

APPLICATION FOR TRANSPORTATION AND  
UTILITY SYSTEMS AND FACILITIES  
ON FEDERAL LANDSFORM APPROVED  
OMB NO. 0596-0082

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant ( <i>include zip code</i> )  Gulf Power Company 1 Energy Place Pensacola, FL 32520	2. Name, title, and address of authorized agent if different from item 1 ( <i>include zip code</i> )  Loretta Cranmer <b>Franck Leblanc</b> Director, Environmental Services Florida Power and Light Company 15430 Endeavor Drive DO1/JW Jupiter, FL 33478	3. Telephone (area code)  Applicant (850) 444-6573 Authorized Agent Office: (561) 904-3415 Cell: <del>(561) 371-7900</del> <b>(561) 301-1511</b>
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4. As applicant are you? (*check one*)

- a.  Individual  
b.  Corporation\*  
c.  Partnership/Association\*  
d.  State Government/State Agency  
e.  Local Government  
f.  Federal Agency

\* If checked, complete supplemental page

5. Specify what application is for: (*check one*)

- a.  New authorization  
b.  Renewing existing authorization No.  
c.  Amend existing authorization No.  
d.  Assign existing authorization No.  
e.  Existing use for which no authorization has been received \*  
f.  Other\*

\* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States?  Yes  No7. Project description (describe in detail): (a) Type of system or facility, (*e.g., canal, pipeline, road*); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*)**Alternative 1 – Preferred Alternative/Proposed Action**

The preferred route enters the Apalachicola National Forest (ANF) at the northwestern forest boundary south of Blountstown Highway (SR 20) and continues south and east to Woodville Highway, collocated within the City of Tallahassee (COT) utility corridor, until the route exits the eastern boundary of the ANF at Woodville Highway. This alternative requires COT agreement for collocation. A Memorandum of Understanding (MOU) concerning this collocation was approved by the COT City Commission on June 5, 2019. **The final collocation agreement between Gulf Power Company (GPC) and COT was signed on September 24, 2019.** The primary objective of the **MOU collocation agreement** with the COT is to minimize clearing within the ANF. **Gulf Power Company (GPC) and COT are in negotiations for a final collocation agreement, which is expected to be presented to the COT City Commission by September 2019, if not sooner.**

Within this Alternative, there are three distinct segments. Please see Attachment 2 for a cross-section illustration of each Segment.

- Segment 1** begins where the COT utility corridor enters the ANF at Blountstown Highway and continues south and east to the COT Substation 32. In this segment, the COT has a 100-foot-wide corridor. Based on the **MOU collocation agreement**, the project will rebuild the COT transmission line and construct the GPC power transmission line adjacent to the rebuilt COT transmission line. **The rebuilt line will be designed to allow space for a new COT adjacent second circuit. No expansion of the COT 100-foot corridor is expected in this segment; however, a minor deviation from the existing corridor is necessary to navigate around Substation 32. No additional clearing beyond the COT 100-foot corridor is expected in this segment.** This segment is approximately 4.9 miles, which includes non-ANF lands of approximately 0.3 miles. **Segment 1 would include the installation of approximately 87 structures with a footprint of 0.1 acres. Temporary workspaces to accommodate the construction of the structures would require 7.19 acres. The cleared workspace would be within the COT corridor or the areas proposed for clearing as part of constructing the new transmission line. No expansion of the corridor is associated with the temporary workspaces. Finally, minimal clearing would be required for construction within this segment. Approximately 3.1 acres of existing vegetation would be cleared in targeted areas within the existing 100-foot corridor. This acreage is within the existing corridor and was examined as part of the COT's Southwestern Transmission Line (SWTL) Environmental Impact Statement (EIS), but, ultimately, the vegetation was not removed by the COT. Additionally, 2.82 acres of new clearing would be needed outside of the current corridor around Substation 32.**
- Segment 2** begins at the COT Substation 32 and continues east to Crawfordville Road. In this segment, the COT transmission line is within a 60-foot-wide corridor. Based on the **MOU collocation agreement**, the project will rebuild the COT transmission line. The rebuilt line will be designed to allow space for a new COT adjacent second circuit. The new GPC

transmission line will be built adjacent to the COT transmission line on the south side. Due to required safe spacing between structures and wires, space required for conductor “blowout” and the COT requirement to maintain space for a COT second circuit, this Alternative will require 18 feet of clearing on the south side of the COT 60-foot corridor. This segment is approximately 3.3 miles. Segment 2 would include the installation of approximately 92 structures with a footprint of 0.11 acres. Temporary workspaces to accommodate the construction activities would require 7.6 acres. The cleared workspace would be within the COT corridor or the areas proposed for clearing as part of constructing the new transmission line. No expansion of the corridor is associated with the temporary workspaces. Finally, minor clearing is required for construction within this segment. Approximately 0.72 acres of existing vegetation would be cleared in targeted areas within the existing 60-foot corridor and 7.06 acres would be cleared as part of the up-to-18-foot corridor expansion and the minor deviation from the existing right-of-way (ROW) to navigate around Substation 32. Vegetation clearance within the additional 18-foot corridor expansion would involve cutting trees, but not removing herbaceous vegetation. The acreage to be cleared within the existing corridor was examined as part of the SWTL EIS, but, ultimately, the vegetation was not removed by the COT.

- **Segment 3** begins at Crawfordville Road and continues east until the route exits at Woodville Highway. In this segment, the COT transmission line is within a 60-foot-wide corridor. Based on the MOU, the project will rebuild the COT transmission line. The line will be rebuilt to allow for a COT second circuit designed in a stacked configuration. The new GPC transmission line will be constructed adjacent to the COT transmission line on the south side. Due to required safe spacing between structures and wires, space required for conductor blowout and the COT requirement to maintain space for a COT second circuit, this Alternative will require up to 10 7 feet of clearing on the south side of the COT 60-foot corridor. This segment is approximately 3.1 miles. Segment 3 would include the installation of approximately 92 structures with a footprint of 0.11 acres. Temporary workspaces to accommodate the construction activities would require 7.6 acres. The cleared workspace would be within the COT corridor or the areas proposed for clearing as part of constructing the new transmission line. No expansion of the corridor is associated with the temporary workspaces. Finally, minimal clearing is required for construction within this segment. Approximately 1.11 acres of existing vegetation would be cleared in targeted areas within the existing 60-foot corridor and 1.55 acres would be cleared as part of the up to 7-foot corridor expansion. Vegetation clearance within the additional 7-foot corridor expansion would involve cutting trees, but not removing herbaceous vegetation. The acreage to be cleared within the existing corridor was examined as part of the SWTL EIS, but, ultimately, the vegetation was not removed by the COT.

The combined length of all three segments within the ANF is approximately 11.0 miles.

#### **A. Type of system of facility:**

In order to minimize the need to build replacement capacity in the GPC service area, maintain the reliability needs of customers in the north and northwest areas of the State of Florida, and meet resource/transfer needs, GPC is proposing to build a new 161-kilovolt (kV) transmission line extending from GPC’s Sinai Cemetary Substation in Jackson County, Florida, to the Florida Power & Light Company (FPL) Raven Substation in Columbia County, Florida. The total transmission line distance is approximately 176 miles, with approximately 11 miles occurring within the ANF. Route options for the approximately 9 to 11 miles through the ANF are being evaluated.

#### **B. Related structures and facilities:**

The project will be constructed using single pole self-supported structures with the exception of locations where the line turns at heavy angles where the poles will require guy wires. Structures will be either spun concrete or steel. The line will have three phases and an optical wire overhead ground wire needed for communications. The applicant is not proposing construction of a permanent patrol road. Temporary and permanent easements along the road ROW are being acquired for both construction and maintenance purposes. Typical land easements will be either 15 feet in width when adjacent to road ROW and 60 feet in width when following open terrain. The width and length of off-road ROW access points will vary, as needed, depending on location and landowner negotiations. Descriptions of the alternatives within the ANF are provided in the Route Selection Overview below.

#### **C. Physical specifications:**

As stated previously, this transmission line will connect the Sinai and Raven substations. For the purposes of both construction and maintenance, temporary and permanent easements will be required for ROW activities, off-ROW access, staging areas, and material storage. Approximately 2,000 transmission poles, varying in height from 75 to 110 feet above ground surface, will be used to construct this project. Of this total, approximately 160 poles will be used within the boundaries of the ANF. Poles will be approximately 3 to 4 feet in diameter and foundations will be either direct embedded or augered cast in place. Concrete width will vary between 4 to 8 feet. Pole spacing will vary between 400 to 600 feet, depending on physical features of the ROW.

#### **D. Term of years needed:**

The design life of the transmission line is greater than 50 years. Based on the design life, the term of years requested is 50 years.

#### **E. Time of year of use or operation:**

Once constructed, the transmission line will be in service continuously for approximately 50 years. Routine inspection/maintenance will be conducted for poles, conductors, vegetation management, and the ROW. Inspections will be conducted from the ground and, if needed, by helicopter or drone.

**F. Volume or amount of product to be transported:**

The new transmission line will be 161-kV and capable of transporting approximately 850 megawatts (MW), depending on operating conditions on the electrical grid.

**G. Duration and timing of construction:**

Construction of the transmission line construction is expected to begin in late 2020 January 2021. Construction of the entire line is expected to take approximately 12 months.

**H. Temporary work areas needed for construction:**

There will be approximately eight temporary work areas used during the construction. None of the temporary areas will be located within the ANF. The temporary areas will be used for contractor trailers and staging of materials such as the poles, wire, and insulators. Portions of the temporary work areas may also be designated for temporary storage of timber that is removed from within ROWs, as needed.

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8. Attach a map covering area and show location of project proposal: See Attachment 1

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9. State or Local government approval:  Attached  Applied for  Not Required  
\*Please note, applications are being prepared for State and Local approvals.

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10. Nonreturnable application fee:  Attached  Not required

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11. Does project cross international boundary or affect international waterways?  Yes  No (if "yes," indicate on map)

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12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

**Transmission Design and Engineering:**

GPC has in-house subject matter experts who oversee the design and engineering of transmission facilities. GPC's expertise ensures the facilities can safely and reliably interconnect with adjacent utilities. This expertise provides a foundation for developing comprehensive approaches to transmission development, including: route optimization, innovative design, and implementation of new equipment, technologies, construction materials. GPC's in-house engineering expertise include transmission line engineers, substation engineers, Bulk Electric System protection and control engineers, civil and structural engineers, and communication system expertise. GPC engineers also develop the scope of work documents that consider GPC's constructability, accessibility, reliability, maintainability, and economics approach. The overall project scope considers all technical and engineering disciplines to have a complete cross-functional construction plan.

**Construction:**

GPC has extensive in-house expertise constructing transmission projects that are integrated into the regional transmission systems, including interconnecting with neighboring utilities. During construction activities, construction managers oversee GPC personnel and contractors to ensure they comply with applicable federal and state regulations. GPC's decades of experience has provided it with the procedures, processes, and controls needed to construct projects safely, timely, and reliably. As is apparent from GPC's transmission system, GPC's construction personnel have developed and constructed a variety of transmission facilities, including transmission facilities that are part of the regional grid.

**Operation and Maintenance:**

GPC has extensive in-house experience operating and maintaining GPC's transmission system in a reliable manner. GPC's subject matter experts use processes, internal controls, and management systems to assist with the operation and maintenance of GPC's transmission system in a safe and reliable manner. For example, GPC operating personnel have real-time monitoring and operating tools, including contingency analysis, to monitor and take corrective action to ensure the reliable operation of GPC's transmission system. To operate GPC's transmission system, the company employs a full complement of North American Electric Reliability Corporation (NERC)-certified system operators. Similarly, GPC's maintenance personnel use sophisticated diagnostic and tracking systems to target and complete needed testing and maintenance consistent with NERC Reliability Standards, such as PRC-005 (testing and maintenance of protection equipment).

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13a. Describe other reasonable alternative routes and modes considered.

Route Selection Overview

The project involves construction of an overhead 161-kV transmission line to connect the existing GPC Sinai Cemetery Substation in

Jackson County to the FPL Raven substation in Columbia County. Alternative route alignments to connect these two endpoints were identified and studied. Factors considered in the routing review included, where appropriate, ecological, social, cultural and natural resources in the study area; land use including location of residential and commercial development, schools, airports, parks, natural resource areas, sensitive habitats, and special land uses; long range area planning; costs; construction and operational safety; engineering and construction feasibility. Location within or adjacent to existing linear ROWs and easements such as roads, railroads, pipelines, canals and other utilities' existing transmission and distribution lines was reviewed and considered. Property ownership boundaries, and constraints such as pinch points or lack of available space within existing ROWs, busy commercial highways, existing utilities, wildlife and aquatic resources, protected species, wetlands, and waterbodies, and areas of dense or proximate residential development, were also studied and evaluated. Publicly available data, consultation with agencies, and field investigations were used. Consideration of all of these factors led to the selection of the current proposed route as the Preferred Alternative.

One alternative eliminated from analysis was a route along Interstate 10 (I-10) in the Tallahassee area. Because of existing development along I-10 in and around Tallahassee, the project could not be sited on private property adjacent to the I-10 corridor in this area. GPC also looked at locating within the I-10 corridor; however, FDOT has rules and regulations governing use of limited access ROWs and the project did not meet those criteria. Thus, it was determined early on that I-10 was not viable as an alternative in this area.

As part of the route analysis, a Southern Route and Northern Route were identified. For the eastern approximately 95 miles, from the FPL Raven substation to US 19 in Jefferson County, the routes are identical. The information provided below focuses on the western approximately 82 to 85 miles from where the routes diverge to where they both terminate at the Sinai Cemetery Substation. The Southern Route (Alternative 1) through the ANF is the preferred route. The Northern Route (Alternative 4) was evaluated and, for the reasons described below, was not selected as the preferred route. Both routes traverse four counties (Jefferson, Leon, Gadsden and Jackson). Within the Southern Route, there are three other route options through the ANF. Within the Northern Route, there is a short section in which two more detailed route options were evaluated.

Alternatives were identified through early routing studies performed by GPC; the NEPA scoping process; consistent collaboration between GPC, FPL, and the United States Department of Agriculture (USDA) Forest Service; and through supplemental studies and consultations conducted by the GPC and the USDA Forest Service, as part of the environmental review process.

Factors evaluated in the routing review included, where appropriate, ecological, social, cultural and natural resources in the project area; land use including location of residential and commercial development, schools, airports, parks, natural resource areas, sensitive habitats, and special land uses; long range area planning; costs; construction and operational safety; and engineering and construction feasibility. Locations within or adjacent to existing linear ROWs and easements, such as roads, railroads, pipelines, canals and other utilities' existing transmission and distribution lines, were reviewed and considered. Property ownership boundaries and constraints, such as pinch points or lack of available space within existing ROWs, busy commercial highways, existing utilities, wildlife and aquatic resources, protected species, wetlands, and water bodies, and areas of dense or proximate residential development, were also studied and evaluated. Consideration of all of these factors led to the selection of the current Proposed Action.

## Alternatives

### **Alternative 2**

This route traverses the ANF following the same path as Alternative 1 except the GPC transmission line will be in a new 42-foot wide corridor that runs along the north/east side of the existing Florida Gas Transmission (FGT) pipeline corridor within the ANF. The route enters the ANF at the northwestern forest boundary south of Blountstown Highway (SR 20) and continues south and east until the route exits the eastern boundary of the ANF at Woodville Highway. This alternative may require FGT approval to overlap the FGT corridor in the segment from the northwestern entrance to the COT Substation 32. The length of this alternative within the ANF is approximately 11.0 miles.

### **Alternative 3**

This route traverses the ANF in a new 42-foot wide corridor that runs along the north/east side of the existing FGT pipeline corridor within the ANF.

- The route enters the ANF at the northwestern forest boundary south of Blountstown Highway (SR 20) and continues south and east to Crawfordville Road (US 319). This alternative may require FGT approval to overlap the FGT corridor in the segment from the northwestern entrance to the COT Substation 32.
- At Crawfordville Road, the proposed route turns northeast where it deviates from the FGT corridor, following Crawfordville Road in a 15-foot wide easement on the west side of the road.
- The route continues north along road ROW approximately 0.45 mile until exiting the ANF. The route continues north along the west side of Crawfordville Road another 1.27 miles where it turns to the east and follows parcel boundaries in a 60-foot wide private easement for approximately 0.33 mile along the southern boundary of the Publix shopping center.

- The route then re-enters the ANF and continues for approximately 0.66 mile in a 60-foot easement adjacent to an existing COT transmission corridor.

The length of this alternative within the ANF is approximately 9.3 miles.

#### **Alternative 4 (Off-Forest Route)**

The length of Alternative 4 from the I-10/US 19 interchange to the Sinai Cemetery Substation is approximately 82.5 miles in length. This route deviates from the preferred route in that it goes to the north and northeast of the COT. This route was deemed not the Preferred Alternative based on the factors considered. These factors included the presence of dense residential development. In these areas, acquisition of a new easement would result in 92 structures being located within the easement area, many of which would have to be removed. An approximate 20-mile route deviation, following existing roadways further to the north of Tallahassee and away from the existing transmission ROW, also encountered proximate residential development.

#### **Route Along Interstate 10**

During the route selection process, it became evident that the Interstate 10 (I-10) corridor theoretically provides an almost direct path between the Sinai Cemetery substation in Jackson County and the Lake City area. GPC met with the Florida Department of Transportation (FDOT) Districts 2 and 3 offices in February 2019 to discuss the project, including whether there would be any collocation opportunities or ability to use the existing I-10 FDOT Limited Access Right-of-way (LA ROW) for construction and maintenance for the project. Specifically, GPC asked about the feasibility of either constructing portions of the transmission line within the FDOT LA ROW along I-10, and/or maintaining the line (constructed on adjacent private property) from within the FDOT LA ROW. GPC was advised that these alternatives were inconsistent with FDOT Utility Accommodation Manual (UAM) provisions.

The UAM regulates the location and manner for installation and adjustment of utility facilities on any FDOT ROW. The UAM is adopted by FDOT as Chapter 14-46, Florida Administrative Code (current version adopted July 30, 2017). The UAM is adopted pursuant to Section 334.044(2), Florida Statutes (F.S.), and implements the provisions of Chapter 337, F.S. Specifically, Section 337.401(9) requires all work in FDOT ROW to comply with the UAM.

Section 4 of the UAM regulates placement of linear utilities in the LA ROW. Section 4.1 of the UAM limits the right to install, operate, and maintain utility lines longitudinally within LA ROW to those that exclusively serve FDOT, unless an alternative to this requirement is approved in accordance with UAM Section 6. Alternatives may only be approved if it is shown that either:

- Compliance with the UAM requirements is not practicable or would create an unreasonable hardship for the utility owner, and that the utility owner's alternative would not unreasonably interfere with the safety, operation, maintenance, future improvement, or expansion of the transportation facility; or
- The alternate provides a benefit to the safety, operation, maintenance, future improvement, expansion of the transportation facility, or other benefit to FDOT.

Based on direction from FDOT in the February 2019 meetings, it was determined that GPC could not meet either requirement, and that use of the FDOT LA ROW along I-10 was not a viable option. Moreover, using the public road ROW to locate transmission lines is generally avoided by GPC because of the potential relocation expense if the road is improved in the future, and the corresponding need to obtain private vegetation maintenance easements on properties adjoining the road. As a result, much of the route parallel to I-10 would have to be located on private easements immediately adjacent to the I-10 corridor.

GPC's team conducted visual inspections of the I-10 corridor through Tallahassee where possible and reviewed Leon County Property Appraiser website information pertaining to parcels abutting the FDOT LA ROW. Given the existing development and congestion through this area and applying the route selection factors established by Florida law, attempting to obtain private easements in this area was not a practical or preferable route.

The COT has approximately 12 miles of transmission lines already collocated within (or located immediately adjacent to) the I-10 LA ROW in an area from near the U.S. Route 90 (US 90) interchange east of Tallahassee to the Capital Circle interchange west of the city. Siting an additional transmission line in this area would not be practicable on the same side of the highway as the COT transmission lines due to electrical clearances that would be required between the two utilities. These clearances would require an even wider private easement acquisition by GPC, extending deeper into adjacent private properties. Further, based on a desktop review, looking to the opposite side of the I-10 corridor, development and congestion in this area made it likely that dozens of existing single-family, multi-family, and commercial structures would be impacted by such a route. Finally, attempting to locate the route on private easements adjacent to the I-10 corridor in this area would present extremely difficult access issues from the standpoint of constructing and maintaining the line. For all of these reasons, the NFRC cannot be reasonably accommodated along the I-10 corridor.

#### **Route North of Tallahassee**

As part of the alternative route analysis, a potential northern route was identified. This northern alternative left I-10 to the east of Tallahassee, and would have gone to the northeast and north of Tallahassee.

The length of this alternative from the I-10/U.S. Route 19 interchange to the Sinai Cemetery Substation was approximately 62.6 miles.

In one version of this alternative, the vast majority of the route would have been collocated within existing non-GPC transmission line ROW. The remaining length would have been located adjacent and parallel to FDOT, county, and local road ROWs. In another version of this alternative, the same route was considered with a new corridor immediately adjacent to the existing non GPC transmission line ROW, rather than collocating. Finally, a version adding an approximately 20-mile route deviation, following existing roadways further to the north of Tallahassee, was also reviewed.

The collocation approach was not pursued upon the conclusion that GPC would not receive consent from the other utilities for allowing collocation fully within their ROWs. Collocating the transmission line with the existing ROW, therefore, would not be feasible. The version that added a new transmission corridor adjacent to the existing non-GPC transmission ROW would not be practicable north and northeast of Tallahassee, based on a number of factors including the presence of dense development, predominantly residential, on both sides of the existing non-GPC transmission ROW. In these areas, acquisition of a new corridor adjacent to the existing ROW would result in approximately 92 structures being located within the easement area, many of which would have to be removed.

