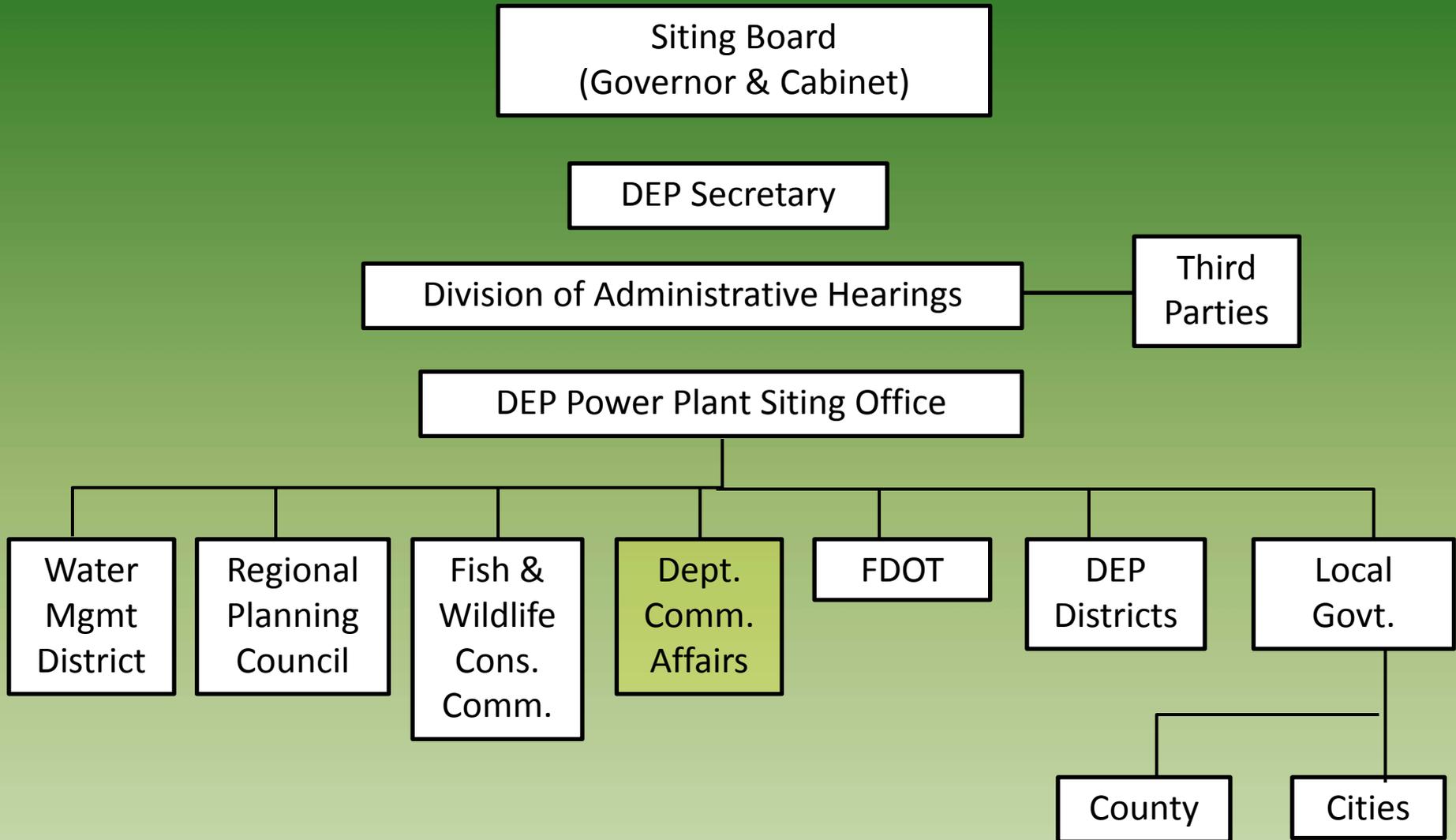


- **Certification supersedes all other state permits, licenses, laws, ordinances, and regulations.**
- **Excluding federal permits and licenses, a Siting Act Certification is the only permit or license for the location, construction and operation of the transmission lines.**