At that juncture, an approximate 20-mile route deviation was considered in an attempt to reduce conflict with dense development, following existing roadways further to the north of Tallahassee and away from the existing transmission ROW. This roughly 82.5-mile route also encountered proximate residential development and associated routing constraints.

Both the northern alternative around Tallahassee and the 20-mile route deviation would have to cross through multiple conservation lands and wetlands. Further, United States Fish and Wildlife Service (USFWS) National Wetland Inventory data indicated that this route alternative would incur approximately twice the wetland impacts (both forested and non-forested wetlands), as opposed to the in forest alternatives, in terms of distance through wetlands.

In sum, because of numerous constraints, a route to the north of Tallahassee cannot be reasonably accommodated; therefore, after review and consideration, the northern route alternative and the 20-mile deviation were dropped from further consideration.

#### **Other Routes within the ANF**

Several other routes for traversing the ANF were considered. Most proposed to follow at least segments of the Proposed Action, but with slight deviations. However, these routes would require that, at a minimum, a new 42-foot-wide corridor be established through the ANF where the routes do not follow the existing ROW. Therefore, these routes would require substantially more ground disturbance and ROW vegetation clearing, as well as approval to overlap the Florida Gas Transmission (FGT) corridor. Considering such constraints, and the Land and Resource Management Plan (for National Forests in Florida) direction for locating utility ROWs, these routes were not viable as alternatives.

#### **No-Action Alternative**

GPC's overall strategy is to deliver cleaner energy with improved reliability while lowering costs for its customers. The scope of the project is construction of an approximately 176-mile-long, 161-kV transmission line that would provide the first direct interconnection between the GPC transmission system and the FPL transmission system. The transmission line would allow the operational integration of GPC with FPL, its larger sister utility. This integration would enable GPC to benefit from FPL's diverse fleet of fuel-efficient power generation resources. Direct access to FPL's power generation resources provides GPC with the most cost-effective option to improve its power generation fuel efficiency. In addition, a number of GPC generating units are projected to retire in the next few years, and a very large (885 MW) power purchase agreement will terminate in May 2023. Direct access to FPL's power generation resources minimizes GPC's need to build replacement capacity in GPC's service area.

Under the No Action Alternative, GPC would not build the 161-kV transmission line. If the transmission line is not built, the GPC and FPL transmission systems would not be integrated and GPC will not be directly interconnected with FPL's fleet of fuel efficient power generation resources. As result, GPC would need to purchase costly transmission wheeling service from neighboring utilities or dispatch less efficient local power generation resources. In addition, without direct access to FPL's power generation resources, GPC would need to build more power generation resources to replace the capacity lost due to retired units and termination of the 885 MW power purchase agreement.

The integration from constructing the transmission line would also enhance the reliability and resiliency of service in good weather and bad to existing customers and new customers as the Northwest Florida Panhandle continues to grow. If the project is not built, GPC customers would not have the benefit of enhanced reliability and resiliency.

The project is expected to create more than 200 jobs during the duration of development and construction. In Leon County, the proposed project would result in an estimated \$6.11 million in property tax revenues in the first year of operation, and more than \$100 million in property tax revenue expected over the next 30 years. If the project is not built, these jobs will not be created, and these property tax revenues will not be realized.

#### Summary

The purpose and need of the project is to construct a 161-kV transmission line to provide cleaner and more cost efficient energy, with enhanced reliability and resiliency. For each alternative, except the No Action Alternative, environmental impacts, estimated costs, long range planning, safety, sound engineering principles and other considerations, including impacts to affected landowners, were weighed and considered. The preferred route was selected based upon the results of the evaluations described above. The preferred route fulfills the purpose and need of the project and is feasible. Alternative 1 avoids conflicts with residential structures by avoiding densely populated areas, which Alternative 4 was not completely able to achieve despite efforts to avoid proximate residential areas.

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b. Why were these alternatives not selected?

Alternatives 1 through 5 are all being analyzed through the National Environmental Policy Act (NEPA) process. However, having weighed and considered the applicable factors when selecting a linear route, Alternative 1 is the preferred route. As described above, various constraints were analyzed and reviewed for feasibility. After thorough analysis, it was determined that these routes could not be reasonably accommodated.

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c. Give explanation as to why it is necessary to cross Federal Lands.

The project proposes to connect the GPC's Sinai Substation in Jackson County, Florida, to FPL's Raven Substation in Columbia County, Florida. In order to connect these two locations, the transmission line must go through or around the COT. In order to maintain cost efficiency, minimize impacts to population centers and other developed areas, and minimize environmental and socioeconomic impacts, it was determined that a route south of the COT would best accomplish these goals. The ANF covers a majority of the land area between the COT and the Gulf of Mexico; therefore, in order to go south of the COT and meet the desired goals, the transmission line must go through USDA Forest Service land.

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14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

FGT's Phase VIII Expansion SF-299, dated August 7, 2009, and the COT's Southwestern Transmission Line SF-299, filed July 30, 2010 (WAK100313), represent the current permitted corridors through the ANF that the Preferred Alternative would be located within and/or adjacent to.

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15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

**A. Cost of proposal (construction, operation, and maintenance):**

Construction costs for the entire transmission line are estimated to be between ~~\$400-425~~ \$500-525 million. Operation and maintenance costs are estimated to be ~~\$4,050~~ approximately \$4,000 per mile annually. This includes inspections, repairs, and vegetation maintenance costs.

**B. Estimated cost of next best alternative:**

The next best alternative is Alternative 2 would follow the same route through the forest, but requires a new 42-foot-wide corridor that runs along the north/east side of the existing FGT pipeline corridor within the ANF. The construction costs are estimated to be between ~~\$400-425~~ \$500-525 million. Operation and maintenance costs are estimated to be ~~\$4,050~~ approximately \$4,000 per mile annually.

**C. Expected public benefits:**

Studies have identified a benefit for a direct transmission interconnection between the GPC and FPL transmission networks to create transfer capability and better optimize GPC and FPL generation resources through reliable power flows between existing and future substations in these areas.

An analysis of alternative plans resulted in GPC's selection of the project as the most cost-effective and efficient means to: (a) increase the capacity of the existing 115-kV transmission network in GPC's Sinai area and FPL's Raven area in a reliable manner, consistent with the NERC mandatory reliability standards and good utility practice; (b) minimize the need to build replacement capacity in GPC's service area; and (c) provide the capability to add additional electrical ties from FPL and GPC to neighboring utilities.

The project is the most cost-effective alternative available, taking into account the demand for electricity, and the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state. Further, the project meets area load requirements by serving potential future industrial, commercial, and residential load and minimizing cost to customers.

From a resource planning perspective, the addition of the line is also projected to benefit the customers of GPC in two ways. First, GPC's customers are expected to benefit economically by having access to lower-cost energy generated on FPL's system. This is expected to lower net system energy costs on GPC's system even after reimbursing FPL for the cost of the additional megawatt hours that will be generated on FPL's system. With such a reimbursement, FPL's customers would be made whole for the costs of

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this additional generation. Second, having access to additional off-system generation due to the existence of the new transmission line should help provide greater reliability for the GPC system.

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16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

### **Socioeconomics and Environmental Justice:**

The proposed project would likely have a positive impact on the local and regional economies. Expenditures on construction would temporarily increase direct, indirect, and induced employment, earnings, and output in the region. Long-term economic benefits would occur during the operation of the project, as the line would improve reliability and resiliency in the delivery of electricity throughout the region. Additional state and local tax revenues (e.g., property tax, sales and use taxes, corporate taxes) would be generated throughout the lifetime of the transmission line. Only a minor to negligible increase in local government expenditures are expected as a result of either construction or operation of the project. The tourism industry is not expected to be negatively impacted by this project.

Little or no permanent population changes are expected to occur as a result of the project, though a temporary influx of personnel during the construction phase is likely. No long-term impacts to the housing market are anticipated; however, during construction there may be an increase in demand for hotel/motel rooms, rental units, and campsites due to the influx of construction personnel. Property values are not expected to be significantly impacted because the majority of the proposed route would be located along existing ROWs or along existing roads or highways. Only minimal impacts are expected to occur to community services and facilities. Educational services are not expected to be impacted during construction or operation. Emergency services (e.g., police, fire, EMT, medical) are only expected to experience a minor or negligible increase in the demand for services during construction and no increase in demand for services during operation. Traffic control is anticipated to be the most likely local service needed. Environmental justice concerns are not expected to occur as a result of the project. In addition, rural lifestyles would not be disrupted by the construction or operation of this project.

### **Land use:**

Under the Preferred Alternative, some permanent loss of agricultural land and forested land (including in the ANF) would occur. Impacts would be expected to be minor due to collocation with existing ROWs where feasible. Potential impacts to residential and commercial properties and buildings would include local traffic congestion, noise, and dust, temporary loss of land use and disturbance of the visual landscape. There would be limits to future structures and landscaping in the permanent ROW.

### **Utilities and Infrastructure:**

Utility systems associated with the Preferred Alternative primarily include natural gas pipelines and electrical power lines. The new 161-kV transmission line would be within and/or adjacent to the existing COT/FGT corridor through the ANF. Three pipelines of varying diameters (24-, 30-, and 36-inch) are associated with the FGT ROW. The COT ROW contains a 230-kV electric transmission line. In addition, the proposed line would cross two other transmission line ROWs running north-south through the ANF. Force and gravity sewer lines, buried telephone and telephone fiber optic lines, and buried fiber optic traffic cable are in the vicinity of the Preferred Alternative. GPC would comply with applicable local, state, and federal requirements for the safe separation and/or crossing of utility lines. In addition, all such utilities are expected to remain in service during the construction. Planned outages on the COT transmission line may occur, as needed, during construction.

### **Transportation and Traffic:**

The Preferred Alternative would result in increased in traffic from construction vehicles and workers. Temporary and localized delays on roadways due to construction activities adjacent to traffic lanes and temporary lane closures from stringing wires over roadways would be expected. Impacts are anticipated to be minor by implementing a traffic control plan and Best Management Practices (BMPs). Overhead transmission lines near airports, including Tallahassee International Airport, would require Federal Aviation Administration (FAA) notice; however, impacts are likely to be minor with mitigation (height) and due to the presence of other transmission lines nearby.

### **Recreation:**

Construction activities from the proposed project would likely cause temporary noise and dust disturbance to nearby recreation areas and trails, including the Tallahassee-St. Marks Historic Railroad State Trail, the ANF motorcycle trail, Equestrian Trail, and the Munson Hills Mountain Bike Trail System. Minor potential would exist for temporary trail closures during construction; however, impacts would be expected to be minimal. No impacts are anticipated during operation of the transmission line.

### **Cultural Resources:**

~~Impacts would be anticipated to be limited due to the collocation with an existing transmission corridor. Archaeological sites would be subject to disturbance in locations requiring subsurface excavations (e.g., new tower locations) or where activities would disrupt the ground surface (e.g., movement of construction equipment). Desktop research will determine the location of known archaeological sites and previous survey efforts. For all locations not previously subject to archaeological survey, the potential for~~

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archaeological remains will be evaluated and, if needed, surveys will be conducted. For all other locations, an unanticipated discoveries plan will be initiated to account for previously undocumented resources.

No listed (publicly known) National Register of Historic Places properties or Florida Historical Markers are located within the corridor. Therefore, no impacts would occur to these known properties and/or markers. Other above-ground cultural resources would not be anticipated to be impacted due to the use of the existing transmission corridor. However, desktop research and/or potential field study will confirm the presence of other types of architectural or above-ground resources and if they may be impacted by the proposed project.

For the Proposed Action, the direct effects area of potential effect (APE) is defined as a corridor measuring 100 feet in width and centered around the proposed project easement within the ANF. The proximity effects APE is defined as a corridor measuring 328 feet centered on the proposed project easement within the ANF. Previous surveys identified recorded archaeological sites and isolated finds within the direct effects APE. Among these cultural resources, three archaeological sites are considered for this assessment due to their National Register of Historic Places (NRHP) status. One archaeological site has been determined to be eligible for the NRHP, and one has been determined potentially eligible for the NRHP. Where the transmission line would cross, only one of these two sites is located within the ANF; the other is located on adjacent private land. A third archaeological site is located within the direct effects APE and has not been evaluated for the NRHP. The Proposed Action would avoid the sites and, therefore, would not affect the two historic properties and the unevaluated archaeological site within the direct effects APE.

Consultation was conducted with the Kialegee Tribal Town, the Muscogee (Creek) Nation, the Poarch Creek Tribe of Alabama, and the Seminole Tribe of Florida concerning the Proposed Action. Letters were sent to the Tribes on October 21, 2019. The Seminole Tribe of Florida responded on November 19, 2019, and indicated that they had no objections to the project and requested that they be notified of any discoveries of archaeological, historical, or burial resources that are inadvertently found.

The USDA Forest Service, in meeting its obligations under Section 106 of the National Historic Preservation Act and its implementing regulations in 36 Code of Federal Regulations 800, provided its determination for a finding of no effect to historic properties to the Florida State Historic Preservation Officer (SHPO) on October 18, 2019, for the portion of the transmission line covered by this Special Use Permit. The SHPO concurred with their finding on November 25, 2019.

Since November 2019, GPC revised the project corridor; this required altering both the direct effects and proximity effects APES. Notification on this revision was submitted to the USDA Forest Service via email on April 28, 2020. This additional consultation has determined that no additional historic properties are present in this new portion of the APE. The USDA Forest Service provided a compliance review on May 14, 2020, to the Florida SHPO and the Tribes, noting the change in the project and reiterating their determination that no historic properties would be affected by the Proposed Action.

The Florida SHPO responded on June 11, 2020, noting their concurrence with the finding of no effect on historic properties. On July 1, 2020, the Muscogee (Creek) Nation concurred that there would be no effects to known historic properties. The Seminole Tribe of Florida responded on July 7, 2020, that the undertaking was not located within their area of interest and, thereby, they had no objections to the project. The USDA Forest Service did not receive responses from the Kialegee Tribal Town and the Poarch Creek Tribe of Alabama.

As the Proposed Action would avoid known historic properties and the unevaluated archaeological site by spanning over them, no effects to these resources would be anticipated to occur. Therefore, no further analysis is warranted in this Environmental Assessment.

#### **Health and Safety:**

Health and safety concerns are expected to be minimized based on GPC's commitment to safety and well established safe work practices. Health and safety issues may result during construction of the project associated with the use of heavy equipment, working near high-voltage lines, and chemical products, such as fuels, that could result in construction-related incidents.

Regarding Electromagnetic Field (EMF), based on the reviews from leading public health agencies, power frequency EMF have not been shown to cause or contribute to any illness. The EMF levels will comply with the limits established in the state's regulations on electric and magnetic fields.

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17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability

#### **A. Air Quality:**

The construction of the transmission line through a portion of the ANF should have only minimal and temporary effects on air quality in the forest. There would be criteria and greenhouse gas air emissions from vehicles and equipment used during construction activities. There would also be fugitive emissions (dust) caused by vehicles traveling on the existing ROW during construction and from the activity of expanding the existing ROW. Impacts from the operation of the transmission line would also be minimal. There

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would be criteria and greenhouse gas emissions and fugitive emissions from vehicles or equipment used for surveillance and maintenance of the transmission line.

Minor, short-term air emissions would result from construction of the Proposed Action. Construction emissions would consist of fugitive dust from service road travel and ground disturbances and exhaust from equipment. Maintenance emissions would consist of equipment exhaust from periodic maintenance activities and fugitive dust from road travel. No air emissions would occur from operation of the Proposed Action. Mitigation measures, such as a dust control plan, would be developed to minimize fugitive dust emission. Land clearing within the ANF would be minimal and restoring the ground surface of cleared areas after construction would help to minimize fugitive dust during maintenance activity.

#### **B. Visual Impact:**

Impacts of the Preferred Alternative to aesthetics and visual quality on the ANF may occur where the project crosses areas identified in the forest plan or by ANF personnel to have high visual concern, moderately high to high scenic integrity, or where the project may conflict with Scenic Integrity Objectives identified for the ANF. Areas of high visual concern would include portions of the Preferred Alternative that cross or parallel a trail or travel route through the ANF or where the project may be visible from a public gathering area (e.g., trailhead, campground, visitor facility, interpretive area). Although the Preferred Alternative would parallel existing transmission lines through much of the ANF, widening and additional clearing of trees and other vegetation along the existing ROW may produce visual impacts. In addition, the new transmission structures may produce visual impacts depending on their design and placement relative to the design and locations of existing transmission structures paralleled by the project. In particular, portions of the Preferred Alternative that do not parallel an existing transmission line and are visible to the public in the foreground distance zone may produce visual impacts due both to their proximity to the road and to clearing of vegetation near the road.

#### **C. Surface and Ground Water Quality and Quantity:**

Potential indirect impacts to water resources may arise particularly during the construction phase of the project. This may include impacts to the water quality of surface waters, creeks, rivers, and bay head swamps. GPC will consult with the United States Army Corps of Engineers to determine impacts to surface waters. Prior wetland surveys indicate the presence of jurisdictional wetlands along the ROW. The Proposed Action would traverse seven wetlands and Munson Slough, as well as an unnamed tributary/wetland adjacent to Munson Slough. Impacts to wetlands or other navigable waters will largely be avoided through the project design and structure placement; however, and impacts will be mitigated as required. Indirect impacts on water resources are expected to be minimized with compliance with appropriate permits (e.g., Generic Permit for Stormwater Discharge from Construction Activities, United States Army Corps of Engineers Nationwide Permit 12, or Florida Department of Environmental Protection Environmental Resource Program permits) NPDES permit conditions as well as implementation of BMPs. No impact to groundwater quality are anticipated. The proposed project is not expected to impact the quantity of surface water or ground water.

#### **D. The Control or Structural Change on any Stream or Other Body of Water:**

Control or structural changes of any perennial stream or other permanent body of water are not anticipated. Efforts will be made to place the transmission structures outside perennial streams and all other water bodies. Mitigation measures will be developed, where necessary, to minimize potential effects to streams and water bodies from the project.

#### **E. Existing Noise Levels:**

Construction of the transmission line would be expected to result in temporary, minor adverse noise impacts at residences located along the transmission line route due to construction related noise. The impacts along the route would be short term. Maintenance activities associated with transmission line operation would typically be anticipated to be infrequent and shorter in duration than construction activities. These maintenance activities would be related to inspection and vegetation control activities and would result in negligible adverse noise impacts. The construction, operation and maintenance of the transmission line would be compliant with any applicable local noise ordinances.

Construction of the Proposed Action would generate noise due to the use of heavy construction equipment. The temporary construction noise from the Proposed Action would not be expected to have any effects on human receptors due to the distance of these receptors from the ANF portion of the proposed transmission line. The nearest residence from the Proposed Action would be located on Woodville Highway, a distance of 240 feet from the route. Given the short-term nature of the construction work, the distance, and the natural vegetation buffer between the construction site and the residential areas, the overall impact would be temporary and minor. In addition, construction would take place during daylight hours (sunrise to sunset) when higher noise levels are less noticeable. No sensitive receptors, such as hospitals, schools, libraries, or places of worship, are located in the vicinity of the Proposed Action.

Noise may have a minimal temporary effect on noise receptors (people and wildlife) in the construction area. Construction noise in the ANF would not result in any permanent effects on noise receptors.

## F. The Surface of the Land, Including Vegetation, Permafrost, Soil, and Soil Stability:

The preferred route would be located within a distinct region of the Gulf Coastal Lowlands physiographic province known as the Woodville Karst Plain, which extends from the southern edge of Tallahassee, Florida, to the Gulf of Mexico. The Woodville Karst Plain is characterized by a thin veneer of unconsolidated and undifferentiated Pleistocene quartz sand and shell beds overlying a thick sequence of relatively horizontal carbonates within the Lower Miocene St. Marks Formation at or near the surface. The majority of soils in the Gulf Coastal Lowlands consist of nearly level to gently sloping sands and sandy loams. These soils drain quickly and can be highly erodible. The project will not cause impacts with regard to spring zones, karst features or sinkholes. During construction, GPC will take soil borings to ensure that specific ground locations are appropriate for the installation of a transmission pole. If we find unexpected conditions, pole placement would be adjusted to a location that is appropriate.

The preferred route would be primarily located in or adjacent to existing ROW surfaces, which are mostly cleared, pre-disturbed, and flat. Construction would include some excavation, earthmoving, and grading based on the final site design and transmission pole placement. To meet NERC reliability standards for operational safety, the removal of tall vegetation in the transmission line ROW is required. Minimum clearances also must be maintained between vegetation and the transmission line during the life of the project; this requirement will be met through a long-term Transmission Vegetation Management Plan. This plan will be developed in conjunction with relevant resource plans and in coordination with Federal and State agencies. Compliance with the conditions and requirements of the Generic Permit for Stormwater Discharge from Construction Activities as well as implementation of BMPs and mitigation measures would help minimize impacts from soil erosion both during and after construction. Permafrost is not found in the project area and, therefore, the project will have no effect on this resource. Implementation of the Preferred Alternative would result in a negligible impact on geology, topography and soils.

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18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

### A. Populations of Fish, Plantlife, Wildlife, and Marine Life, Including Threatened and Endangered Species:

No impacts are expected to fish or marine life with this project.

Potential impacts to threatened and or endangered species such as Wood stork, Eastern indigo snake, Gopher tortoise and Red Cockaded Woodpecker may arise as portions of the proposed transmission route either transect or abut the ANF or other potential habitat. Potential impacts may also arise for plant species of concern such as Longleaf pine. Effects to threatened and endangered and state-listed species will be avoided to the greatest extent feasible. GPC will formally consult with federal and state regulatory agencies regarding potential effects to biological resources, especially with regard to listed species. Pre-construction surveys to locate protected species are also anticipated for some of the species. were evaluated in a Biological Assessment (BA). USDA Forest Service biologists made the following determinations of effects for Endangered Species Act (ESA)-listed species that are known to occur or may occur in the project vicinity:

- The Proposed Action would have no effect on Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), purple bankclimber (*Elliptioideus sloatianus*), shinyrayed pocketbook (*Lampsilis subangulata*), or Godfrey's butterwort (*Pinguicula ionantha*), based on their absence from the area and no reasonable connection to indirect effects.
- The Proposed Action may affect, but is not likely to adversely affect the eastern indigo snake (*Drymarchon corais couperi*), wood stork (*Mycteria americana*), or red-cockaded woodpecker (*Picoides borealis*). These species are known to occur or may occur in the affected area, and a reasonable connection may be made between project activities and potential minor and short-term disturbance. However, the impacts of the proposed activities are not reasonably certain to result in take of individuals and are considered to be insignificant or discountable.

These determinations were made based on an analysis that assumed standard resource protection measures would be applied during project implementation; the relevant mitigation measures are listed in the BA. The BA was provided to the USFWS on August 12, 2020, for Section 7 consultation. The USFWS acknowledged receipt of the BA and provided preliminary agreement with the determinations on August 14, 2020. A concurrence letter from the USFWS agreeing with these determinations and concluding ESA consultation was provided on September 9, 2020.

The proposed action would have minor short-term and long-term impacts on individuals of non-listed wildlife species. Potential direct effects on the gopher tortoise (*Gopherus polyphemus*) include temporary displacement from otherwise suitable foraging or nesting habitats during construction activities. However, long-term implementation of the Proposed Action would result in the maintenance of good quality habitat within the utility corridor since the gopher tortoise prefers open ground conditions. Due to the proximity of the ROW to a known striped newt (*Notophthalmus perstriatus*) pond (Pond 18) and limited habitat availability for this species, the Proposed Action may impact individuals and the upland habitat of striped newts. One of the largest and most well-documented populations of the frosted elfin (*Callophrys irus*) butterfly occurs along the existing utility ROW between Woodville Highway and Crawfordville Road. The existing ROW is directly adjacent to a number of survey sites that are known to contain frosted elfins and their preferred habitat. The Proposed Action would directly impact portions of seven of these survey sites along the

southern edge of the ROW, but those impacts would not be significant. Mitigation measures will be implemented to further minimize or eliminate impacts on these species.

Construction of the Proposed Action may result in impacts associated with temporary displacement from foraging or nesting habitats, creating a temporary barrier that could potentially block the migratory movements of protected or USDA Forest Service sensitive amphibians between their upland habitat and their ephemeral breeding ponds, or cause direct mortality from vehicle strikes. These impacts are expected to be short-term and mainly during construction activities, and mitigation measures would be implemented to avoid and minimize potential habitat fragmentation and impacts on species diversity and the overall ecological integrity of the area. Any impacts are not anticipated to be significant, nor are they expected to create a trend impacting a species' federal listing status, adversely modify critical habitat, or jeopardize the viability of the species.

Direct impacts on vegetation would result in minor impacts to individuals of certain wildlife species from the removal or conversion of habitat. Site preparation and construction could result in direct impacts to individuals of less mobile wildlife, including small mammals, reptiles, and amphibians. Small mammals, reptiles, and amphibians may return to sites that have been restored with native grasses following construction. For non-listed wildlife species, direct impacts would not be expected to be significant. Individuals of more mobile wildlife species would be expected to move into surrounding areas with suitable habitat during site preparation and construction due to increased noise from vehicles, equipment, machinery, tools, and other human activities. These impacts would be expected to be minor and short-term.

**B. Marine Mammals, Including Hunting, Capturing, Collecting, or Killing These Animals:**

The project will have no effect on marine life or marine mammals, including hunting, capturing, collecting, or killing these animals.

- 19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

Existing and past land use activities are potential indicators of hazardous material storage and use. Past and current land uses could have resulted in unknown contamination within the area to be disturbed by construction. The preferred route is adjacent to a FGT corridor which includes an underground natural gas line. Other than the FGT line, there are no other known sources of hazardous wastes within the project area.

No hazardous material will be produced, transported, or stored on or within the ROW. Petroleum products, such as gasoline, diesel fuel, and lubricants, will be present on-site during construction. These products will be used to fuel and lubricate vehicles and equipment but will be contained within fuel trucks or in approved containers. When not in use, such materials will be stored properly to prevent drainage or accidents during project construction. Vehicle fueling and maintenance activities will not occur in any environmentally sensitive areas. These materials will not be drained onto the ground or into streams or drainage areas. Application of herbicides will be minimized to the maximum extent practicable. Herbicides could be used sparingly when other methods of required vegetation control are not practicable, and herbicide use will be in accordance with applicable federal, state, and local guidelines and approved by the USDA Forest Service ANF District. Totally enclosed containment will be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, and petroleum products will be removed and transported to a disposal facility authorized to accept such materials. Spills are not expected, but should they occur, would likely be minimal and will be immediately addressed.

To protect the health and safety of workers during construction, operation, and maintenance, GPC will implement a health and safety program which will comply with all federal, state, and local health standards that pertain to worker health and safety. During preliminary and final engineering, pollution prevention control measures will be developed as part of the project design. Mitigation measures will be developed, where necessary, to minimize potential effects to due to the use of hazardous materials and waste from the project.

- 20. Name all the Department(s)/Agency(ies) where this application is being filed.

USDA Forest Service, Apalachicola National Forest Ranger District

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

6/10/19

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

Michael G Spoor VP

GENERAL INFORMATION  
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture  
Regional Forester, Forest Service (USFS)  
Federal Office Building,  
P.O. Box 21628  
Juneau, Alaska 99802-1628  
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior  
Bureau of Indian Affairs (BIA)  
Juneau Area Office  
Federal Building Annex  
9109 Mendenhall Mall Road, Suite 2  
Juneau, Alaska 99802  
Telephone: (907) 586-7177

Department of the Interior  
Bureau of Land Management  
222 West 7th Avenue  
P.O. Box 13  
Anchorage, Alaska 99513-7599  
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440	National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440
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Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation  
Federal Aviation Administration  
Alaska Region AAL-4, 222 West 7th Ave., Box 14  
Anchorage, Alaska 99513-7587  
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS

*(Items not listed are self-explanatory)*

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information is as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

**SUPPLEMENTAL**

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
<b>I - PRIVATE CORPORATIONS</b>	ATTACHED	FILED*
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
<b>II - PUBLIC CORPORATIONS</b>		
a. Copy of law forming corporation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
<b>III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY</b>		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

\* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

## NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

### **BURDEN AND NONDISCRIMINATION STATEMENTS**

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

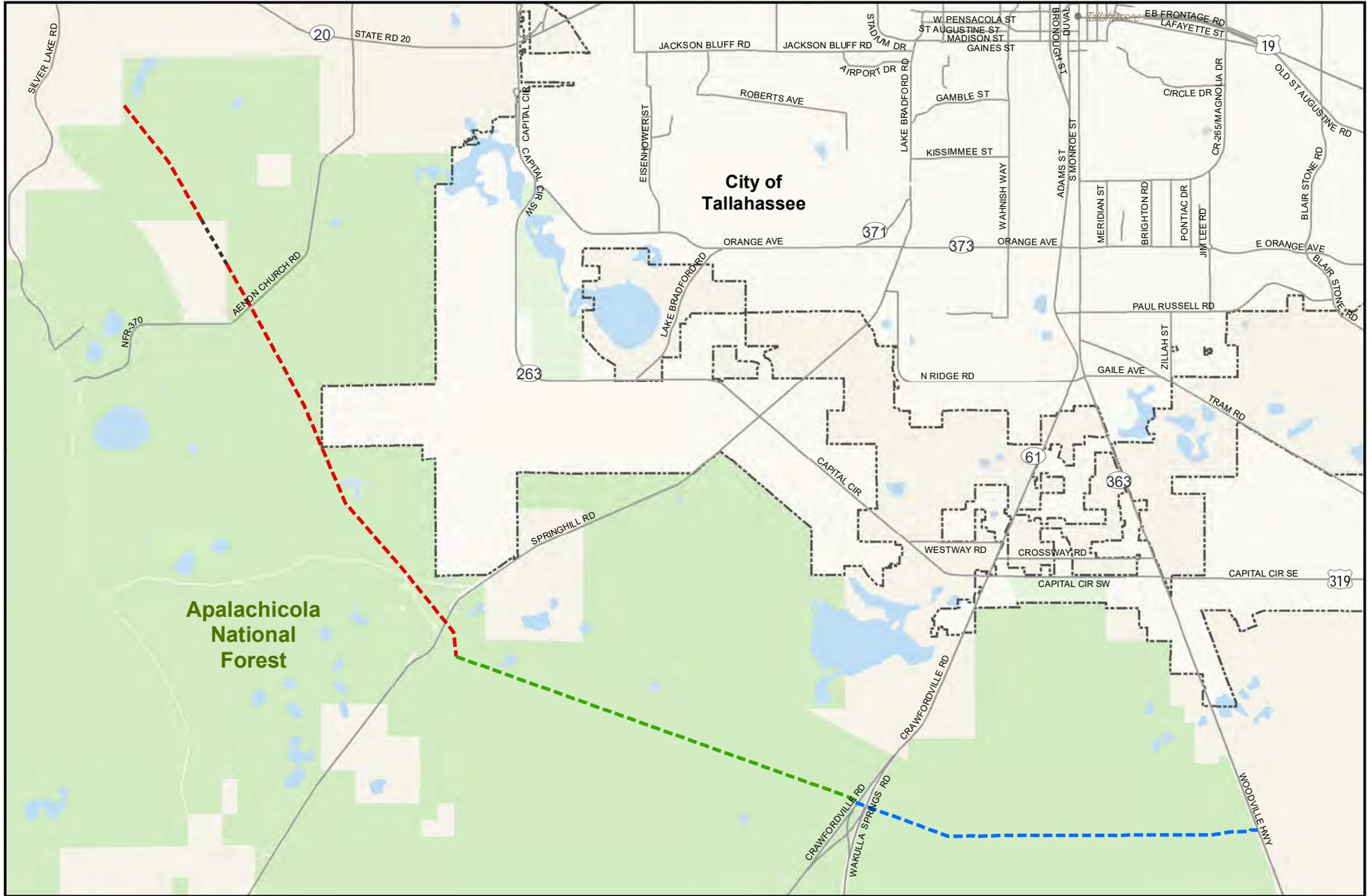
*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).*

*To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.*

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

## ATTACHMENTS

1. Attachment 1: Site Location Map of Preferred Route through ANF
2. Attachment 2: Preferred Route Cross-section Illustrations for Segments 1, 2, and 3
  - Please note that the Cross-sections are intended to illustrate corridor spacing
3. Attachment 3: Supplemental Information for Public Corporations
4. Attachment 4: Government Approval Documents



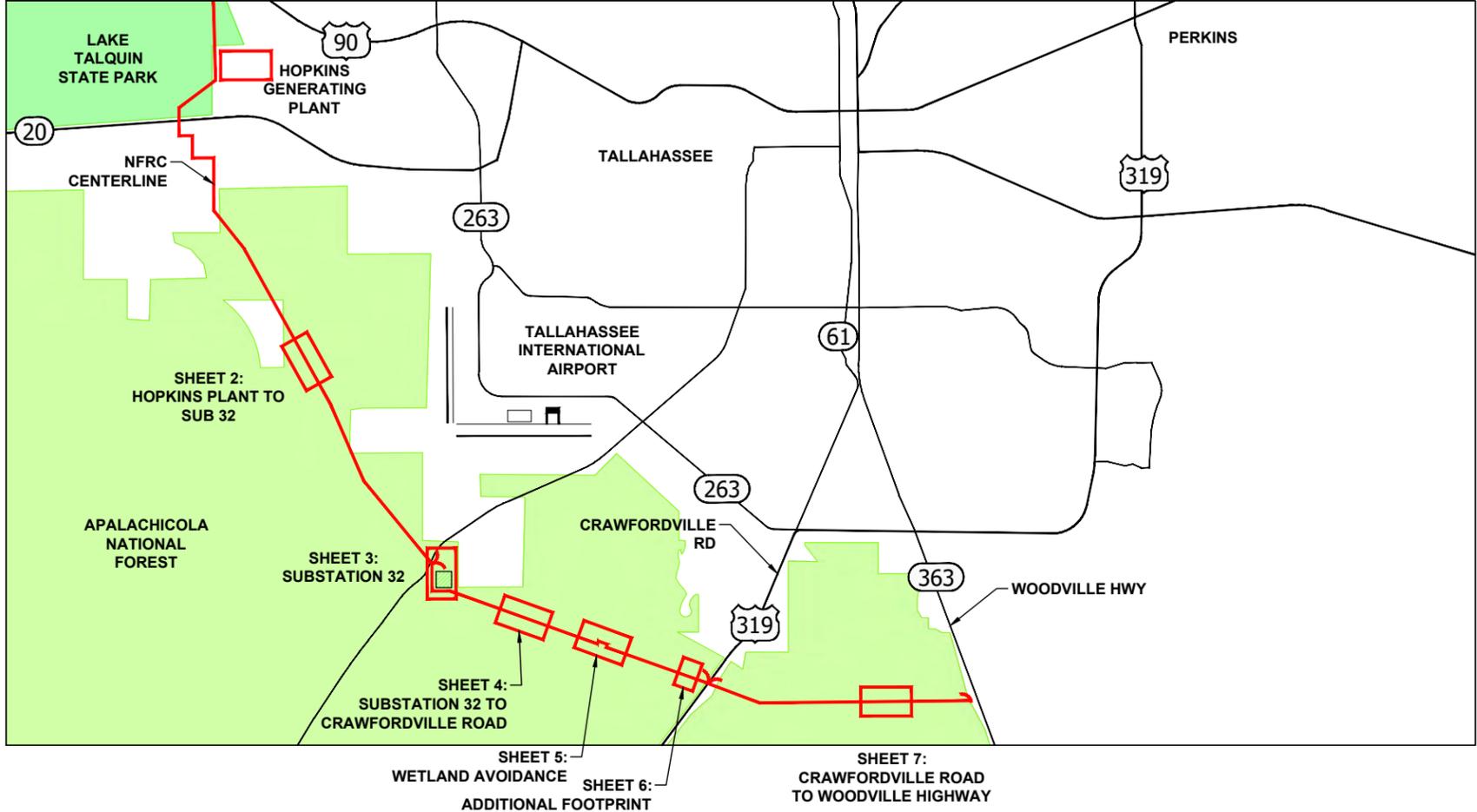
**Gulf Power  
 North Florida Resiliency Connect (NFRC) Project**



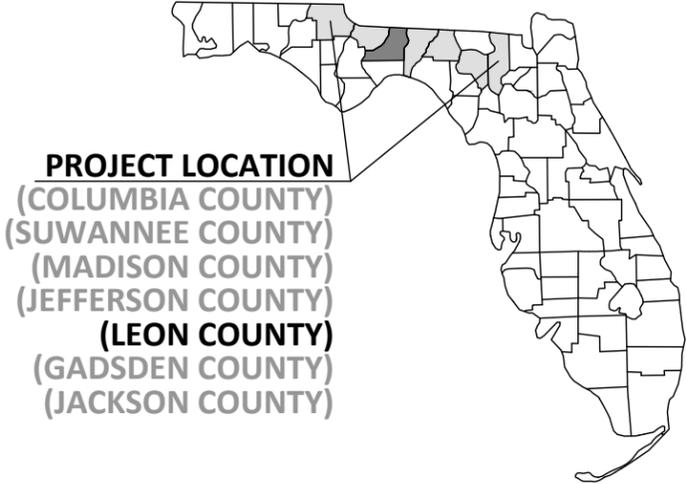
- Preferred Route
- Segment 1 Through ANF
- Segment 2 Through ANF
- Segment 3 Through ANF
- Segment Not in ANF
- City of Tallahassee Limits
- Apalachicola National Forest



# NORTH FLORIDA RESILIENCY CONNECTION 161kV TRANSMISSION LINE BUILD APALACHICOLA NATIONAL FOREST



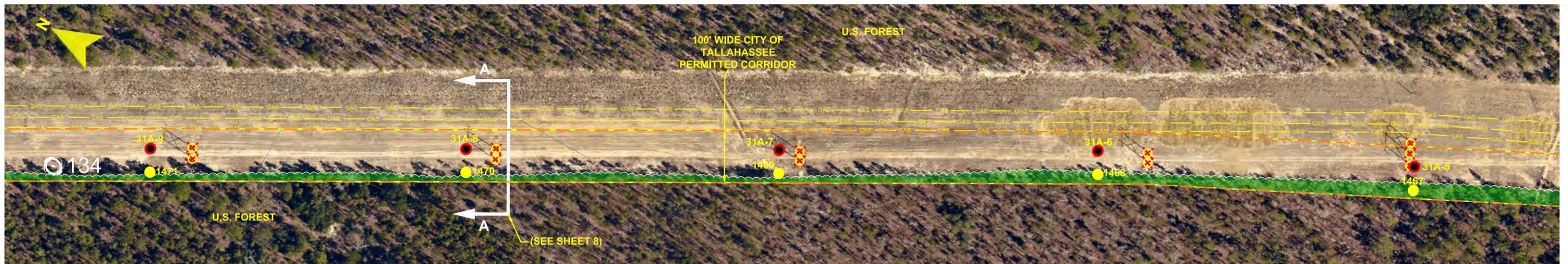
**APALACHICOLA NATIONAL FOREST KEY MAP**



**PROJECT LOCATION**  
 (COLUMBIA COUNTY)  
 (SUWANNEE COUNTY)  
 (MADISON COUNTY)  
 (JEFFERSON COUNTY)  
**(LEON COUNTY)**  
 (GADSDEN COUNTY)  
 (JACKSON COUNTY)

0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL
REV	DATE	DESCRIPTION	BY	CKD	APP

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 1 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST</b> FPI_037072 20210015-EI



SEGMENT 1 - HOPKINS PLANT TO SUB 32

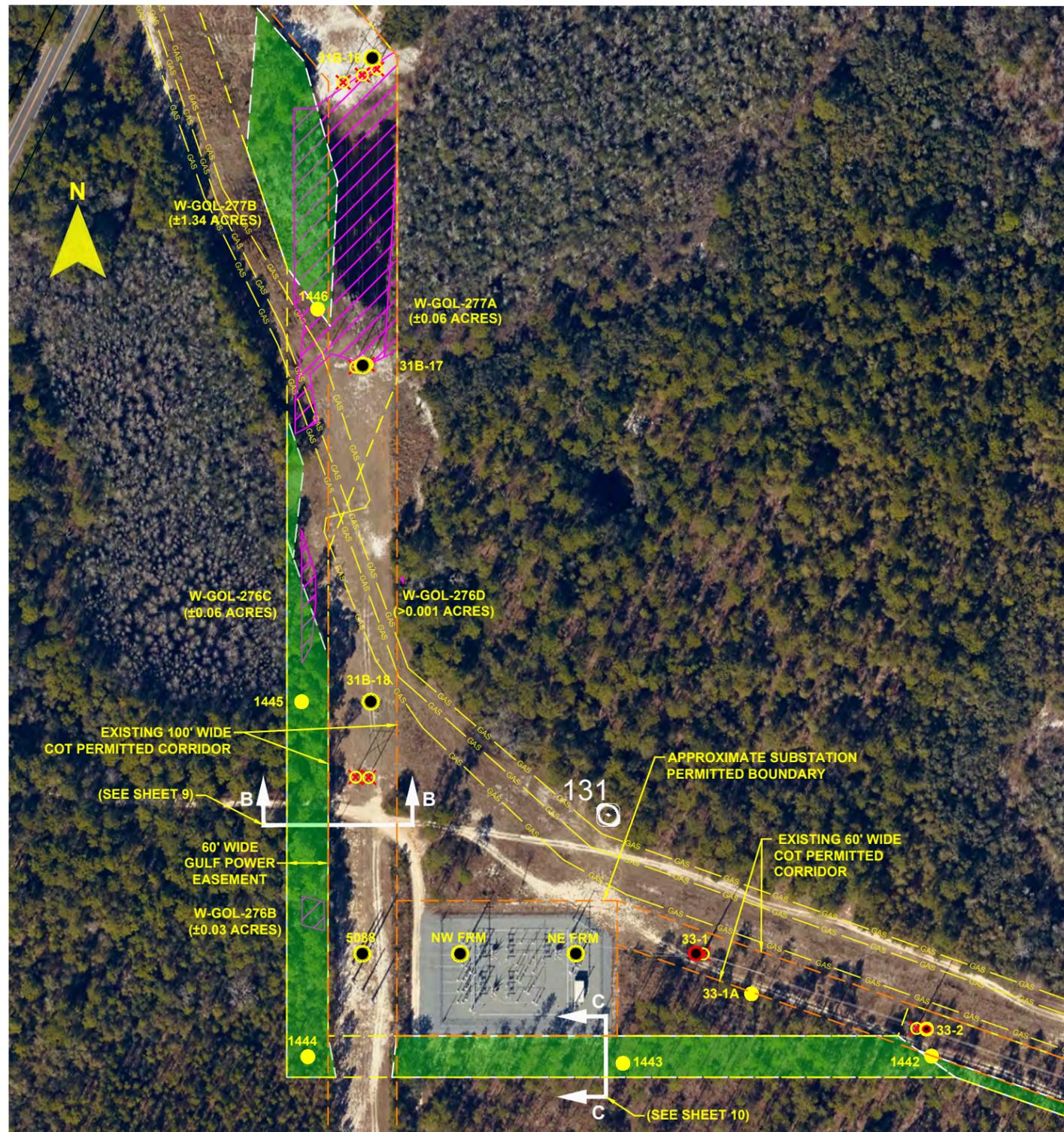
LEGEND	
	LIMITS OF UPLAND CLEARING
	LIMITS OF WETLAND CLEARING
	EXISTING EASEMENT
	PROPOSED EASEMENT
	PROPERTY LINE
	WETLAND
	DITCH, STREAM & WATERBODY
239	NFRS TRANSMISSION POLE TO BE INSTALLED
33-43	COT TRANSMISSION POLE TO BE INSTALLED
33-43	FUTURE COT TRANSMISSION POLE TO BE INSTALLED
33-43	EXISTING COT TRANSMISSION POLE TO REMAIN
	EXISTING POLE
	TRANSMISSION POLE TO BE REMOVED
	PROJECT MILE MARKER