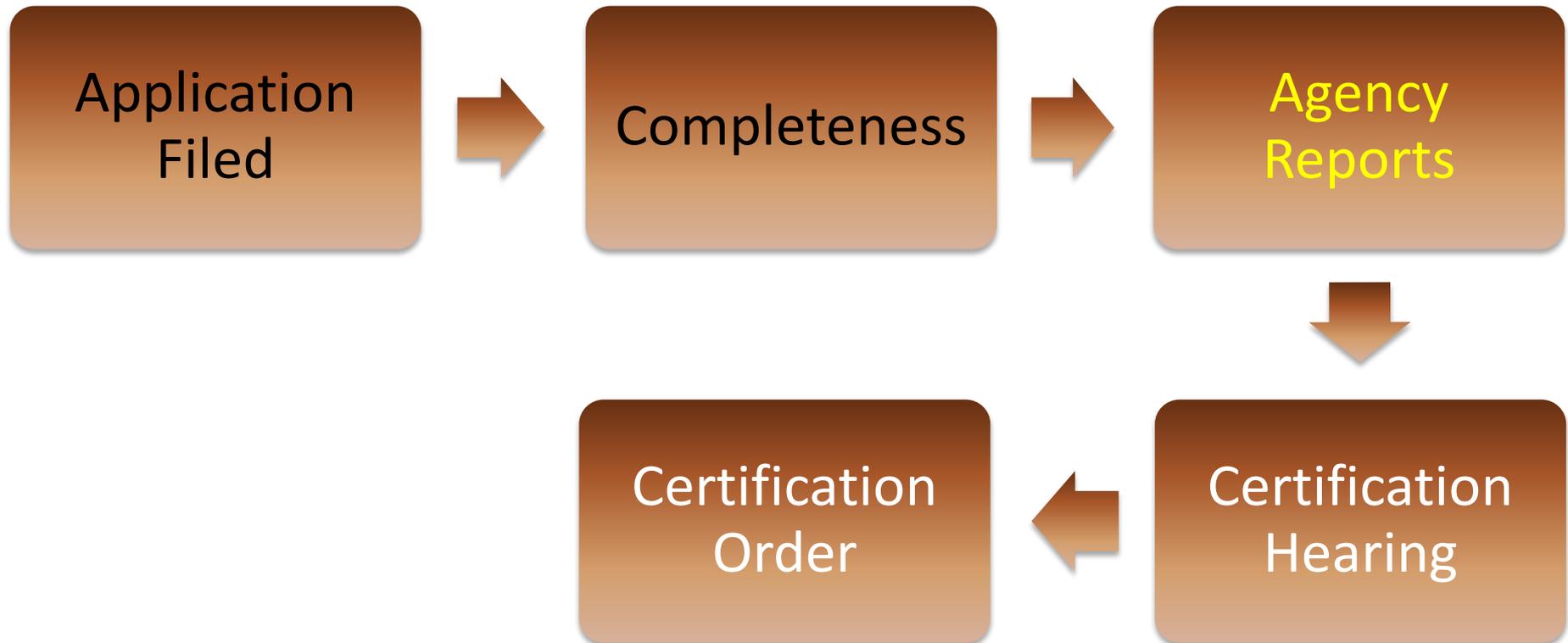
# Certification Process



# Entities Involved in Certification Process



# Certification Process



# Transmission Line Corridor Agency Report



- **Recommended conditions of certification that would ensure the project's compliance with agency criteria – even if the agency recommends denial of a corridor**
- **Must recommend Approval or Denial of each corridor**

# Transmission Line Corridor Agency Report



- **Must be submitted to DEP by deadline set by Administrative Law Judge**

# Certification Hearing



- **Primarily disputes on conditions, alternate corridors, agency recommendations on approval or denials.**
- **Each party, including agencies, present evidence to Administrative Law Judge through witness testimony & reports, etc.**
- **A Recommended Order is submitted to the Siting Board (Governor & Cabinet).**
- **Siting Board makes final determination on Certification and issues Final Order.**
- **Certification Order is generally valid for the life of the project, subject to the conditions therein.**

# Alternate Corridors



- **DEP and Utility (FPL) must accept or reject the alternates for review**
- **Agency review of Alternates**
- **Completeness**
- **Separate Agency Report on Alternate Corridors**



Questions?



# **SFWMD Impact Assessment Report Florida Power & Light Company Turkey Point Units 6 & 7 Electric Transmission Line Corridors**

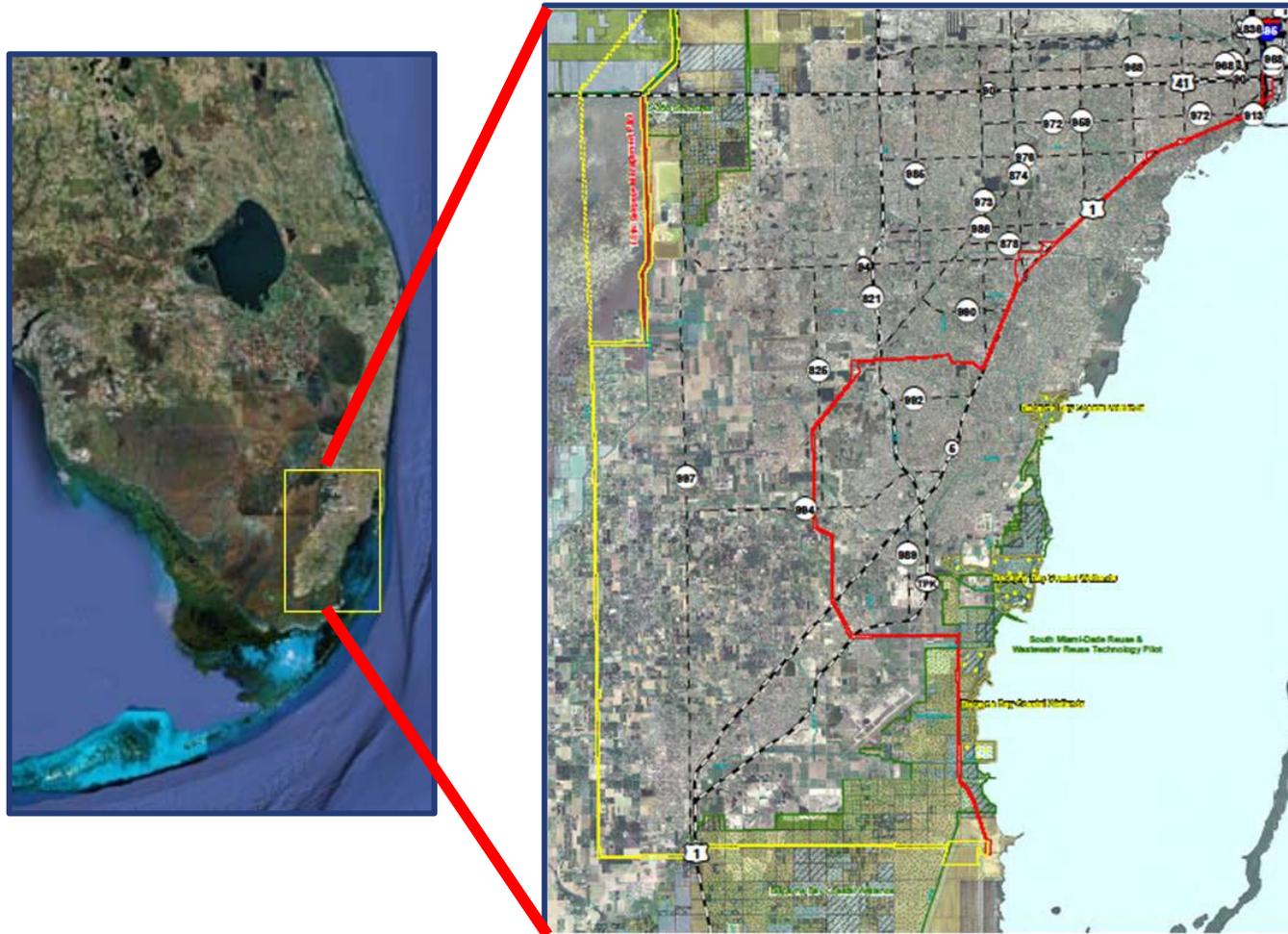
SFWMD Governing Board Meeting  
December 15, 2011