NOTE:  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE CORRIDOR SPACING

24 x 36 Scale: 1" = 100'  
11 x 17 Scale: 1" = 200'

0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL
REV	DATE	DESCRIPTION	BY	CKD	APP

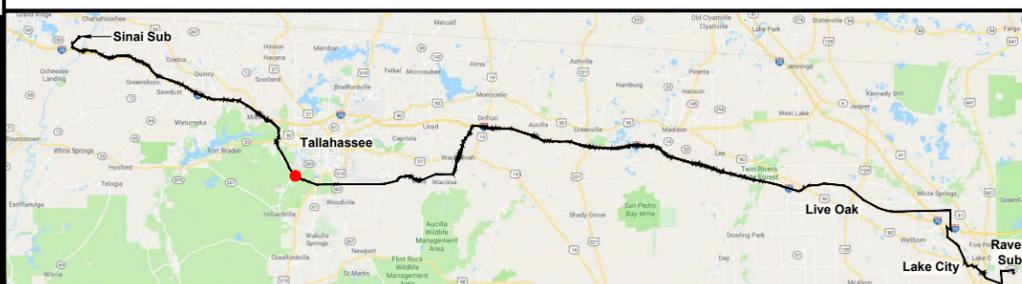
<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: 1" = 200' DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 2 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SEGMENT 1</b>



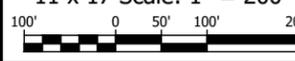
**SUBSTATION 32**

**NOTES:**  
1. SURVEY BOUNDARIES AND WETLAND DELINEATION PROVIDED BY OTHERS.

LEGEND	
	LIMITS OF UPLAND CLEARING
	LIMITS OF WETLAND CLEARING
	EXISTING EASEMENT
	PROPOSED EASEMENT
	PROPERTY LINE
	WETLAND
	DITCH, STREAM & WATERBODY
	239 ● NFRM TRANSMISSION POLE TO BE INSTALLED
	33-43 ● COT TRANSMISSION POLE TO BE INSTALLED
	33-43 ● FUTURE COT TRANSMISSION POLE TO BE INSTALLED
	33-43 ● EXISTING COT TRANSMISSION POLE TO REMAIN
	● EXISTING POLE
	● TRANSMISSION POLE TO BE REMOVED
	● PROJECT MILE MARKER



24 x 36 Scale: 1" = 100'  
11 x 17 Scale: 1" = 200'



REV	DATE	DESCRIPTION	GCC	JRC	MKL
0	04/10/20	FOR INITIAL REVIEW			
			BY	CKD	APP

**GULF POWER COMPANY**

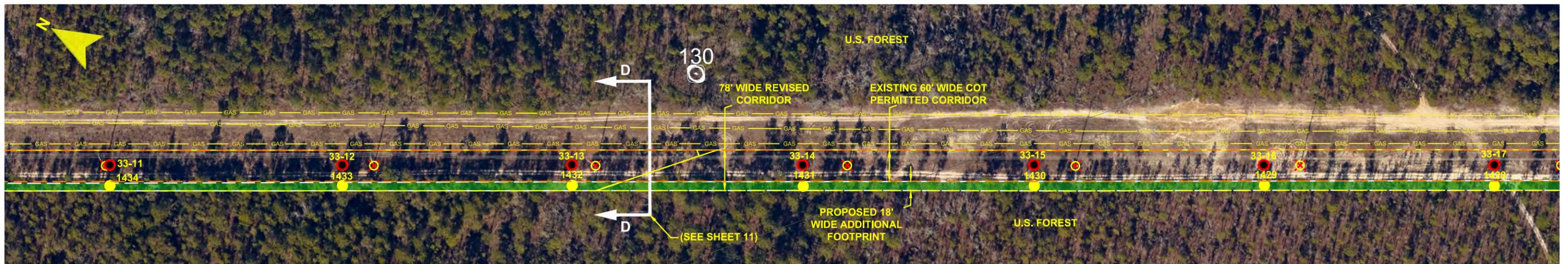
**NORTH FLORIDA RESILIENCY CONNECTION**

SCALE: 1" = 200'  
DRAWN BY: GCC  
ENGINEER: MKL  
COUNTY: LEON  
SHEET 3 OF 14

DATE: 04/10/20  
CHECKED BY: JRC  
SECTION: N/A  
FILE NAME: ANF CLEARING EXHIBIT



**APALACHICOLA NATIONAL FOREST SUBSTATION 32**



SEGMENT 2 - SUBSTATION 32 TO CRAWFORDVILLE ROAD

LEGEND			
	LIMITS OF UPLAND CLEARING	239 ●	NFRC TRANSMISSION POLE TO BE INSTALLED
	LIMITS OF WETLAND CLEARING	33-43 ○	COT TRANSMISSION POLE TO BE INSTALLED
	EXISTING EASEMENT	33-43 ○	FUTURE COT TRANSMISSION POLE TO BE INSTALLED
	PROPOSED EASEMENT	33-43 ●	EXISTING COT TRANSMISSION POLE TO REMAIN
	PROPERTY LINE	●	EXISTING POLE
	WETLAND	○	TRANSMISSION POLE TO BE REMOVED
	DITCH, STREAM & WATERBODY	1	PROJECT MILE MARKER

24 x 36 Scale: 1" = 100'  
 11 x 17 Scale: 1" = 200'



REV	DATE	DESCRIPTION	BY	CKD	APP
0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: 1" = 200' DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 4 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SEGMENT 2</b>



**WETLAND AVOIDANCE**

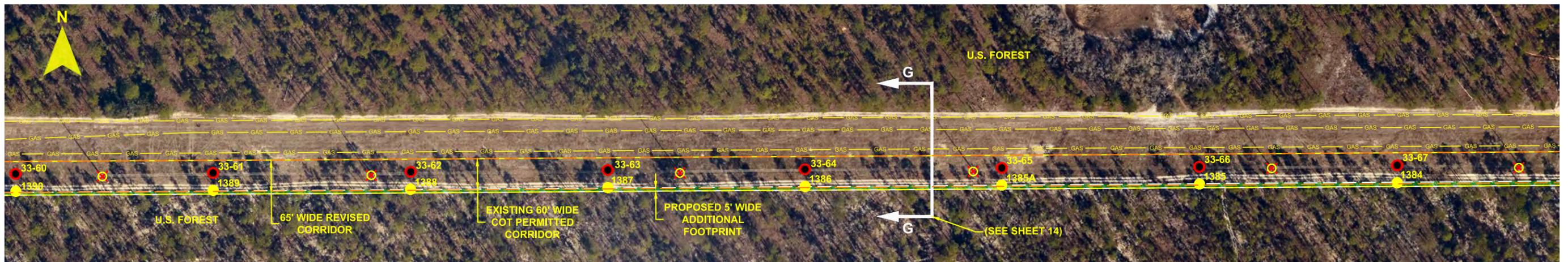
LEGEND	
	LIMITS OF UPLAND CLEARING
	LIMITS OF WETLAND CLEARING
	EXISTING EASEMENT
	PROPOSED EASEMENT
	PROPERTY LINE
	WETLAND
	DITCH, STREAM & WATERBODY
239 ●	NFRC TRANSMISSION POLE TO BE INSTALLED
33-43 ●	COT TRANSMISSION POLE TO BE INSTALLED
33-43 ●	FUTURE COT TRANSMISSION POLE TO BE INSTALLED
33-43 ●	EXISTING COT TRANSMISSION POLE TO REMAIN
●	EXISTING POLE
○	TRANSMISSION POLE TO BE REMOVED
16	PROJECT MILE MARKER

24 x 36 Scale: 1" = 50'  
 11 x 17 Scale: 1" = 100'

REV	DATE	DESCRIPTION	BY	CKD	APP
0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: 1" = 100' DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 5 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST WETLAND AVOIDANCE</b>

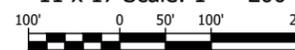




SEGMENT 3 - CRAWFORDVILLE ROAD TO WOODVILLE HIGHWAY

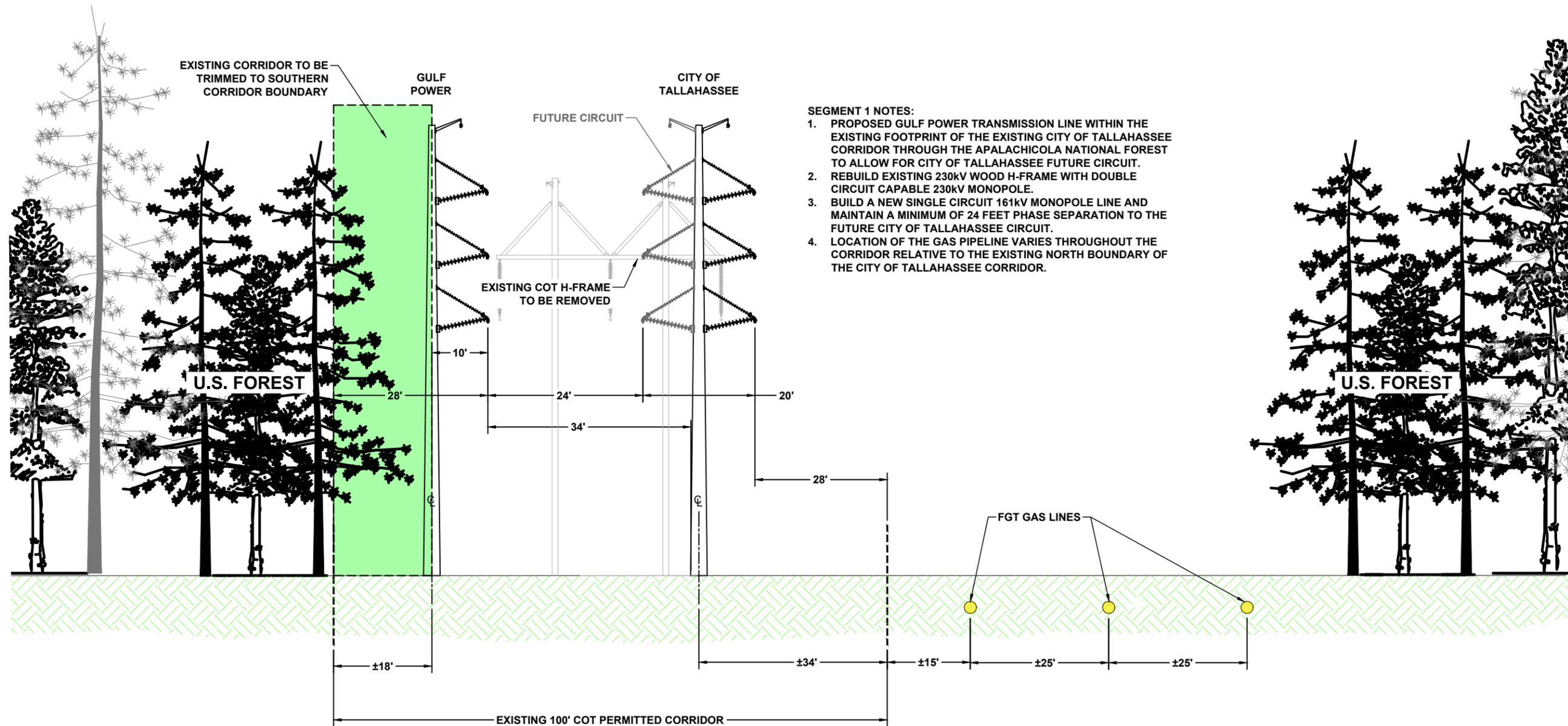
LEGEND			
	LIMITS OF UPLAND CLEARING	239 ●	NFRC TRANSMISSION POLE TO BE INSTALLED
	LIMITS OF WETLAND CLEARING	33-43 ○	COT TRANSMISSION POLE TO BE INSTALLED
	EXISTING EASEMENT	33-43 ○	FUTURE COT TRANSMISSION POLE TO BE INSTALLED
	PROPOSED EASEMENT	33-43 ●	EXISTING COT TRANSMISSION POLE TO REMAIN
	PROPERTY LINE	●	EXISTING POLE
	WETLAND	○	TRANSMISSION POLE TO BE REMOVED
	DITCH, STREAM & WATERBODY	1	PROJECT MILE MARKER

24 x 36 Scale: 1" = 100'  
 11 x 17 Scale: 1" = 200'



REV	DATE	DESCRIPTION	BY	CKD	APP
0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: 1" = 200' DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 7 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SEGMENT 3</b>



**SEGMENT 1 NOTES:**

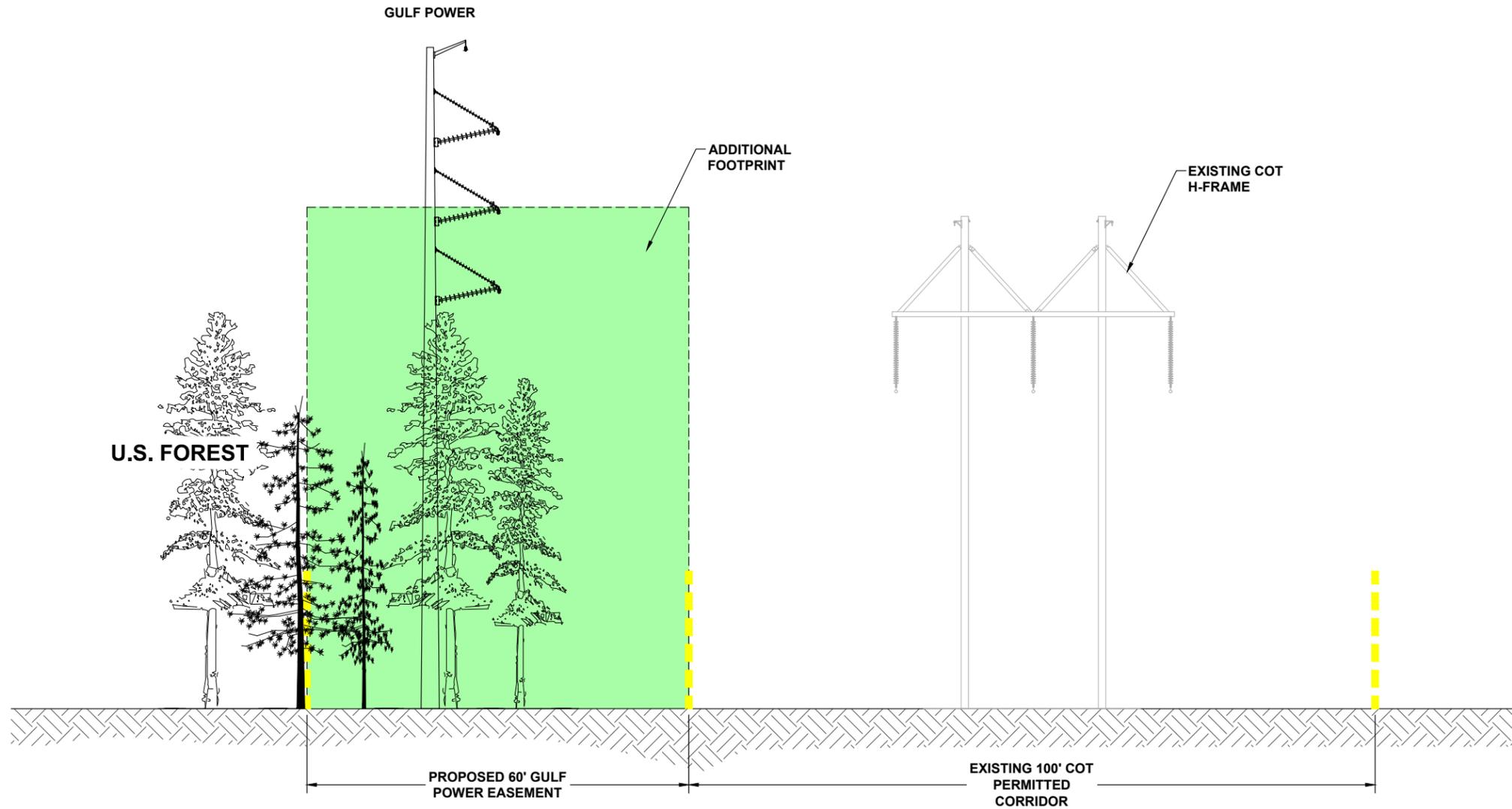
1. PROPOSED GULF POWER TRANSMISSION LINE WITHIN THE EXISTING FOOTPRINT OF THE EXISTING CITY OF TALLAHASSEE CORRIDOR THROUGH THE APALACHICOLA NATIONAL FOREST TO ALLOW FOR CITY OF TALLAHASSEE FUTURE CIRCUIT.
2. REBUILD EXISTING 230KV WOOD H-FRAME WITH DOUBLE CIRCUIT CAPABLE 230KV MONOPOLE.
3. BUILD A NEW SINGLE CIRCUIT 161KV MONOPOLE LINE AND MAINTAIN A MINIMUM OF 24 FEET PHASE SEPARATION TO THE FUTURE CITY OF TALLAHASSEE CIRCUIT.
4. LOCATION OF THE GAS PIPELINE VARIES THROUGHOUT THE CORRIDOR RELATIVE TO THE EXISTING NORTH BOUNDARY OF THE CITY OF TALLAHASSEE CORRIDOR.

**SECTION A-A - SEGMENT 1 - HOPKINS PLANT TO SUB 32**  
LOOKING NORTHWEST

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL
REV	DATE	DESCRIPTION	BY	CKD	APP

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 8 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST</b> <b>SECTION A-A - SEGMENT 1</b>

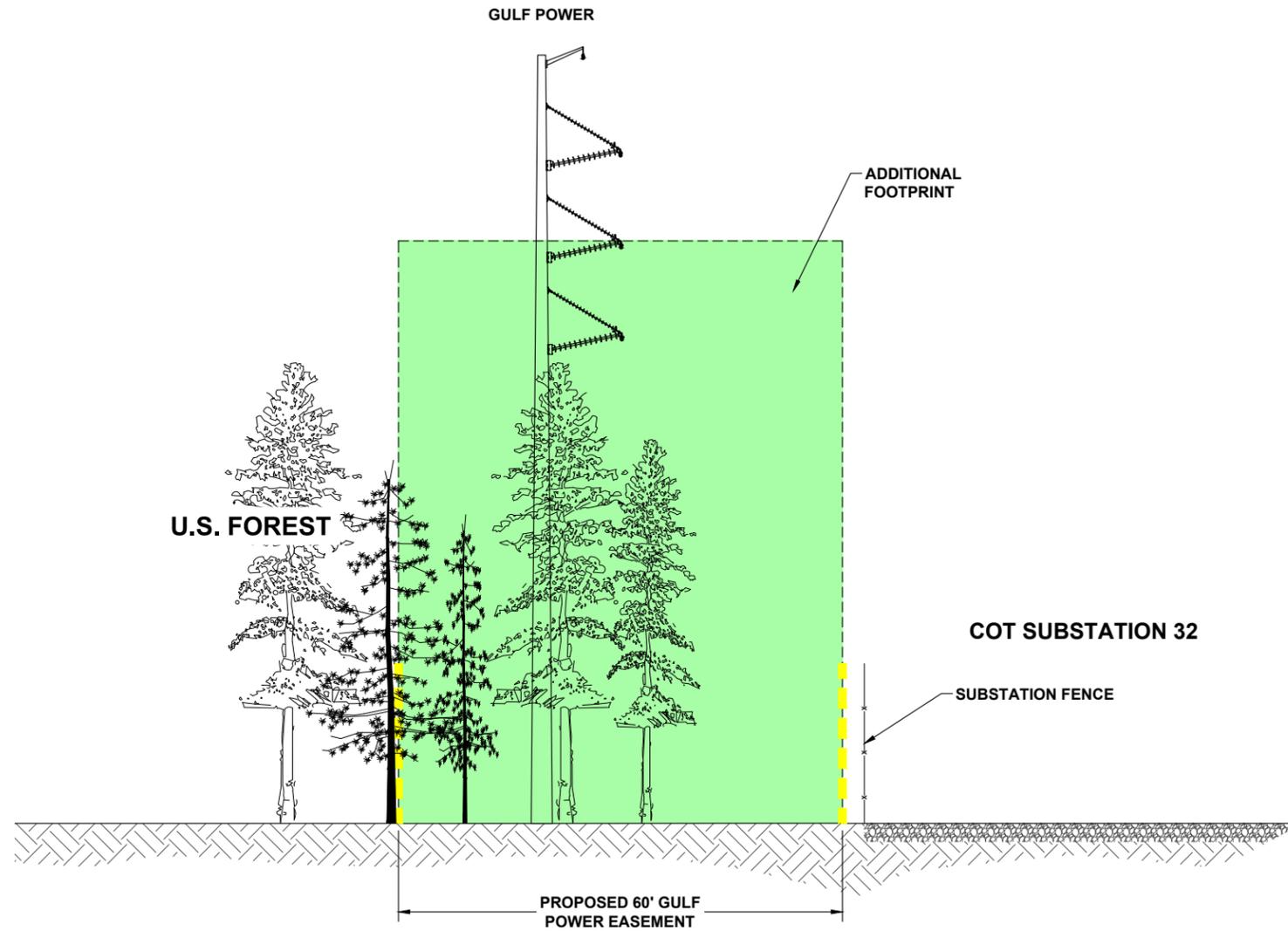


**SECTION B-B - SUBSTATION 32**  
LOOKING NORTH

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

REV	DATE	DESCRIPTION	BY	CHKD	APP
0	04/10/20	FOR INITIAL REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 9 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST</b> <b>SECTION B-B - SUBSTATION 32</b>
			FPL 037080 20210015-EI

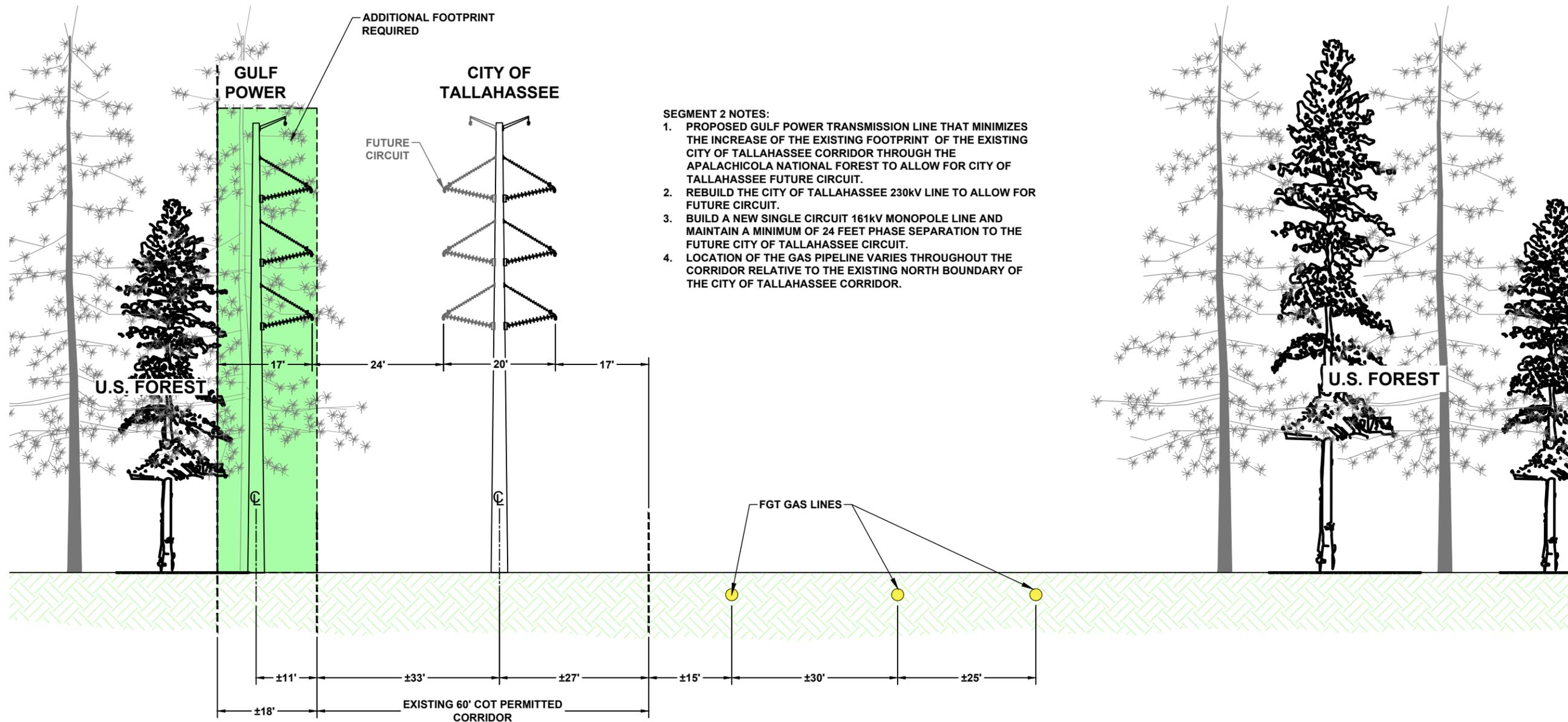


**SECTION C-C - SUBSTATION 32**  
LOOKING WEST

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

REV	DATE	DESCRIPTION	BY	CKD	APP
0	04/10/20	FOR INITIAL REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 10 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT	 <b>Gulf Power</b>	<b>APALACHICOLA NATIONAL FOREST</b> <b>SECTION C-C - SUBSTATION 32</b>
			FPL 037081 20210015-EI



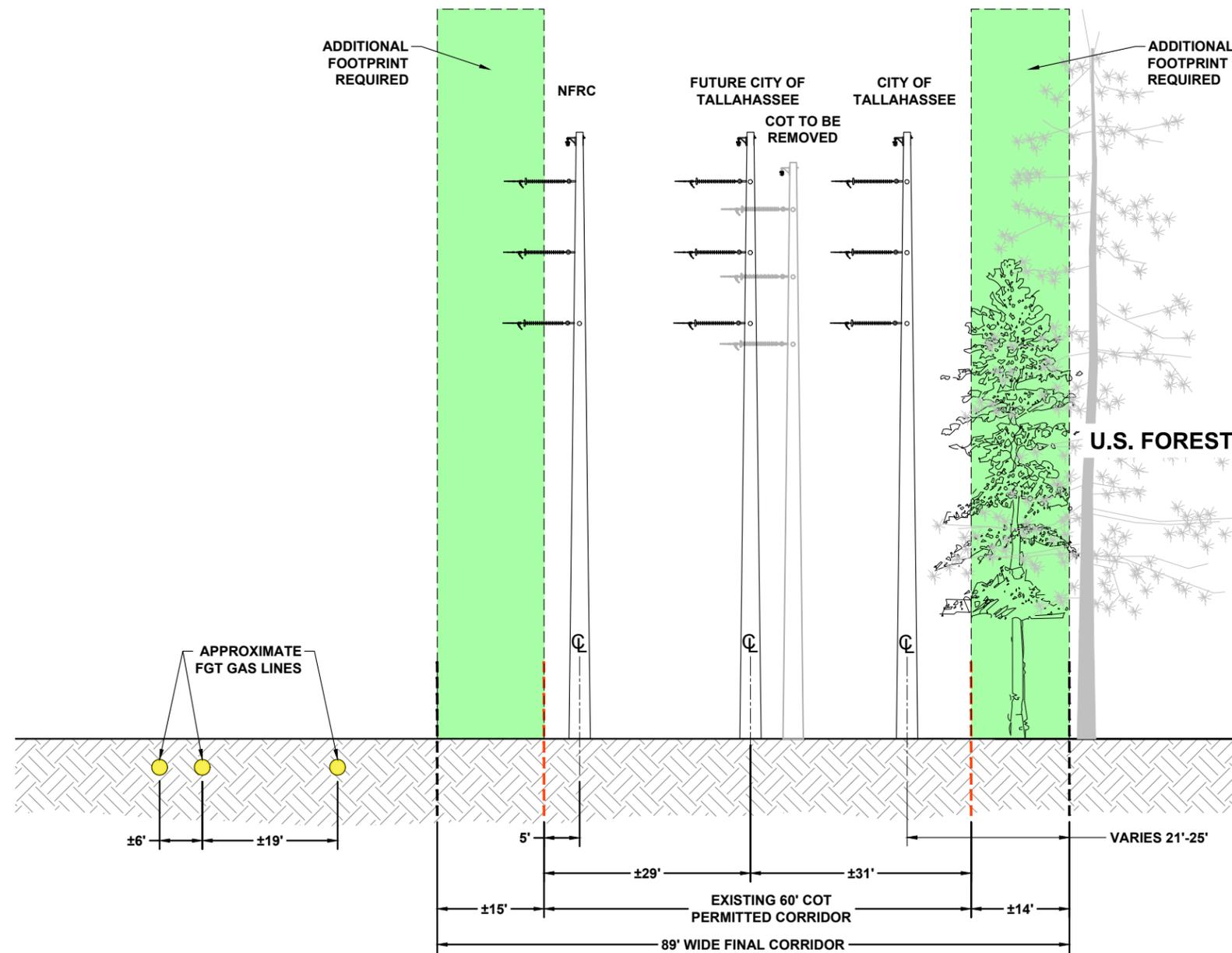
- SEGMENT 2 NOTES:**
1. PROPOSED GULF POWER TRANSMISSION LINE THAT MINIMIZES THE INCREASE OF THE EXISTING FOOTPRINT OF THE EXISTING CITY OF TALLAHASSEE CORRIDOR THROUGH THE APALACHICOLA NATIONAL FOREST TO ALLOW FOR CITY OF TALLAHASSEE FUTURE CIRCUIT.
  2. REBUILD THE CITY OF TALLAHASSEE 230KV LINE TO ALLOW FOR FUTURE CIRCUIT.
  3. BUILD A NEW SINGLE CIRCUIT 161KV MONOPOLE LINE AND MAINTAIN A MINIMUM OF 24 FEET PHASE SEPARATION TO THE FUTURE CITY OF TALLAHASSEE CIRCUIT.
  4. LOCATION OF THE GAS PIPELINE VARIES THROUGHOUT THE CORRIDOR RELATIVE TO THE EXISTING NORTH BOUNDARY OF THE CITY OF TALLAHASSEE CORRIDOR.

**SECTION D-D - SEGMENT 2 - SUB 32 TO CRAWFORDVILLE ROAD  
LOOKING NORTHWEST**

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL
REV	DATE	DESCRIPTION	BY	CKD	APP

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 11 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SECTION D-D - SEGMENT 2</b>

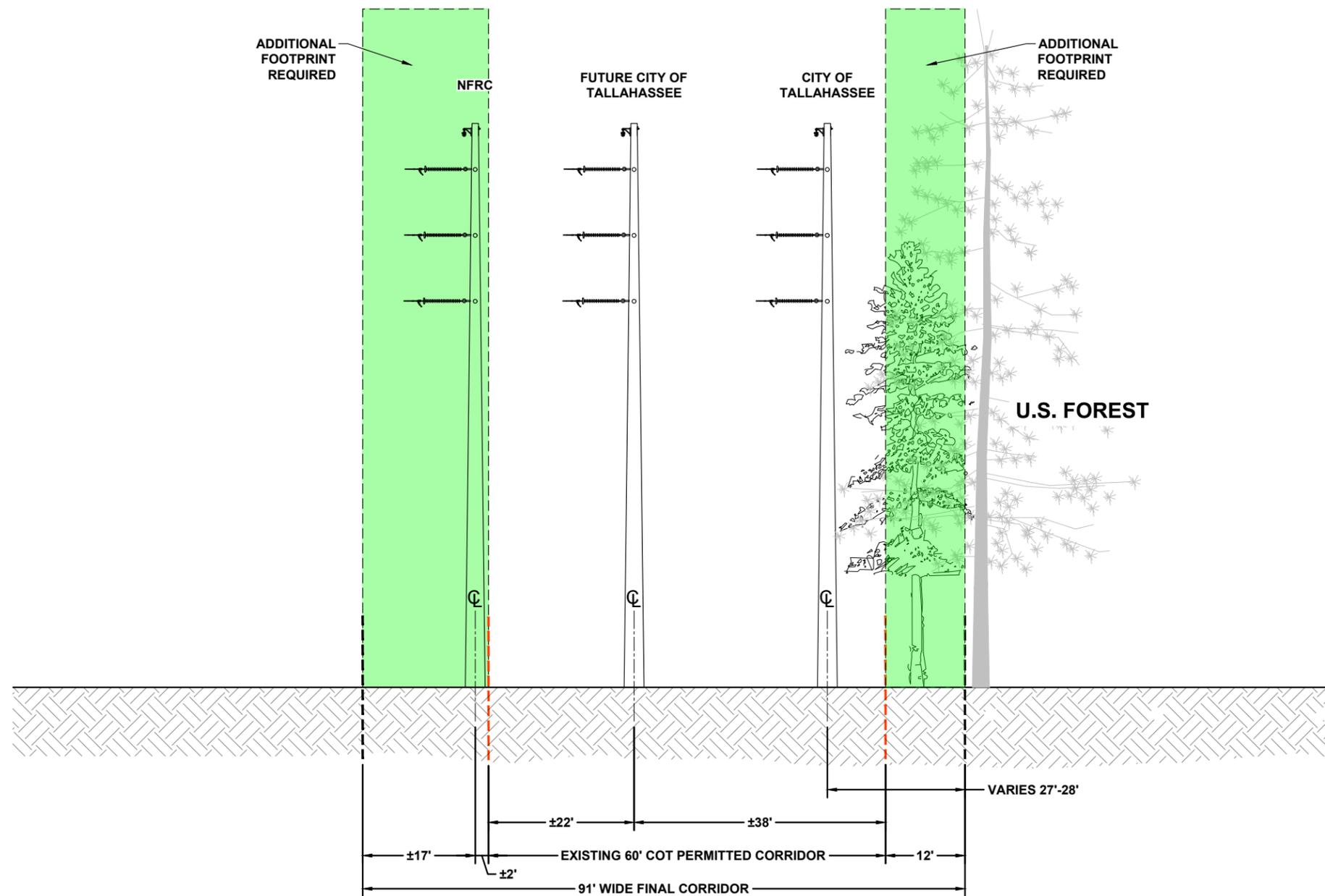


**SECTION E-E - WETLAND AVOIDANCE**  
LOOKING WEST

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

REV	DATE	DESCRIPTION	BY	CHKD	APP
0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 12 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SECTION E-E - WETLAND AVOIDANCE</b>

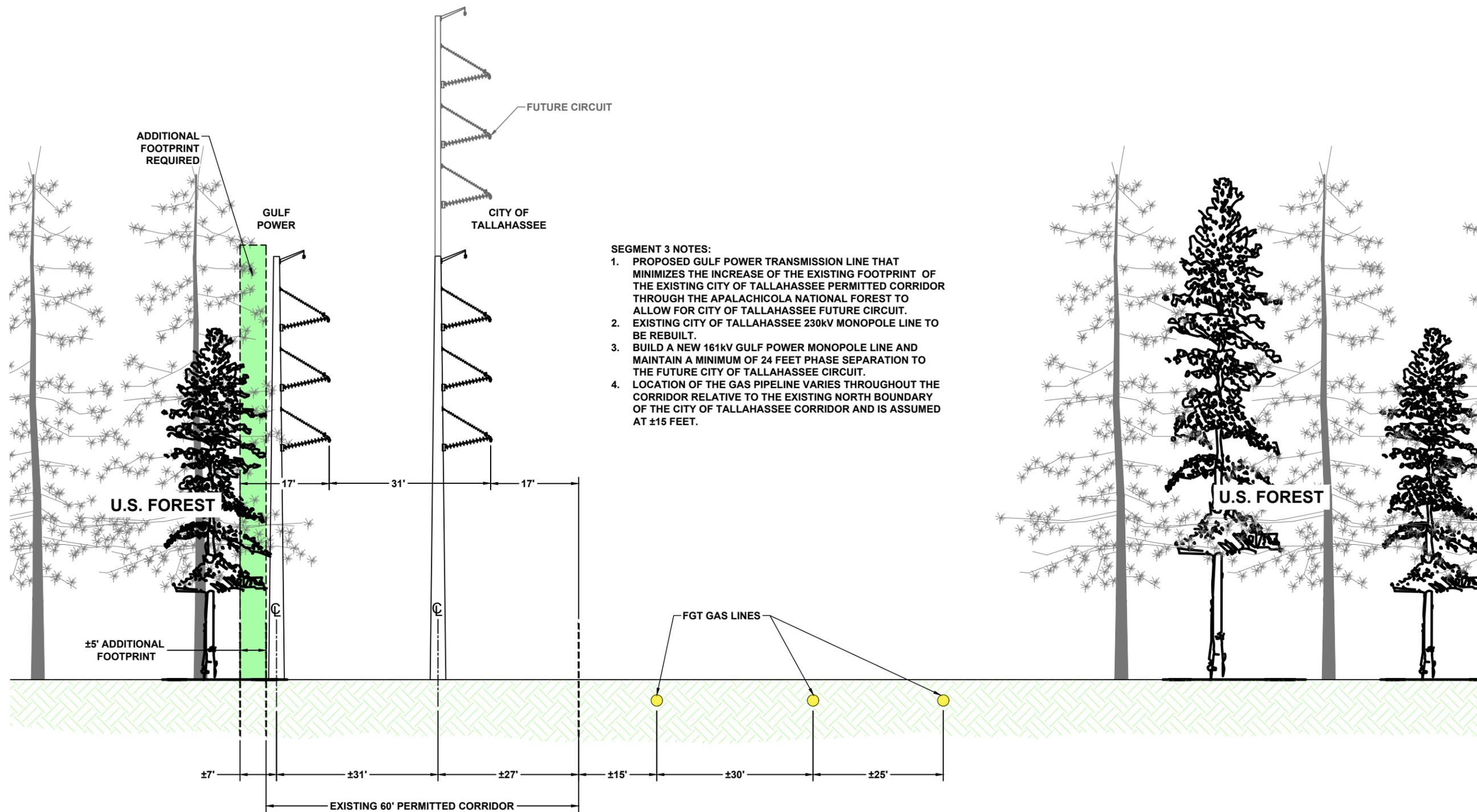


**SECTION F-F - WETLAND AVOIDANCE**  
LOOKING NORTH

NOTE:  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

REV	DATE	DESCRIPTION	BY	CHKD	APP
0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 13 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST</b> <b>SECTION F-F - WETLAND</b> <b>AVOIDANCE</b>



- SEGMENT 3 NOTES:**
1. PROPOSED GULF POWER TRANSMISSION LINE THAT MINIMIZES THE INCREASE OF THE EXISTING FOOTPRINT OF THE EXISTING CITY OF TALLAHASSEE PERMITTED CORRIDOR THROUGH THE APALACHICOLA NATIONAL FOREST TO ALLOW FOR CITY OF TALLAHASSEE FUTURE CIRCUIT.
  2. EXISTING CITY OF TALLAHASSEE 230kV MONOPOLE LINE TO BE REBUILT.
  3. BUILD A NEW 161kV GULF POWER MONOPOLE LINE AND MAINTAIN A MINIMUM OF 24 FEET PHASE SEPARATION TO THE FUTURE CITY OF TALLAHASSEE CIRCUIT.
  4. LOCATION OF THE GAS PIPELINE VARIES THROUGHOUT THE CORRIDOR RELATIVE TO THE EXISTING NORTH BOUNDARY OF THE CITY OF TALLAHASSEE CORRIDOR AND IS ASSUMED AT ±15 FEET.

**SECTION G-G - SEGMENT 3 - CRAWFORVILLE ROAD TO WOODVILLE HIGHWAY  
LOOKING WEST**

**NOTE:**  
CROSS SECTIONS ARE INTENDED TO ILLUSTRATE  
CORRIDOR SPACING

0	04/10/20	ISSUED FOR REVIEW	GCC	JRC	MKL
REV	DATE	DESCRIPTION	BY	CKD	APP

<b>GULF POWER COMPANY</b>		<b>NORTH FLORIDA RESILIENCY CONNECTION</b>	
SCALE: N.T.S. DRAWN BY: GCC ENGINEER: MKL COUNTY: LEON SHEET 14 OF 14	DATE: 04/10/20 CHECKED BY: JRC SECTION: N/A FILE NAME: ANF CLEARING EXHIBIT		<b>APALACHICOLA NATIONAL FOREST SECTION G-G - SEGMENT 3</b>

**GULF POWER COMPANY**  
**SECRETARY'S CERTIFICATE**

The undersigned, W. Scott Seeley, Corporate Secretary of Gulf Power Company, a Florida corporation (the "Company"), hereby certifies that:

- (a) Attached hereto as Annex A is a true and correct copy of the Articles of Incorporation of the Company as in effective on the date hereof;
- (b) Attached hereto as Annex B is a true and correct copy of the Bylaws of the Company, as in effect on the date hereof; and
- (c) Attached hereto as Annex C is a true and correct copy of resolutions (excluding exhibits, if any) adopted by the Board of Directors of the Company on April 30, 2019. Such resolutions have not been amended, modified or rescinded and remain in full force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto signed my name on this 2nd day of May, 2019.



---

W. Scott Seeley  
Corporate Secretary

**ANNEX A**

**GULF POWER COMPANY**

**ARTICLES OF INCORPORATION**

**CERTIFICATE OF FIRST AMENDED AND RESTATED ARTICLES  
OF INCORPORATION  
OF  
GULF POWER COMPANY**

**FILED**  
2019 APR 26 PM 4:41

**Document Number of Corporation: P05000145526**

Pursuant to Section 607.1007, Florida Statutes, the undersigned hereby submits this Certificate of Amendment and Restatement of the Articles of Incorporation for the purpose of amending and restating its Articles of Incorporation, as heretofore amended and currently in effect.

1. The name of the corporation is Gulf Power Company (the "Corporation").
2. The text of the Corporation's First Amended and Restated Articles of Incorporation (the "Amended & Restated Articles") is set forth in the First Amended and Restated Articles of Incorporation of Gulf Power Company attached hereto.
3. The Amended & Restated Articles contain amendments to the Articles of Incorporation, as heretofore amended and currently in effect. Pursuant to the provisions of Sections 607.1003 and 607.1006 of the Florida Statutes, the Amended & Restated Articles were approved and adopted by unanimous written consent of the Board of Directors pursuant to Section 607.0821 of the Act on April 26, 2019, and were duly proposed to, and approved and adopted by written consent of the sole shareholder of the Corporation pursuant to Section 607.0704 of the Act on April 26, 2019.
4. The amendment was approved by the sole shareholder and such approval is sufficient approval of the Amended & Restated Articles.
5. The Amended & Restated Articles, as approved and adopted by the Board of Directors and the sole shareholder of the corporation supersede the Articles of Incorporation, as heretofore amended.

IN WITNESS WHEREOF, the Corporation has caused these Articles of Restatement to be executed in its name by the undersigned, thereunto duly authorized, on April 26, 2019.