[sfwmd.gov](http://sfwmd.gov)

**Seán Sculley, P.E., Principal Engineer  
Water Resources Division**

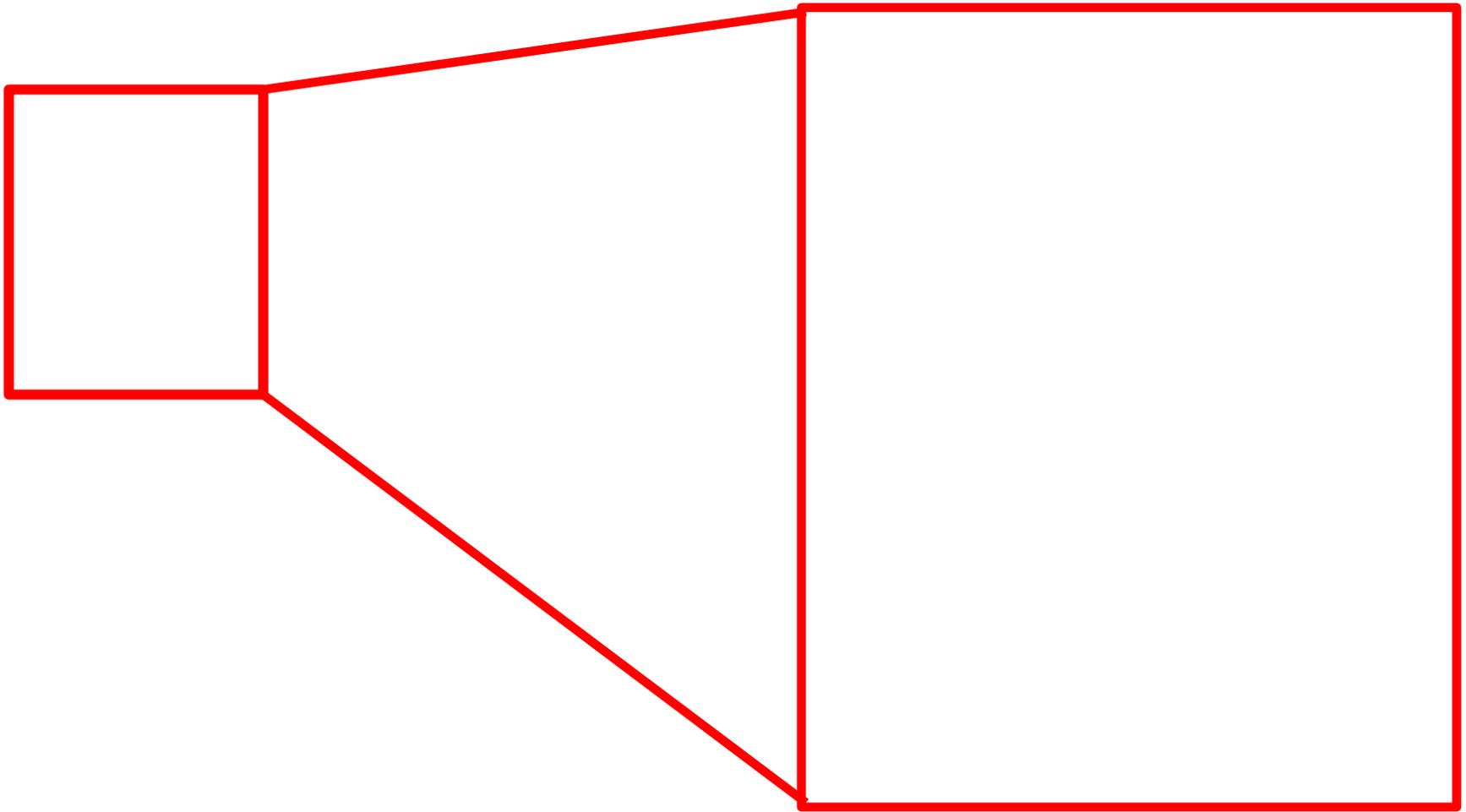
# Project Location – Miami-Dade County



# FPL Proposed Eastern Transmission Line Corridor

- **~36 miles**
- **230 kV line only**
- **Segments parallel to L-31E, C-2**
- **Several canal crossings**