GULF POWER COMPANY

By: Melissa A. Plotsky  
Melissa A. Plotsky  
Assistant Secretary

**FIRST AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF  
GULF POWER COMPANY**

**FILED**  
2019 APR 26 PM 4:41  
TALLAHASSEE, FL

1. Name. The name of the corporation is GULF POWER COMPANY (the "Corporation").
2. Purpose. The Corporation is organized for the purpose of transacting any or all lawful business.
3. Capital Stock. The aggregate number of shares which the Corporation is authorized to issue is 40,000,000, consisting of 30,000,000 shares of Serial Preferred Stock, \$.01 par value, and 10,000,000 shares of Common Stock, \$.01 par value.
4. Serial Preferred Stock. The Board of Directors of the Corporation is authorized at any time to provide for the issuance of shares of Serial Preferred Stock in one or more series, and to determine the designations, preferences, limitations and relative or other rights of the Serial Preferred Stock or any series thereof. For each series, the Board of Directors shall determine, by resolution or resolutions adopted prior to the issuance of any shares thereof, the designations, preferences, limitations and relative or other rights thereof, including but not limited to the following relative rights and preferences, as to which there may be variations among different series:
  - a. The rate and manner of payment of dividends, if any;
  - b. Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption;
  - c. The amount payable upon shares in the event of liquidation, dissolution or other winding up of the Corporation;
  - d. Sinking fund provisions, if any, for the redemption or purchase of shares;
  - e. The terms and conditions, if any, on which shares may be converted or exchanged;
  - f. Voting rights, if any; and
  - g. Any other rights and preferences of such shares, to the full extent now or hereafter permitted by the laws of the State of Florida.

The Board of Directors shall have the authority to determine the number of shares that will comprise each Series.

Prior to the issuance of any shares of a series, but after adoption by the Board of Directors of the resolution establishing such series, the appropriate officers of the Corporation shall file such documents with the State of Florida as may be required by law.

For purposes of determining funds lawfully available for any dividends or other business distribution upon shares of stock pursuant to the Florida Business Corporation Act (the "Act"), or successor statutes, amounts needed to satisfy the rights of shareholders upon dissolution who have preferential rights superior to those of shareholders of the stock receiving such dividend or distribution shall not be deducted from the Corporation's total assets.

5. The Corporation is to have perpetual existence.
6. The registered office of the corporation is at 700 Universe Boulevard, Juno Beach, Florida 33408 and the name of the registered agent at such address is David M. Lee.
7. The number of directors of the Corporation shall be as set forth in the by-laws.

**ANNEX B**  
**GULF POWER COMPANY**  
**BYLAWS**

**GULF POWER COMPANY**  
**FIRST AMENDED AND RESTATED BYLAWS**

**ARTICLE I. MEETINGS OF SHAREHOLDER**

**Section 1. Annual Meeting.** The annual shareholder's meeting of the Company shall be held at the time and place designated by the board of directors of the Company.

**Section 2. Special Meetings.** Special meetings of the shareholder shall be held when and at the place directed by the chairman of the board, the president, the board of directors, the executive committee or as otherwise provided by law.

**Section 3. Place and Presiding Officer.** Meetings of the shareholder may be held within or without the State of Florida.

Meetings of the shareholder may be presided over by the chairman of the board, the president or any vice president. The secretary of the Company, or any person chosen by the person presiding over the shareholder's meeting, shall act as secretary for the meeting.

**Section 4. Action Without a Meeting.** Any action required or permitted to be taken at any shareholder's meeting may be taken without a meeting, by a consent in writing setting forth the action so taken and signed by the shareholder.

**ARTICLE II. DIRECTORS**

**Section 1. General Powers.** All corporate powers shall be exercised by or under the authority of, and the business and affairs of this corporation shall be managed under the direction of, the board of directors.

**Section 2. Number.** The number of directors shall consist of such number as may be fixed from time to time by resolution of the Board of Directors of the Company.

At each annual meeting the shareholder shall elect directors to hold office until the next succeeding annual meeting. Each director so elected shall hold office for the term of which he or she is elected and until his or her successor shall have been elected and qualified or until his or her earlier resignation, retirement, removal from office or death

**Section 3. Vacancies.** Any vacancy occurring in the board of directors, including any vacancy created by reason of an increase in the number of directors, may be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the board of directors. A director elected to fill a vacancy shall hold office only until the next election of directors by the shareholder.

**Section 4. Quorum and Voting.** A majority of the number of directors fixed by, or in the manner provided in, these bylaws shall constitute a quorum for the transaction of business; provided, however, that whenever, for any reason, a vacancy occurs in the board of directors, the quorum shall consist of a majority of the remaining directors until the vacancy has been

filled. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors.

**Section 5. Executive and Other Committees.** The board of directors, by resolution adopted by a majority of the entire board of directors, may designate from among its members an executive committee and one or more other committees. Each committee of the board of directors shall have such powers and functions as may be delegated to it by resolution adopted by the entire board of directors, except as prohibited by law.

The board of directors, by resolution adopted in accordance with this section, shall designate a chairman for each committee it establishes who shall preside at all meetings of the committee and who shall have such additional duties as shall from time to time be designated by the board.

The board of directors, by resolution adopted in accordance with this section, may designate one or more directors as alternate members of any such committee, who may act in the place and stead of any absent member or members at any meeting of such committee.

**Section 6. Place of Meetings and Presiding Officer.** Regular and special meetings of the board of directors may be held within or without the State of Florida.

Meetings of the board shall be presided over by the chairman of the board and in his absence the president. If both the chairman and the president are absent, the directors shall elect a chairman for the meeting from one of their members present.

**Section 7. Time, Notice and Call of Meetings.** Regular meetings of the board of directors shall be held without notice at the location of and immediately after the adjournment of the annual shareholder's meeting in each year, and at such other time and place, as may be determined by the board of directors. Notice of the time and place of special meetings of the board of directors shall be given to each director either by personal delivery, telegram, cablegram, or by telephone at least two days prior to the meeting. Notice may also be given through the postal service if mailed at least 5 days prior to the meeting.

Notice of a meeting of the board of directors need not be given to any director who signs a waiver of notice either before or after the meeting. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting and a waiver of any and all objections to the place of the meeting, the time of the meeting, or the manner in which it has been called or convened, except when a director states, at the beginning of the meeting, any objection to the transaction of business because the meeting is not lawfully called or convened.

Except as otherwise provided in the Company's Charter, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

A majority of the directors present, whether or not a quorum exists, may adjourn any meeting of the board of directors to another time and place. Notice of any such adjourned meeting shall be given to the directors who were not present at the time of the adjournment and, unless the time and place of the adjourned meeting are announced at the time of the adjournment, to the other directors.

Meetings of the board of directors may be called by the chairman of the board, by the president, or by any two directors.

Members of the board of directors may participate in a meeting of such board by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

**Section 8. Action Without a Meeting.** Any action required to be taken at a meeting of the directors or any action which may be taken at a meeting of the directors or a committee thereof, may be taken without a meeting if a consent in writing, setting forth the action so to be taken, signed by all of the directors or all the members of the committee, as the case may be, is filed in the minutes of the proceedings of the board or of the committee. Such consent shall have the same effect as a unanimous vote.

### **ARTICLE III. OFFICERS**

**Section 1. Types.** The officers of the Company shall consist of a chairman of the board, a president, a secretary, a treasurer and such vice presidents and other officers as may be appointed by the board of directors or by a duly appointed officer authorized by these bylaws or by resolution of the board of directors to appoint officers.

Unless otherwise determined by the board of directors, the president of the Company shall be the chief executive officer.

The chairman of the board and the president of the Company shall each have the authority to appoint one or more assistant treasurers, assistant controllers and assistant secretaries.

**Section 2. Appointment and Term.** The officers of the Company shall be elected by the board of directors or by a duly appointed officer authorized to appoint officers. Each officer shall hold office until the first board of directors meeting immediately following the annual shareholder's meeting next occurring after his or her appointment to office and until his or her successor shall have been appointed or until his or her earlier resignation, retirement, removal from office or death.

**Section 3. Duties.** All officers of the Company shall have such authority and shall perform such duties as generally pertain to their respective offices and shall have such additional authority and perform such additional duties as may from time to time be determined by resolution of the board of directors.

**Section 4. Removal of Officers.** Any officer may be removed by the board of directors at any time with or without cause. Any officer appointed by the chief executive officer or the president may be removed by either the chief executive officer or the president at any time with or without cause.

## **ARTICLE IV. STOCK CERTIFICATES**

Certificates representing shares in the Company shall be signed by the president or a vice president and the secretary or an assistant secretary and may be sealed with the seal of the Company or a facsimile thereof. The signatures of the president or vice president and the secretary or assistant secretary may be facsimiles if the certificate is manually signed on behalf of a transfer agent, or a registrar, other than the Company itself or an employee of the Company. In case any officer who signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the Company with the same effect as if he were such officer at the date of its issuance.

Each certificate representing shares shall state upon the face thereof: the name of the Company; that the Company is organized under the laws of Florida; the name of the person or persons to whom issued; the number and class of shares and the designation of the series, if any, which such certificate represents; and the par value of each share represented by such certificate or a statement that the shares are without par value.

## **ARTICLE V. DIVIDENDS**

The board of directors of the Company may, from time to time, declare, and the Company may pay, dividends on its outstanding shares in the manner and upon the terms and conditions provided by law and by its Charter.

## **ARTICLE VI. INDEMNIFICATION/ADVANCEMENT OF EXPENSES**

**Section 1. Right to Indemnification.** Each person who was or is made a party or is threatened to be made a party to or was or is called as a witness or was or is otherwise involved in any Proceeding in connection with his or her status as an Indemnified Person, shall be indemnified and held harmless by the Company to the fullest extent permitted under the Florida Business Corporation Act (the "Act"), as the same now exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Company to provide broader indemnification rights than the Act permitted the Company to provide prior to such amendment). Such indemnification shall cover all expenses incurred by an Indemnified Person (including, but not limited to, attorneys' fees and other expenses of litigation) and all liabilities and losses (including, but not limited to, judgments, fines, ERISA or other excise taxes or penalties and amounts paid or to be paid in settlement) incurred by such person in connection therewith.

Notwithstanding the foregoing, except with respect to indemnification specified in Section 3 of this Article VI, the Company shall indemnify an Indemnified Person in connection with a Proceeding (or part thereof) initiated by such person only if authorization for such Proceeding (or part thereof) was not denied by the board of directors of the Company prior to 60 days after receipt of notice thereof from such person.

For purposes of this Article VI:

(i) a "Proceeding" is an action, suit or proceeding, whether civil, criminal, administrative or investigative, and any appeal therefrom;

(ii) an "Indemnified Person" is a person who is, or who was (whether at the time the facts or circumstances underlying the Proceeding occurred or were alleged to have occurred or at any other time), (A) a director or officer of the Company, (B) a director, officer or other employee of the Company serving as a trustee or fiduciary of an employee benefit plan of the Company, (C) an agent or non-officer employee of the Company as to whom the Company has agreed to grant such indemnity, or (D) serving at the request of the Company in any capacity with any entity or enterprise other than the Company and as to whom the Company has agreed to grant such indemnity.

**Section 2. Expenses.** Expenses, including attorneys' fees, incurred by an Indemnified Person in defending or otherwise being involved in a Proceeding in connection with his or her status as an Indemnified Person shall be paid by the Company in advance of the final disposition of such Proceeding, including any appeal therefrom, (i) in the case of (A) a director or officer, or former director or officer, of the Company or (B) a director, officer or other employee, or former director, officer or other employee, of the Company serving as a trustee or fiduciary of any employee benefit plan of the Company, upon receipt of an undertaking ("Undertaking") by or on behalf of such person to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Company; or (ii) in the case of any other Indemnified Person, upon such terms and as the board of directors, the chairman of the board or the president of the Company deems appropriate.

Notwithstanding the foregoing, in connection with a Proceeding (or part thereof) initiated by such person, except a Proceeding authorized by Section 3 of this Article VI, the Company shall pay said expenses in advance of final disposition only if authorization for such Proceeding (or part thereof) was not denied by the board of directors of the Company prior to 60 days after receipt of a request for such advancement accompanied by an Undertaking.

A person to whom expenses are advanced pursuant to this Section 2 shall not be obligated to repay such expenses pursuant to an Undertaking until the final determination of any pending Proceeding in a court of competent jurisdiction concerning the right of such person to be indemnified or the obligation of such person to repay pursuant to such Undertaking.

**Section 3. Protection of Rights.** If a claim for indemnification under Section 1 of this Article VI is not promptly paid in full by the Company after a written claim has been received by the Company or if expenses pursuant to Section 2 of this Article VI have not been promptly advanced after a written request for such advancement accompanied by an Undertaking has been received by the Company (in each case, except if authorization thereof was denied by the board of directors of the Company as provided in Article VI, Section 1 and Section 2, as applicable), the Indemnified Person may at any time thereafter bring suit against the Company to recover the unpaid amount of the claim or the advancement of expenses. If successful, in whole or in part, in such suit, such Indemnified Person shall also be entitled to be paid the reasonable expense thereof. It shall be a defense to any such action (other than an action brought to enforce a claim for expenses incurred in defending any Proceeding in advance of its final disposition where the required Undertaking has been tendered to the Company) that

indemnification of the Indemnified Person is prohibited by law, but the burden of proving such defense shall be on the Company. Neither the failure of the Company (including its board of directors, independent legal counsel, or its shareholders) to have made a determination, if required, prior to the commencement of such action that indemnification of the Indemnified Person is proper in the circumstances, nor an actual determination by the Company (including its board of directors, independent legal counsel, or its shareholders) that indemnification of the Indemnified Person is prohibited, shall be a defense to the action or create a presumption that indemnification of the Indemnified Person is prohibited.

#### **Section 4. Miscellaneous.**

**(i) Power to Request Service and to Grant Indemnification.** The chairman of the board or the president or the board of directors may request any director, officer, agent or employee of the Company to serve as its representative in the position of a director or officer (or in a substantially similar capacity) of an entity or enterprise other than the Company, and may grant to such person indemnification by the Company as described in Section 1 of this Article VI.

**(ii) Non-Exclusivity of Rights.** The rights conferred on any person by this Article VI shall not be exclusive of any other rights which such person may have or hereafter acquire under any statute, provision of the Charter, bylaw, agreement, vote of shareholders or disinterested directors or otherwise. The board of directors shall have the authority, by resolution, to provide for such indemnification of employees or agents of the Company or others and for such other indemnification of directors, officers, employees or agents as it shall deem appropriate.

**(iii) Insurance Contracts and Funding.** The Company may maintain insurance, at its expense, to protect itself and any director, officer, employee or agent of or person serving in any other capacity with, the Company or another corporation, partnership, joint venture, trust or other enterprise (including serving as a trustee or fiduciary of any employee benefit plan) against any expenses, liabilities or losses, whether or not the Company would have the power to indemnify such person against such expenses, liabilities or losses under the Act. The Company may enter into contracts with any director, officer, agent or employee of the Company in furtherance of the provisions of this Article VI, and may create a trust fund, grant a security interest or use other means (including, without limitation, a letter of credit) to ensure the payment of such amounts as may be necessary to effect the advancing of expenses and indemnification as provided in this Article VI.

**(iv) Contractual Nature.** The provisions of this Article VI shall continue in effect as to a person who has ceased to be a director, officer, agent or employee and shall inure to the benefit of the heirs, executors and administrators of such person. This Article VI shall be deemed to be a contract between the Company and each person who, at any time that this Article VI is in effect, serves or served in any capacity which entitles him or her to indemnification hereunder and any repeal or other modification of this Article VI or any repeal or modification of the Act, or any other applicable law shall not limit any rights of indemnification with respect to Proceedings in connection with which he or she is an Indemnified Person, or advancement of expenses in connection with such Proceedings, then existing or arising out of events, acts or omissions occurring prior to such repeal or modification, including without limitation, the right to indemnification for Proceedings, and advancement of expenses with

respect to such Proceedings, commenced after such repeal or modification to enforce this Article VI with regard to Proceedings arising out of acts, omissions or events arising prior to such repeal or modification.

**(v) Savings Clause.** If this Article VI or any portion hereof shall be invalidated or held to be unenforceable on any ground by any court of competent jurisdiction, the decision of which shall not have been reversed on appeal, the Company shall nevertheless (A) indemnify each Indemnified Person as to costs, charges and expenses (including attorneys' fees), judgments, fines and amounts paid in settlement and (B) advance expenses in accordance with Section 2 of this Article VI, in each case with respect to any Proceeding in connection with which he or she is an Indemnified Person, including an action by or in the right of the Company, to the fullest extent permitted by any applicable portion of this Article VI that shall not have been invalidated or held to be unenforceable and as permitted by applicable law.

### **ARTICLE VII. ACTION WITH RESPECT TO SECURITIES OF OTHER ENTITIES**

Except as otherwise directed by the Board of Directors, the President, any Vice President and the Treasurer shall each have the power to vote and to otherwise act on behalf of the Corporation, in person or by proxy, at any meeting of holders, or with respect to any action of holders, of any other domestic or foreign corporation, limited liability company, partnership or other entity in which the Corporation may hold securities, membership or other ownership interests and otherwise to exercise any and all rights and powers that the Corporation may possess by reason of its ownership of securities or interests in such other entity, and to dispose of such securities or interests. The Board of Directors may from time to time confer like powers upon any other person or persons.

### **ARTICLE VIII. AMENDMENT**

These bylaws may be altered, amended or repealed, and new bylaws may be adopted, by the board of directors or the shareholder consistent with the provisions of the Company's Charter.

Adopted April 26, 2019

**ANNEX C**

**GULF POWER COMPANY**

**RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS  
ON APRIL 30, 2019**

# **GULF POWER COMPANY**

## **UNANIMOUS WRITTEN CONSENT OF DIRECTORS IN LIEU OF MEETING**

The undersigned, being all the members of the Board of Directors (the "Board") of Gulf Power Company, a Florida corporation ("Company"), hereby consent to and adopt the following resolutions, effective on and as of the date set forth below:

WHEREAS, the Company is proposing to develop and construct a transmission line to enhance electric service reliability and resiliency, and plan for anticipated growth in North Florida and the Florida Panhandle area (the "NFRC Transmission Project"); and

WHEREAS, in connection with development and construction of the NFRC Transmission Project, the Company expects to enter into various agreements relating to the acquisition of interests in real property (including development rights, land options, leases and easements and other applications or filings to attain right-of-way easements on certain federal lands over which the project will traverse), file permit applications with governmental agencies, and procure and conduct transmission studies and engage in other customary development activities (collectively, "Project Agreements"); and

WHEREAS, the Board has determined that it is in the best interest of the Company to authorize certain officers of the Company to execute and deliver Project Agreements.

NOW THEREFORE be it

RESOLVED, that, subject to applicable capital expenditure and other budgetary commitment policies of the Company, each of the officers of the Company, be, and each such officer, acting singly, hereby is, authorized and empowered, in the name and on behalf of the Company, to negotiate, execute and deliver Project Agreements in connection with development and construction of the NFRC Transmission Project, including, without limitation, the execution and filing of an SF-299 application (the "SF-299 Application") by the Company to attain a right-of-way on certain federal lands; and

FURTHER RESOLVED, that each of the officers of the Corporation be, and each such officer, acting singly, hereby is, authorized and empowered, in the name and on behalf of the Corporation, to take, or cause to be taken, all such further actions, and to execute and deliver, or cause to be executed and delivered, all such applications, certificates, notices and other agreements, documents, consents, filings, articles and instruments as such officer may deem necessary, appropriate, convenient or advisable in

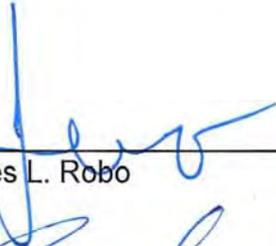
order to consummate the purposes and intent of the foregoing resolutions and the proposed development and construction of the NFRC Transmission Project (as conclusively evidenced by the taking of such action or the execution and delivery of such applications, certificates, notices, agreements, documents, consents, filings, articles or instruments, as the case may be, by such officer or officers); and

FURTHER RESOLVED, that any and all actions heretofore taken by any officer or authorized agent of the Corporation in connection with the subject matter of the foregoing resolutions be, and all such actions hereby are, approved, ratified and confirmed in all respects as the acts and deeds of the Corporation.

This document may be executed in one or more counterparts, a complete set of which will constitute one original. A facsimile copy of this Written Consent shall have the same effect as an original.

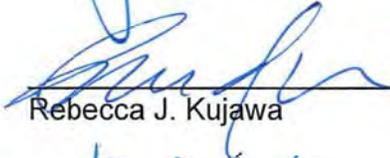
**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the undersigned have executed this Written Consent this 30<sup>th</sup> day of April, 2019.



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James L. Robo



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Rebecca J. Kujawa



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Marlene M. Santos



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Eric E. Silagy

# *State of Florida*

## *Department of State*

I certify from the records of this office that GULF POWER COMPANY is a corporation organized under the laws of the State of Florida, filed on October 28, 2005, effective November 2, 1925.

The document number of this corporation is P05000145526.

I further certify that said corporation has paid all fees due this office through December 31, 2019, that its most recent annual report/uniform business report was filed on March 11, 2019, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Twenty-eighth day of March,  
2019*



*Randy Be*  
*Secretary of State*

Tracking Number: 9515350531CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

Authorization ID: WAK10282020  
Contact Name: PICKETT AND ASSOCIATES,  
INCORPORATED  
Expiration Date: 12/31/2020  
Use Code: 411

FS-2700-4 (VER. 03/17)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**SPECIAL USE PERMIT**

**Authority: ORGANIC ADMINISTRATION ACT June 4, 1897**

PICKETT AND ASSOCIATES, INCORPORATED, of 5010 W. NASSAU STREET, TAMPA, FL 33607 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the NATIONAL FORESTS IN FLORIDA under the jurisdiction of The Apalachicola National Forest (the "District") of the National Forest System, subject to the terms and conditions of this special use permit (the "permit").