# FPL Proposed Western Transmission Line Corridors



# Transmission Line Corridor Agency Report



- **Evaluation of impacts on matters of SFWMD jurisdiction**
- **Assessment of expected project compliance with SFWMD substantive requirements**
- **Recommendations of approval or denial of individual corridors**
- **Recommended conditions of certification**

# SFWMD Core Issues



- **Operation & Maintenance of the C&SF Flood Control Project**
- **Use of District Rights-of-Way & Lands / Interests**
- **Land Management**
- **Ecosystem Restoration**
- **Wetlands & Stormwater**

# Operations & Maintenance Concerns



- **Ability to conduct remote water control structure operations with high performance and reliability**
- **Ability to manually operate water control structures safely**

# SFWMD Telemetry in Miami-Dade County



# Operations & Maintenance Concerns



- **Maintain flood control system canals, levees and water control structures without interference for both routine and storm-related activities**
- **Maintain integrity of service bridges**

# Land Management Concerns



- **Illegal access and use of District-owned lands**
- **Proliferation of exotic invasive vegetation**
- **Interference with SFWMD land management activities**

# Ecosystem Restoration Concerns



- **Ability to achieve hydrologic project goals (flows, water levels and hydropatterns)**
- **Ability to achieve other CERP goals**

# Rights-of-Way / Land Interests



- **Compliance with right-of-way (R/W) permitting criteria**
- **Consideration of post-certification requests for R/W use or occupancy that do not meet criteria**

# Corridor Recommendations



**Recommend  
approval  
subject to  
specified  
conditions of  
certification.**

# 2008 Cooperation Agreement between SFWMD and FPL



- **Facilitates ModWaters, CERP projects**
- **Grants easements to FPL for relocated portion of utility corridor**
- **Contingent on FPL / ENP land swap:**
  - **Congress has authorized Secretary of Interior to exchange lands**
  - **Federal Environmental Impact Statement under development**
  - **Outcome not likely until Fall 2012**

# FPL West Corridors



- **Recommend approval of both, each with specific conditions of certification**
- **SFWMD Agency Report states strong preference for West Preferred Corridor**

# Recommended Conditions of Certification



- **Indemnification**
- **Insurance**
- **Sovereign Immunity not waived**

# Operations & Maintenance



- **Protection of Performance and Reliability of SFWMD Communication Systems**
- **No Transmission Lines over SFWMD Structures**
- **Baseline testing of communication systems; FPL design to avoid interference; mitigation if interference detected**

# Rights-of-Way / Land Interest Concerns



- **Minimum clearance over canals and adjacent rights-of-way**
- **No encroachments in staging areas near water control structures**
- **Limited, specified use of District bridges**

# Land Management



- **Exotic Vegetation Removal**
- **Secured Access Points to District Lands**
- **Coordination so as not to disrupt SFWMD activities (ie. controlled burns)**

# Ecosystem Restoration



- **Process established by which FPL will incorporate SFWMD project information in TL design in order to avoid inconsistencies**
- **FPL to conduct wading bird surveys in conjunction with SFWMD and FFWCC**

# Resolution



**A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TRANSMITTING THE SFWMD IMPACT ASSESSMENT REPORT ON FLORIDA POWER & LIGHT COMPANY'S TURKEY POINT UNITS 6 & 7 ELECTRIC TRANSMISSION LINE CORRIDORS ON MATTERS WITHIN ITS JURISDICTION, IN ACCORDANCE WITH CHAPTER 403.507(2)(a)2, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.**