This permit covers an approximate 4.17 miles from Sec. 31, T1S, R1W TO Sec. 1, T1S, R2W, TALLAHASSEE MERIDIAN, ("the permit area"), as shown on the map attached as Appendix A. This and any other appendices to this permit are hereby incorporated into this permit.

This permit issued for the purpose of:

Conduct eight (8) Standard Penetration Test (SPT), Geotechnical Borings, and approximately 22,000 linear feet of Electrical Resistivity Imaging (ERI) within the proposed Gulf Power right of way. The information from the SPT and ERI will be used to assess the subsurface material and facilitate the design of the proposed transmission line structural foundations.

The conditions listed below need to be followed for the permit to be in full compliance:

1. Project should not be completed during nesting season of the Red Cockaded Woodpecker from April 15 to July 1.
2. Avoid activities within 25 feet of the mouth of a gopher tortoise burrow.
3. Implement a "NO KILL" policy, for all wildlife species, especially snakes.
4. All sediment spoils and sediment fluid should be discharged into a barrel and taken off site to reduce issues with sediment spoils erosion and sediment fluid being introduced into Munson Slough aquifer. Near the surface of all holes, replace the initial soil plug to help with consistent vegetative structures at the surface.
5. Any work to be done needs to be coordinated with the District's Silviculturist, Ace Haddock at [asa.haddock@usda.gov](mailto:asa.haddock@usda.gov)

## **TERMS AND CONDITIONS**

### **I. GENERAL TERMS**

A. **AUTHORITY**. This permit is issued pursuant to the ORGANIC ADMINISTRATION ACT, June 4, 1897 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. **AUTHORIZED OFFICER**. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

C. **TERM**. This permit shall expire at midnight on 12/31/2020, 58 days from the date of issuance.

D. **CONTINUATION OF USE AND OCCUPANCY**. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. **AMENDMENT**. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

### **F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL**

**REQUIREMENTS**. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. **NON-EXCLUSIVE USE**. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions

that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

**H. ASSIGNABILITY.** This permit is not assignable or transferable.

**J. CHANGE IN CONTROL OF THE BUSINESS ENTITY.**

1. Notification of Change in Control. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated.

(a). In the case of a corporation, control is an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business so as to permit the exercise of managerial authority over the actions and operations of the corporation or election of a majority of the board of directors of the corporation.

(b). In the case of a partnership, limited partnership, joint venture, or individual entrepreneurship, control is a beneficial ownership of or interest in the entity or its capital so as to permit the exercise of managerial authority over the actions and operations of the entity.

(c). In other circumstances, control is any arrangement under which a third party has the ability to exercise management authority over the actions or operations of the business.

2. Effect of Change in Control. Any change in control of the business entity as defined in paragraph 1 of this clause shall result in termination of this permit. The party acquiring control must submit an application for a special use permit. The Forest Service is not obligated to issue a new permit to the party who acquires control. The authorized officer shall determine whether the applicant meets the requirements established by applicable federal regulations.

**II. IMPROVEMENTS**

**A. LIMITATIONS ON USE.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

**B. PLANS.** All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

**C. CONSTRUCTION.** Any construction authorized by this permit shall commence by 11/04/2020 and shall be completed by 12/31/2020.

### **III. OPERATIONS.**

**A. PERIOD OF USE.** Use or occupancy of the permit area shall be exercised at least 58 days.

**B. CONDITION OF OPERATIONS.** The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

**C. MONITORING BY THE FOREST SERVICE.** The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

### **IV. RIGHTS AND LIABILITIES**

**A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

**B. VALID EXISTING RIGHTS.** This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

**C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

**D. SERVICES NOT PROVIDED.** This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

**E. RISK OF LOSS.** The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces

of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

**F. DAMAGE TO UNITED STATES PROPERTY.** The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or restoration of natural resources resulting from the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

**G. HEALTH AND SAFETY.** The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

**H. ENVIRONMENTAL PROTECTION.**

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to

the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

**I. INDEMNIFICATION OF THE UNITED STATES**. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

**J. BONDING**. The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

## **V. RESOURCE PROTECTION**

**A. COMPLIANCE WITH ENVIRONMENTAL LAWS**. The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

**B. VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

**C. PESTICIDE USE.**

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

**D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES.** The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

**E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA).** In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a

reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

**F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.**

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

**G. CONSENT TO STORE HAZARDOUS MATERIALS.** The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

**H. CLEANUP AND REMEDIATION.**

1. The holder shall immediately notify all appropriate response authorities, including the National

Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

## **VI. LAND USE FEE AND DEBT COLLECTION**

**A. LAND USE FEES.** The holder shall pay a one-time land use fee of \$501.11 for the period from 11/04/2020 to 12/31/2020.

**B. MODIFICATION OF THE LAND USE FEE.** The land use fee may be revised whenever necessary to reflect the market value of the authorized use or occupancy or when the fee system used to calculate the land use fee is modified or replaced.

### **C. FEE PAYMENT ISSUES.**

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.

#### 3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall remain responsible for the delinquent fees.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 60 days, referral to the United States Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

## **VII. REVOCATION, SUSPENSION, AND TERMINATION**

**A. REVOCATION AND SUSPENSION**. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local law.
2. For noncompliance with the terms of this permit.
3. For abandonment or other failure of the holder to exercise the privileges granted.
4. With the consent of the holder.
5. For specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, typically not to exceed 90 days, to cure any noncompliance.

**B. IMMEDIATE SUSPENSION**. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The

suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

**C. APPEALS AND REMEDIES.** Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

**D. TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

**E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT.** Upon revocation or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## **VIII. MISCELLANEOUS PROVISIONS**

**A. MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

**B. CURRENT ADDRESSES.** The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

**C. SUPERIOR CLAUSES.** If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

**THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.**

**BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.**

ACCEPTED:

Pickett and Associates, Inc. Mike Leahy, P.E., P.S.M., COO



11-11-20

HOLDER NAME, PRECEDED BY NAME AND TITLE  
OF PERSON SIGNING ON BEHALF OF HOLDER,  
IF HOLDER IS AN ENTITY

SIGNATURE

DATE

APPROVED:

Birk Roseman  
District Ranger  
Apalachicola National Forest



11/16/2020

NAME AND TITLE OF AUTHORIZED OFFICER

SIGNATURE

DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

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The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



# FLORIDA DEPARTMENT OF Environmental Protection

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Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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**North Florida Resiliency Connection**

**Environmental Resource Permit**

**State-owned Submerged Lands Authorization – Granted Pending Document Execution**  
**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required**

**Columbia, Suwannee, Madison, Jefferson, Leon, Gadsden, and Jackson Counties**  
**Permit No. 12-0378587-001-EI**  
**Easement No. 42401**  
**BOT No. 120356542**

**Permit Issuance Date: July 31, 2020**  
**Permit Construction Phase Expiration Date: July 31, 2025**

## **Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization**

**Permittee/Grantee: Gulf Power Company  
Permit No. 12-0378587-001-EI**

### **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located between two terminal substations in north Florida. The transmission line will traverse from the existing FPL Raven Substation, in Columbia County, at Latitude 30° 39' 53.43" N / Longitude -84° 54' 6.32" W, through portions of Suwannee, Madison, Jefferson, Leon, and Gadsden counties, to the existing GPC Sinai Cemetery Substation, at Latitude 30° 9' 45.88" N / Longitude -82° 34' 20.22" W, in Jackson County.

### **PROJECT DESCRIPTION**

The project is to construct a 176-mile, 161-kilovolt overhead aerial transmission line in northern Florida. The transmission line will traverse from the existing FPL Raven Substation in Columbia County, through portions of Suwannee, Madison, Jefferson, Leon, and Gadsden counties, to the existing GPC Sinai Cemetery Substation in Jackson County. The project will be constructed using existing roads for access where available; or by limited improvements of existing ground for access such as light grading, filling of potholes, tree trimming or removal; and/or by installing temporary construction mats for access, if necessary. Following construction, these areas will be restored to preconstruction contours. No new permanent patrol roads will be constructed. This project has been deemed clearly in the public interest as the North Florida Resiliency Connection (NFRC) line provides additional public safety through increased reliability.

Generally, the NFRC 161kV Transmission Line will follow existing linear facilities including FDOT (I-75, I-10, US90 and US41), local rural roads, and other utility corridors (Clay Electric Co-Op, City of Tallahassee and FGT). Generally, a 15-foot-wide easement will be required where the line is adjacent to non-limited access rights-of-way. Generally, a 60-foot-wide easement will be needed where the line is overland or adjacent to limited access rights-of-way. Total easement width varies along the transmission line corridor.

There will be five (5) temporary construction staging areas to be constructed for contractor trailers, staging and storing construction materials, and equipment. Each staging area, along with its perimeter road, will be constructed entirely at-grade on uplands with 6-inch deep surface material of #57 aggregate on geofabric. Except the perimeter road, the soil underneath the #57 aggregate will not be compacted; and a check dam system using an impervious, flexible water barrier will be installed within the aggregate along each 1-foot contour line. The design is to utilize voids between the aggregate to provide stormwater treatment volume greater than runoff from 1.0-inch of rainfall but no less than 0.5-inch of runoff over the contributing area; and recover the treatment volume through natural soil infiltration within 72 hours. In addition, a stormwater management system consisting of swales, ditches and dry retention pond(s) will be constructed for all five staging areas. The system provides runoff collection and boundary control, additional treatment, and attenuation for storm events up to 100-year frequency, 1-, 2-, 4-, 8-, 24-hour and 3-, 7-, and 10-day duration periods for Staging Areas

#2, #3 and #4, and 25-year frequency, 24-hour durations periods for Staging Area #5 and #8. Excess runoff will be discharged via a weir installed on each retention pond.

The staging areas will remain in place for the duration of the construction. Once construction is completed, each staging area will be returned to its preconstruction state. The following is a list of the staging areas:

Staging Area	Location	Site Area (acre)	Water Management District (WMD)
Staging Area #2	Suwannee Valley Road Lake City, Columbia County Parcel ID 25-2S-15-00093-000 Lat 30° 17' 32" N / Long -82° 46' 20" W	18.19	Suwannee River WMD
Staging Area #3	153rd Road Live Oak, Suwannee County Parcel ID 36-01S-12E-0981400.0000 Lat 30° 21' 04" N / Long -83° 04' 02" W	25.16	Suwannee River WMD
Staging Area #4	S. Dale Leslie Drive Madison, Madison County Parcel ID 21-1S-10-1290-001-000 Lat 30° 23' 18" N / Long -83° 19' 04" W	50.13	Suwannee River WMD
Staging Area #5	Campground Road Monticello, Jefferson County Parcel ID 14-1N-4E-0000-0042-0000 Lat 30° 28' 50" N / Long -83° 53' 59" W	18.67	Northwest Florida WMD
Staging Area #8	Flat Creek Road Chattahoochee, Gadsden County Parcel ID 2-35-3N-6W-0000-00220-0000 Lat 30° 36' 32" N / Long -84° 48' 47" W	8.86	Northwest Florida WMD

Additionally, there will be a fiber-optic telecommunication repeater station to be constructed at SW Overstreet Avenue, Greenville, Madison County, with Parcel ID 32-1N-07-2601-000-000, at Latitude 30° 26' 19.2" / Longitude 83° 39' 09.3". The total site area is 0.15 acre, mainly including the station building, gravel yard and gravel access drive. Swales will be constructed for stormwater management.

**(This space is intentionally left blank.)**

The permittee is authorized to install a 176-mile, 161-kilovolt overhead aerial transmission line within and over wetlands and tributaries associated with the following Class III waterbodies.

Map ID	Milepost	County	Waterbody Name	Easement Square Footage	Easement Acreage	Waterbody Designation
1	29.4	Suwannee	Rocky Creek	20,093	0.46	n/a
2	50.6	Suwannee/Madison	Suwannee River	17,940	0.41	OFW
3	83.9	Jefferson/Madison	Aucilla River	16,205	0.37	OFW
4	98.9	Jefferson	Cooksey Branch	984	0.02	n/a
5	109.8	Jefferson	St. Marks River	28,497	0.65	OFW
6	124.8	Leon	Munson Slough	27,529	0.63	n/a
7	137.6	Leon/ Gadsden	Ochlockonee River	5,176	0.12	OFW
8a	138.1	Gadsden	Midway Branch	829	0.02	OFW
8b	139.9	Gadsden	Midway Branch	11,186	0.26	n/a
9	145.4	Gadsden	Little River	7,590	0.17	n/a
10	169.2	Gadsden	Crooked Creek	915	0.02	n/a
11	170.7	Gadsden/ Jackson	Apalachicola River	46,978	1.08	OFW
12	172.8	Jackson	Spring Branch	166,689	3.83	n/a

OFW – Outstanding Florida Waterbody

The transmission line will be installed by methods described in the Wetland and Waterbody Access Construction Criteria Manual (attached) that was submitted to the Department by Gulf Power Company on March 19, 2020. The project includes the permanent conversion of 177.53 acres of forested freshwater wetlands to herbaceous wetland habitat, 41.6 acres of temporary impacts to non-forested wetlands, 7.46 acres of temporary impacts to forested wetlands, 4.01 acres of temporary impacts to surface waters, 0.03 acres of permanent impacts to non-forested wetlands and surface waters, 0.23 acres of permanent impacts to forested wetlands, for workspace necessary to complete boring and trenching activities. The temporary impact areas will be restored to pre-impact grades and allowed to naturally revegetate. Those activities include the use of approximately 8.04 acres of state-owned sovereignty submerged lands. Proof of Real Property Interest will be provided to the Department, in accordance with Section 4.2.3(d)3., AHVI. Authorized activities are depicted on the attached exhibits.

To offset unavoidable impacts that will occur from these authorized activities, the permittee shall purchase 15.91 freshwater forested credits from San Pedro Bay Mitigation Bank (FDEP Permit Number 28-261781) and 12.45 cypress/mixed hardwoods freshwater forested credits at St. Marks Mitigation Bank (FDEP Permit Number 295847-001). These mitigation credits reflect the 0.16 credits reserved from the St. Marks Mitigation Bank that are needed to offset the impacts to the St. Joe Hammock Creek Commerce Center conservation easement. The permittee will purchase 28.36 mitigation credits to offset the total functional loss of 27.86.

## AUTHORIZATIONS

### North Florida Resiliency Connection

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees under Section 253.002, F.S., the Department has determined that the activity qualifies for and requires a public easement, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the public easement will be sent to the permittee/grantee by the Department's Division of State Lands for execution. The Department intends to issue the public easement, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously issued Consolidated Intent to Issue public easement.

**You may not begin construction of the activities described on sovereign submerged lands until you receive a copy of the executed private easement from the Department.**

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit, and a **SEPARATE permit** or authorization **shall be required** from the U. S Army Corps of Engineers (Corps). You must apply separately to the Corps using the federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the U. S. Army Corps of Engineers entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit within the extent of detail provided, also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including, but not limited to, local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

### **PERMIT CONDITIONS**

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit as described.

### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

1. Prior to construction commencement in a project area property parcel, the permittee must acquire legal ownership or legal control of the project area as delineated in the permitted construction drawings, per Section 4.2.3(d) of the Environmental Resource Permit Applicant's Handbook Volume I. The required submittal shall be provided to the Department in a digital format (via electronic mail, CD or DVD, or through file transfer site) when practicable. The mailing address for the appropriate Department office is, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, and the electronic mail address is, [DEP\\_NED@FloridaDEP.gov](mailto:DEP_NED@FloridaDEP.gov). All submittals shall include the project name and indicated permit number when referring to this project.
2. The permittee provided delineation maps of all wetland and surface water boundaries as part of the application to the Department. Permittee did not have legal control or legal ownership of all property parcels at the time of Department review. Prior to construction commencement in any wetlands located in any property parcel that the legal ownership or legal control was acquired after permit issuance, the parcel(s) will need to be verified by the Department to confirm the limits of

surface waters and wetlands. If a substantial deviation exists between the extent of wetland or surface water boundaries as verified by the Department with the application materials or permit, the applicant will apply for a permit modification. The Department will review parcels within 60 days of notification of access to the property parcel.

3. The terms, conditions, and provisions of the required easements shall be met. Construction of this activity shall not commence on sovereignty submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required easement documents have been executed to the satisfaction of the Department.
4. Prior to construction or crossings on State-Owned Uplands, authorization/permission from the State of Florida for proposed work on State-Owned Uplands must be obtained.
5. Prior to construction GPC must complete and obtain a programmatic agreement with the Division of Historical Resources for protection of significant historical and archeological resources.
6. Prior to construction, the of impact shall be clearly marked in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment. An orange construction fence or tall flagged stakes along the construction limits are possible methods.
7. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State Water Quality Standards, pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to, the use of staked hay bales, staked filter cloth, sodding, and seeding.
8. Prior to commencement of work authorized by this permit, the permittee shall provide written notification of the date of the commencement and proposed schedule of construction to the Department of Environmental Protection, Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

9. The permittee shall ensure all workers including, but not limited to, contract workers shall follow the best management practices, as outlined in the Wetland and Waterbody Access Construction Criteria Manual (attached) and appendixes submitted by Gulf Power Company to the Department on March 19, 2020.
10. If any construction de-watering is required, which results in an offsite discharge of groundwater, the permittee and/or the contractor shall ensure that the requirements of pertinent portions of Chapter 62-621, F.A.C., are met. Please contact FDEP Northeast District's wastewater permitting section at 904-256-1700.
11. The maximum width of the disturbed corridor, including temporary equipment access in wetlands and surface waters, shall not exceed the widths or locations depicted in the permit drawings.

12. Access through wetlands will require the use of equipment with tracks or low ground pressure tires, the temporary placement of mats over wetland areas, or the lifting of equipment over the wetland areas into the sites. No dredging or filling, other than placement of temporary construction mats, is authorized for access.

13. Temporary wooden, composite, metal or other non-earthen construction access mats may be used within the authorized construction corridor. If temporary construction mats are used, they shall be placed as close as practicable to the time equipment starts passage through, or work starts at each location along the alignment of the project, but in no cases shall the mats be placed more than seven days earlier than when equipment starts work or passage through that location. Mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed at each location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location.

14. Storage or stockpiling of tools and materials (i.e., lumber, pilings, and debris) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.

15. All trees felled or vegetation cleared in preparation for the permitted activities shall be removed from wetland or creek areas within 14 days of completion of the work authorized in this permit.

16. No construction or fill is authorized in the remaining un-impacted wetlands as indicated on the attached plan-view drawings.

17. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state, without prior approval from the Department. For questions or to request written approval, please contact the Northeast District Office at [DEP\\_NED@FloridaDEP.gov](mailto:DEP_NED@FloridaDEP.gov), or at 904-256-1700.

18. The permittee shall be responsible for ensuring erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by this permit until areas disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

19. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at 904-256-1700 and repaired by reestablishing the preconstruction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.

20. Wetland areas or waterbodies, which are outside the specific limits of construction authorized by this permit, must be protected from erosion, siltation, scouring and dewatering. There shall be no discharge in violation of the water quality standards in Chapter 62-302, Florida Administrative Code. Turbidity/erosion controls shall be installed prior to clearing, excavation or placement of fill material, shall be maintained until construction is completed, disturbed areas are

stabilized, and turbidity levels have fallen to less than 29 NTU's above background or to background levels within Outstanding Florida Waterbodies. The turbidity and erosion control devices shall be removed within 14 days once these conditions are met.

21. All disturbed wetland soils shall be regraded to natural contours following completion of the project.
22. Phased construction can include a partial certification.

#### **SPECIFIC CONDITIONS – MITIGATION**

23. Prior to any construction or impacts authorized by this permit, the permittee shall provide the Department with an **Allocation Letter** to document that 15.91 freshwater forested credits have been purchased and deducted from the credit ledger of the San Pedro Bay Mitigation Bank (FDEP Permit Number 28-261781) and 12.45 cypress/mixed hardwoods freshwater forested credits have been purchased and deducted from the credit ledger of the St. Marks Mitigation Bank (FDEP permit 295847-001).

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

24. The permittee shall follow the below conditions for protection of the Florida Sandhill Crane and Wading Birds as outlined in the comment letter submitted by the Florida Fish and Wildlife Commission to the Department (FWC), dated January 3, 2020 (attached).

a) Florida Sandhill Crane

Based on the existing open fields and existing waterbodies adjacent to the proposed ROW, many areas along the eastern portion of the route may provide potential nesting habitat for this species. Proposed site plans indicate that construction may avoid these areas, however surveys for nesting Florida sandhill cranes shall be conducted prior to construction activities and during the December through August breeding season. For scheduling surveys, specific attention should be given to the February – April timeframes. If there is evidence of nesting during this period, the nest site shall be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the applicant shall contact FWC staff identified in the comment letter to discuss potential permitting needs. Additional information and guidance for conducting Florida sandhill crane surveys can be found in the Florida Sandhill Crane Species Conservation Measures and Permitting Guidelines (<https://myfwc.com/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf>). FWC staff would also like to note that Florida sandhill cranes do not nest in the same location every year, so if construction occurs over several years, it may be necessary to determine if nesting is occurring each year.

b) Wading Birds

The potential exists for wading bird nesting activity at several locations along the project corridor including FWC-documented rookeries (592131, 592132, and L5 Rookery). Specific surveys shall be conducted for wading birds in the 90 days prior to the commencement of any clearing, grading, or filling activities. Wading birds of concern include but are not

limited to the tricolored heron and little blue heron which nest from late March through August with a survey window of May 1 to June 30. Additional information and guidance for conducting surveys can be found in the Species Conservation Measures and Permitting Guidelines for state-threatened wading birds (<https://myfwc.com/media/18634/threatenedwadingbirds-guidelines.pdf>). If there is evidence of nesting during this period, wading bird nest sites shall be buffered by 100 meters (330 feet) to avoid disturbance by human activities. If nesting is discovered after site activities have begun, if the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, we recommend that the applicant contact the FWC staff identified below to discuss potential permitting alternatives.

During construction, vegetative communities including wetland forested mixed, mixed wetland hardwoods, gum swamps, and bay swamps will be permanently converted to herbaceous wetlands. This conversion may also create new potential habitat for wading birds and the following guidelines may be used to enhance this habitat within the development: Maintain vegetated visual buffers around nesting colonies and feeding areas to protect birds from human disturbance. Leave shrubs around the edges of ponds to provide nesting and foraging habitat and for bank stabilization. Minimize fertilizer, herbicide, and pesticide runoff into wetlands.

25. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or to assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

## **SPECIFIC CONDITIONS – CONSTRUCTION COMPLETION**

26. Unless authorized by a specific condition of this permit, all machinery, tools, cleared vegetation, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

27. Upon completion of construction, the permittee shall submit to the Department the Form 62-330.310(1) “As-Built Certification and Request for Conversion to Operation Phase”. The form shall be certified by a registered professional and serve to notify the Department that the project, or independent portion of the project, is completed and ready for inspection by the Department. The person completing Form 62-330.310(1), shall inform the Department if there are substantial deviations from the plans approved as part of the permit and include as-built drawings with the form.

28. The plans must be clearly labeled as “as-built” or “record” drawings and shall consist of the permitted drawings that clearly highlight (such as through “red lines” or “clouds”) any substantial deviations made during construction. The permittee shall be responsible for correcting the deviations [as verified by a new certification using Form 62-330.310(1)]. If such deviations require

a modification of the permit under Rule 62-330.315, F.A.C., the permittee shall separately request a modification to the permit, which must be issued by the Department prior to the Department approving the request to convert.

29. When projects authorized by the permit are to be constructed in phases, each phase or independent portion of the permitted project must be completed, and the permittee must have submitted Form 62-330.310(1) "As-Built Certification and Request for Conversion to Operation Phase," in accordance with subparagraph 62-330.350(1)(f)2., F.A.C., certifying as to such completion prior to the use of that phase or independent portion of the project. The request for conversion to the operating phase for any phase or independent portion of the permitted project shall occur before construction of any future work that may rely on that infrastructure for conveyance and water quality treatment and attenuation

### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

30. In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all stormwater management systems, dams, impoundments, reservoirs, appurtenant works, or works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity. The operation and maintenance shall also be in accordance the designs, plans, calculations, and other specifications that are submitted with an application, approved by the Department, and incorporated as a condition into any permit issued.

31. A registered professional shall perform inspections every three (3) years after conversion of the permit to the operation and maintenance phase to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation that may endanger public health, safety, or welfare, or the water resources, and to ensure that systems are functioning as designed and permitted. Within 30 days of the inspection, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification".

32. The permittee shall conduct periodic inspections in addition to the annual inspections, especially after heavy rain. The permittee shall maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and permitted, and make such record available upon request of the Department. Within 30 days of any failure of any system or deviation from the permit, a report shall be submitted electronically or in writing to the Department using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

33. The following operational maintenance activities shall be performed on all permitted systems on a regular basis or as needed:

- a. Inspection of swales, ditches, pipes and structures for damage and blockage;
- b. Removal of trash, debris and sediments from the swales, ditches and dry retention basins;
- c. Mowing and removal of clippings;
- d. Stabilization and restoration of eroded areas and slopes;

- e. Maintenance of overland flow areas to prevent channelization; and
- f. Check for any indication of sinkhole development and repair of any sinkhole or solution pipe that develops in the system.

### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

34. Progress reports for the project shall be submitted to the Department (Northeast District, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256, or by email at [DEP\\_NED@FloridaDEP.gov](mailto:DEP_NED@FloridaDEP.gov)) at the beginning, when work commences and shall continue to be submitted on a quarterly basis until construction of the permitted project and mitigation is complete and successful. The cover page shall indicate the permit number, project name, and the Permittee name. Progress reports shall be submitted to the Department, even if there is no ongoing construction. Reports shall include the current project status and the construction schedule for the upcoming quarter.

The reports shall include the following:

- a. Date permitted activity was begun; if work has not begun on-site, please indicate.
- b. Brief description of the work (i.e., portions of transmission line installed, restoration complete, maintenance activities, and monitoring) completed since the previous report or since permit was issued. Provide initially, one full set of numbered aerials or quad maps. Refer to these maps by number to indicate locations where there is ongoing construction or has been completed. Subsequent reports should refer to the same master set of maps, with accompanying tables and other relevant information.
- c. Brief description and extent of work (i.e., portions of pipeline installed, restoration complete, maintenance activities, and monitoring) anticipated in the next three (3) months. Refer to the above master set of maps to document the location of the anticipated construction.
- d. This report shall include on the first page, the certification of the following statement by the individual who supervised the preparation of the report: “This report represents a true and accurate description of the activities conducted during a 3-month period covered by this report.”
- e. Summary of incidents of water quality violations which have occurred prior to successful ground stabilization.

35. The permittee shall be responsible for daily inspection of all measures of best management practices during all phases of construction authorized by this permit.

36. **Turbidity Monitoring.** Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four (4) hours, one (1) foot above the bottom, mid-depth, and one (1) foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This sample shall serve as the natural background sample against which other turbidity readings shall be compared.)

- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

37. If monitoring reveals turbidity levels greater than or equal to the turbidity limits contained in Specific Condition 20, the permittee shall take the following measures:

- a. Immediately cease all work contributing to the water quality violation. Work which may contribute to the violation shall not resume until corrective measures have been taken and turbidity levels have returned to acceptable levels; and
- b. Stabilize exposed soils contributing to the violation. Modify work procedures responsible for the violation, install additional turbidity containment devices, repair nonfunctioning turbidity containment devices; and
- c. Increase monitoring frequency to every two (2) hours until turbidity levels are within acceptable limits as specified in Specific Condition 20. Interim samples collected following the violation(s) shall be collected in the same manner and locations as the routine monitoring. Operations may not resume until the water quality standard for turbidity has returned.
- d. The violation(s) shall be immediately reported to the Department. The report shall include the description of the corrective actions being taken or proposed to be taken. The report shall be made to the Department as soon as normal business hours resume if violation(s) are noted after normal business hours, on holidays, or on weekends. A copy of the monitoring data sheets, which indicate violation(s), shall be forwarded immediately to the Department. Failure to report violation(s) or to follow correct procedures before resuming work, shall constitute grounds for permit revocation.

### **SPECIFIC CONDITIONS – RESTORATION / CONVERSION REQUIREMENTS**

38. The Department's approval of the restoration plans pursuant to this permit does not constitute a finding by the Department the restoration will meet the required success criteria. The permittee acknowledges its obligation to meet the intent of the permit regarding the restoration objective until the restoration is determined by the Department to be successful.

39. All wetlands disturbed by activities authorized by this permit shall be returned to the prior conditions within 14 days of completion of the work. This includes, but is not limited to, regrading ruts, raking dried native material, etc.

40. A "Time Zero" Monitoring Report shall be submitted within 30 days of completion of restoration of the impacted areas and shall include the following:

- a. Date the restoration was completed;
- b. Color photographs to provide an accurate representation of each restoration area. The photographs shall be taken from fixed reference points and directions which are shown on a scaled plan view.

41. Restoration Monitoring Reports shall be submitted to the District office for a minimum of annually for the first, second, third, fourth and fifth years or until all wetlands have met the requirements of Specific Condition No. 45.

42. Subsequent Restoration Monitoring Reports shall include the following for each restoration area: (Data shall be submitted in tabular form; subsample number and size shall be determined by a statistically valid method.)

- a. Color photographic prints taken from the reference points established in the Time Zero Monitoring Report.
- b. Detailed description of statistical methods used which must include the following:
  - i. Subsample method and map of sampling locations.
  - ii. Method used to determine percent cover and growth.
  - iii. Statistical analyses used.
- c. Total percent cover by herbaceous species.
- d. Plant species composition with estimates of the contribution of each species to percent cover.
- e. Description of the pertinent climatological conditions preceding the monitoring event.
- f. Description of the soil moisture condition in the restoration areas, i.e., soil appears dry, saturated with water or with so many inches of standing water.
- g. Photocopy of the field notes depicting the raw data collected.

43. The responsibility to assess if the restoration is meeting the permit-specified success criteria shall not fall solely on the Department. In the event the permittee becomes aware restoration is not meeting the success criteria (based on either site observations or review of monitoring reports), the permittee, no later than 6 months before the permit construction phase expiration date, shall be responsible to submit an alternative restoration plan, including supplemental plantings with native wetland species, to the Department for review and approval; The permittee shall implement the alternative restoration plan no later than 60 days after receiving Department approval.

44. Permittee shall meet the restoration success criteria, as defined in permit specific condition No. 45, if the permit has expired or if the Department fails to require the permittee to develop an alternative restoration program as provided below.

45. The restoration shall be deemed successful when the following criteria has been continuously met for a period of at least one (1) year, without intervention in the form of irrigation, removal of undesirable vegetation, or replanting of desirable vegetation:

- a. Naturally recruited native wetland species have achieved a minimum 80% cover or a coverage comparable to immediately adjacent non-impacted areas.
- b. Total contribution to percent cover by non-native wetland species and species not listed in 62-340.450, F.A.C. shall be maintained below 20%.

## **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in

accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one (1) acre of construction that also require a NPDES Stormwater Construction General Permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
  - a. Prior to sales of any lot or unit served by the activity and within one (1) year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
  - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
  - a. Immediately, if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340,

F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at 850-245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resource's assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

19. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

## NOTICE OF RIGHTS

### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Gregory J. Strong  
District Director  
Northeast District Office

GJS:tgk

### **Attachments:**

Exhibit 1, Final Combined Engineering Design Plan Set, 34 pages

Exhibit 2, Wetlands Impacts Maps by County, 302 pages

FWC Comments, 6 pages

Wetland and Waterbody Access Construction Criteria Manual, 30 pages

Construction Commencement Notice/Form 62-330.350(1)

As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)

Request to Transfer Permit/Form 62-330.340(1)

Operation and Maintenance Inspection Certification/Form 62-330.311(1)

**Copies furnished to:**

Michael G. Spoor, Gulf Power Company, [Mike.G.Spoor@nexteraenergy.com](mailto:Mike.G.Spoor@nexteraenergy.com)  
Michael Leahy, Pickett and Associates, Inc., [mleahy@pickettusa.com](mailto:mleahy@pickettusa.com)  
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Jason Hight, FWC, [Jason.Hight@MyFWC.com](mailto:Jason.Hight@MyFWC.com)

File

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit and authorization to use sovereignty submerged lands, including all copies, were mailed before the close of business on July 31, 2020, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



\_\_\_\_\_  
Clerk

July 31, 2020

\_\_\_\_\_  
Date



# Gopher Tortoise Temporary Exclusion For Major Linear Utility Corridors Permit

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
Division of Habitat and Species Conservation  
Wildlife Diversity Conservation Section  
620 South Meridian Street, Mail Station 2A  
Tallahassee, Florida 32399-1600  
(850) 921-1031

Permittee Name: Gulf Power Environmental Affairs Permit Number: GTU-20-00047  
Permittee Address: 1230 E 15th Street Effective Date: October 14, 2020  
PANAMA CITY, FLORIDA  
32405 UNITED STATES Expiration Date: October 14, 2021  
Agent Name: Matthew Goff  
Agent Address: Environmental Consulting & Technology  
2507 Callaway Road  
TALLAHASSEE, FLORIDA 32303  
UNITED STATES

### IS AUTHORIZED TO:

Capture and relocate all gopher tortoise (*Gopherus polyphemus*) hatchlings less than or equal to 60 mm carapace length (CL), and up to 37 gopher tortoises greater than 60 mm CL by non-harmful means and to molest, damage or destroy gopher tortoise burrows while conducting these activities, subject to the following conditions and provisions, in association with the temporary exclusion of gopher tortoises from a major linear utility transmission line corridor at the following site.

### Authorized Capture Methods:

1. Capture gopher tortoises using bucket traps
2. Transport, marking and release of gopher tortoises
3. Supervise backhoe excavation of gopher tortoise burrows to capture gopher tortoises

AUTHORIZED LOCATION(S): 94.09-acre North Florida Resiliency Connection project site (T1S,R11E,S27, 28 & 33-36; T1S,R1E,S31 & 32; T1S,R1W,S19, 30, 33-36; T1S,R2E,S25 & 26; T1S,R2W,S13 & 24; T1S,R3E,S30-32; T2S,R1E,S5 & 6; T2S,R1W,S1; with Lat. 30° 21' 23" N Long. 83° 10' 56" W to Lat. 30° 21' 43" N Long. 83° 12' 53" W, with Lat. 30° 21' 43" N Long. 84° 3' 43" W to Lat. 30° 22' 12" N Long. 84° 5' 14" W, and with Lat. 30° 20' 51" N Long. 84° 15' 29" W to Lat. 30° 23' 43" N Long. 84° 22' 52" W), in Suwannee, Madison, Jefferson and Leon Counties, temporarily excluded to the adjacent on-site recipient areas.

Permittee Signature: Jeffrey E. Cole Date: 20201015  
Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Alexandra McCue Authorized for: Eric Sutton, Executive Director

Authorizing Signature: Alexandra McCue Date: 10/14/2020  
Wildlife Diversity Conservation Section

## PERMIT CONDITIONS AND PROVISIONS:

- 1 Authorization to conduct the specified activities in association with the relocation of gopher tortoises in Florida is subject to Rules 68A-9.002 and 68A-27 Florida Administrative Code (F.A.C.), and the Florida Fish and Wildlife Conservation Commission's (hereafter, "FWC") Gopher Tortoise Permitting Guidelines (April 2008 - revised January 2017) [hereafter, "Permitting Guidelines"], and the following provisions/conditions.
- 2 Authorized activities are also predicated and conditioned on the information and assurances provided in the Permittee's 09/09/2020 application (as supplemented), the assurances of which are herein incorporated by reference.
- 3 During colder months, tortoises shall only be captured and relocated when the low temperature at the recipient site is forecasted by the National Weather Service ([www.weather.gov](http://www.weather.gov)) to be above 50° F for three consecutive days [72 hours] after release (including the day of relocation). This three-day window of milder temperatures is required to allow the relocated tortoises to settle into the recipient site and reduce the chance of cold-related stress or mortality. If capturing tortoises using bucket traps, the Permittee shall cover all traps on days forecasted to be below 50° F. The 28 consecutive day trapping period must restart at day 1 when a trap is closed for any reason.
- 4 Captured gopher tortoises that show signs of disease (i.e., nasal and ocular discharge, emaciation, etc.) shall not be relocated off-site to the authorized recipient site. At the Permittee's discretion, symptomatic tortoises may be: relocated on-site; transported to and quarantined at a FWC licensed wildlife rehabilitation center (list available upon request) or licensed veterinary facility for treatment and subsequent relocation of recovered, non-symptomatic tortoises along with others from the population; transported and donated to a FWC permitted disease research program; or humanely euthanized by a licensed veterinarian when disease is advanced.
- 5 Before attempting to capture any gopher tortoises for relocation the Permittee shall either install filter fabric or other comparable fencing, buried at least eight inches into the ground, along the boundary separating the donor site utility construction corridor ("utility corridor") from the recipient site(s), or utilize other methods approved by the FWC to keep gopher tortoises out of the utility corridor. If fencing is installed, it shall be removed immediately following completion of the utility installation and restoration of the gopher tortoise habitat within the utility corridor. Habitat restoration shall include restoring the pre-construction ground elevations and either seeding or sodding the utility corridor to provide suitable forage for gopher tortoises.
- 6 Gopher tortoises released into the recipient site(s) shall be excluded from the donor site utility corridor for no more than 6 months. Gopher tortoises may be released into a soft-release enclosure in conformance with the FWC enclosure requirements. However, the enclosure fencing shall be removed before expiration of the 6-month temporary exclusion time period authorized under this permit. Enclosure materials, construction methods and dimensions must conform to the requirements specified in the Permitting Guidelines. If utilized, the enclosures must be regularly monitored and maintained, including the immediate repair of any damage to maintain the integrity of the enclosure. Monitoring of the enclosure shall be conducted at least once a week for the first four weeks following release of tortoises, and at least once a month thereafter until the fencing is removed.
- 7 Gopher tortoises may be released into an enclosure constructed within a portion of a recipient site. The stocking rate within the enclosure may be up to 1.5 times the gopher tortoise density that is approved by the FWC for that entire recipient site parcel. However, the maximum number of tortoises approved by the FWC for release into the entire recipient site parcel shall not be exceeded.
- 8 This permit does not authorize the Permittee access to or the right to release gopher tortoises onto any public or private properties not owned by or under easement to the Permittee. Any required permission must be secured from the appropriate landholders prior to undertaking any work on such properties.
- 9 Gopher tortoise capture and relocation activities may be conducted only if written local government approvals have been obtained for land clearing, grading, or construction activities and provided to the Gopher Tortoise Program Coordinator (via the FWC [online permit system](#) or via email to [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com)) prior to commencing relocation activities.
- 10 This permit can be suspended, revoked or not renewed for just cause pursuant to 68-1.010, Florida Administrative Code and Chapter 120, Florida Statutes. It is non-transferable and must be readily available for inspection at all times while engaging in the permitted activities.
- 11 The activities authorized under this Permit must be carried out by the Authorized Gopher Tortoise Agent ("Authorized Agent") designated on this permit, or under the direct supervision and responsibility of that Authorized Agent. The Permittee and Authorized Agent shall be as fully responsible for any such activities to the same extent as if they had themselves carried out those activities under this Permit.

- 12 The Permittee shall notify the Gopher Tortoise Program Coordinator by uploading the notice to the FWC online permit system, by email at [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com), or by phone at (850)921-1031 at least 24 hours (excluding weekends and holidays) before initiating the tortoise relocation effort.
- 13 Either this original permit, or a complete copy, must be clearly posted at the affected site at all times while engaged in the permitted tortoises relocation activities, and should remain posted until construction activities are completed.
- 14 Any gopher tortoise mortality or injury that occurs while conducting activities authorized under this permit shall be reported to the Gopher Tortoise Program Coordinator (by phone at 850-921-1031 or by email to [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com)) within 48 hours of the occurrence. An injured gopher tortoise shall be promptly taken to either a licensed wildlife rehabilitation facility or a licensed veterinarian for evaluation and treatment. Contact information for the facility or veterinarian shall be included with the information reported.
- 15 The Permittee, by signing this permit, specifically agrees to allow authorized FWC personnel, upon presentation of credentials as may be required by law, access to the donor and recipient sites, at reasonable times, for the purpose of inspecting the capture/relocation activities authorized under this permit.
- 16 The Permittee shall submit a report detailing the capture and relocation activities via the FWC online permit system within 30 days after the removal of the exclusion barrier. An after action report checklist is attached for use in that regard. Any request for permit renewal or extension should be submitted at least 45 days prior to the expiration date of this permit.
- 17 Gopher tortoise commensals listed in 68A-27 F.A.C. as State-designated threatened species and encountered in the gopher tortoise capture operation should either be released on-site or allowed to escape unharmed, or be donated to an educational or research facility that possesses the appropriate FWC scientific collecting/educational use permit and is authorized to receive additional specimens of the captured species. Non-listed native commensals should either be allowed to escape unharmed or released on-site. Refer to Appendix 9 of the Permitting Guidelines for additional information on gopher tortoise commensals. If you have questions regarding handling/releasing gopher tortoise commensals encountered during capture operations, contact the Gopher Tortoise Program Coordinator's office by calling 850-921-1031.
- 18 Nonnative wildlife that are members of the families Pythonidae, Boidae, Varanidae, Iguanidae and Teiidae captured during gopher tortoise relocation activities shall be euthanized in accordance with the requirements of the Permitting Guidelines. Authorized Agents are authorized to transport conditional species for purposes of euthanasia in accordance with the transport requirements in the Permitting Guidelines. All other non-native wildlife captured should be humanely euthanized or allowed to escape on-site. Sightings of Burmese python, Argentine tegu, or other nonnative wildlife species should be reported to the FWC within 48 hours by either calling the toll-free number 1-888-IVEGOT1 (1-888-483-4681) or online at [www.IveGot1.org](http://www.IveGot1.org).
- 19 This permit does not authorize the take of Federally-designated Endangered and Threatened species. Only individuals who are in possession of a valid permit or authorization issued by the United States Fish and Wildlife Service (USFWS) to capture or possess an eastern indigo snake or other Federally-designated Endangered and Threatened species may physically handle those species. If individuals without a USFWS permit or authorization encounter an eastern indigo snake during attempts to capture gopher tortoises or during subsequent land alteration or development activities within the property, all movement of heavy equipment and land alteration or development activities within the vicinity of the snake shall cease to allow the snake to vacate the area. No movement of heavy equipment, or land alteration or development activities within the vicinity of the snake shall resume until the snake has vacated the work area.
- 20 This phased project is conditioned and approved based on the information provided in the application. A gopher tortoise burrow survey covering 100% of the gopher tortoise habitat for each phase within the donor site must be conducted by the Authorized Agent and a burrow location map depicting the survey results shall be submitted to the FWC (via the FWC online permit system or via email to [GTPermits@MyFWC.com](mailto:GTPermits@MyFWC.com)) no more than 90 days and no fewer than 72 hours (excluding weekends and holidays) prior to commencing any gopher tortoise capture and relocation activities. Within each phase of the donor site, site preparation or development activities that disturb the vegetation or the ground which prevent the FWC from checking the accuracy of 100% gopher tortoise burrow surveys shall not be conducted until all gopher tortoises have been relocated, and at least 72 hours (excluding weekends and holidays) after the 100% burrow survey results and burrow location map have been received by FWC. For each phase of the donor site, if site clearing or construction does not begin within 90 days from the date of the most recent 100% gopher tortoise survey or capture activities, a new 100% gopher tortoise burrow survey must be completed to ensure that additional gopher tortoises have not moved onto the site.

**A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a**

**hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. The attached Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.**