



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

NOTICE OF CERTIFICATION HEARING FORM

NOTICE OF CERTIFICATION HEARING ON PROPOSED NATURAL GAS PIPELINE CORRIDOR(S)

Application No. _____ for certification to authorize location of a natural gas pipeline corridor, construction, operation and maintenance of a ____ (length in miles) natural gas pipeline(s) commonly referred to as _____, was received by the Department of Environmental Protection on ____, 2____. The case is pending before the Division of Administrative Hearings, Case No. ____ prior to action by the Governor and Cabinet (sitting as the Siting Board) pursuant to the Florida Natural Gas Transmission Pipeline Siting Act, Chapter 403.9401 - 9425, F.S. The proposed corridor(s) passes through the following local government jurisdictions _____ and _____ (see accompanying map). Pursuant to Section 403.9412, F.S., unless one or more alternate corridors are proposed and accepted for consideration, the certification hearing will be held by the Division of Administrative Hearings commencing on ____, 2____ at _____, in _____, Florida, at ____m. The purpose of this hearing is to take written or oral testimony on the effects of the proposed natural gas pipeline and to determine whether the application should be approved in whole, approved with modifications and conditions, or denied. In making this determination, the administrative law judge, and ultimately the Governor and Cabinet, shall consider whether, and the extent to which, the location of the natural gas pipeline corridor, and the construction, operation, and maintenance of the natural gas pipeline will effect a reasonable balance between the need for the natural gas pipeline as a means of providing natural gas energy and the impact up on the public and the environment resulting from the location of the natural gas pipeline corridor and the construction, operation and maintenance of the natural gas pipeline corridor, including a consideration of whether and the extent to which the project will:

- (a) Ensure natural gas delivery reliability and integrity;
- (b) Meet the natural gas energy needs of the state in an orderly and timely fashion;
- (c) Comply with applicable nonprocedural requirements of agencies;
- (d) Adversely affect historical sites and the natural environment;
- (e) Adversely affect the health, and welfare of the residents of the affected local government jurisdictions;
- (f) Be consistent with applicable provisions of local government comprehensive plans, if any; and

(g) Avoid densely populated areas to the maximum extent feasible. If densely populated areas cannot be avoided, locate, to the maximum extent feasible, within existing utility corridors or rights-of-way.

Consideration of individual private property rights, equitable compensation for eminent domain proceedings which may be necessary to obtain access and use of the right-of-way, and the electrical need for and safety of the natural gas pipeline will not be heard at this hearing. Need for the natural gas pipeline is considered by the Florida Public Service Commission at a separate hearing and is not an issue at this hearing.

[Where a public hearing has been requested by a local government, to be held within the boundaries of the county within which the local government is located and the time and location for such public hearing has been set by the administrative law judge before the notice is submitted to the newspaper for publication, the public notice for the particular county where such a local public hearing has been set shall also state]: As requested by [local governments' name(s)] a local public hearing where members of the public not a party to the certification hearing who reside within the jurisdiction of [local government's name(s)] may testify under oath as to relevant facts and subject to cross-examination by all parties shall also be held on ____, 2____ at ____, in ____, Florida.

Any person wishing to participate in the certification proceeding as a party must file an appropriate pleading with the Division of Administrative Hearings following the procedures in Chapter 28-106, F.A.C. and Section 403.9411(4)(c), F.S., which provides that:

(1) Parties to the proceeding shall be: [list appropriate parties from 403.9411(4)(a)]. Any of these parties, other than the Department of Environmental Protection and [name of the applicant], may waive its right to participate in these proceedings if the listed party fails to file a notice of intent to be a party on or before the deadline date indicated below.

(2) Notwithstanding the provisions of Chapter 120, F.S., to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party by an agency, corporation, or association described in subparagraphs (a) and (b) below or a petition for intervention by a person described in subparagraph (c) below, no later than the deadline date indicated below, the following shall also be parties to the proceeding:

(a) Any agency not listed in subparagraph (1) above, as to matters within its jurisdiction.

(b) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor,

commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed gas pipeline or corridor is to be located.

(c) Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agencies whose properties or works might be affected, upon the request of the agency or any party to this proceeding.

For further information and requirements, please see:

http://www.dep.state.fl.us/siting/rules_statutes.htm

Any notice of intent to be a party or motion to intervene must be submitted by [date (specify date that is 30 days prior to certification hearing, listed above)] and sent to: Re: DOAH Case No. _____, Division of Administrative Hearings, [current address], Tallahassee, Florida, _____, and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to the applicant and to all parties. (A list of parties may be obtained from the Department's Siting Coordination Office at the physical address above, or phone 850-245-2002 or by email to SCO@dep.state.fl.us)

Consideration may be given in this proceeding to corridors alternate to the corridor(s) preferred by [the applicant]. Persons other than the applicant may propose alternate corridors for portions of or all of the corridor(s) proposed by the applicant. To propose an alternate corridor, persons must request to become a party to the proceedings, and then must file a notice of proposed alternate corridor with the administrative law judge pursuant to Section 403.9412(1), F.S., all parties, and any local governments in the jurisdiction of which the alternate corridor is proposed, by no later than [specify date: 50 days prior to the originally scheduled certification hearing]. The filing must include the most recent United States Geological Survey 1:24000 quadrangle maps with the alternate corridor boundaries specifically delineated on it, a description of the proposed alternate corridor, and a statement of the reasons the proposed alternate corridor should be certified. Each party proposing an alternate corridor shall have the burden to provide the data necessary for the agencies listed in Section 403.9411, F.S., to prepare a supplementary report, to provide public notice in accordance with Section 403.9412(1), F.S., and the burden of proof on the certifiability of the alternate corridor at the certification hearing. See Section 403.9412, F.S., and Florida Administrative Code Rule 62-807.530 for further information about proposing an alternate corridor. http://www.dep.state.fl.us/siting/rules_statutes.htm

The Siting Board may certify all or portions of one or more corridors proper for certification.

This notice is in lieu of other notices, including those relating to variances, changes to zoning ordinances and local governments' comprehensive plans (if any are required), or any other non-federal government license or permit.

A term or condition of the certification, if granted, may provide for the subsequent submittal of information necessary for agencies to monitor the effects arising from the location of the natural gas pipeline corridor and the construction, operation and maintenance of the natural gas pipeline to assure continued compliance with state water quality requirements or compliance with other agency non-procedural rules and standards. A person whose substantial interest may be affected by such submittals or monitoring must petition to become a party to this proceeding if they desire an administrative determination relative to a postcertification monitoring process. This certification proceeding provides such a person with the opportunity for a hearing as required by Chapter 120, F.S., and the Act. Failure to petition to become a party within the time frames set forth in this notice constitutes a waiver to an administrative determination (or hearing) pursuant to Chapter 120 and the Act on the postcertification review and monitoring.

The Natural Gas Transmission Pipeline Siting Act provides, among other things, that:

- (1) Subject to the conditions set for the therein, certification shall constitute the sole license of the state and any agency as to the approval of the location of pipeline corridors and the construction, operation and maintenance of pipelines. The certification is valid for the life of the pipeline if construction on, or condemnation or acquisition of the right-of-way is commenced with 5 years after the date of certification or such later date as may be authorized by the board.
- (2) The certification authorizes the licensee to locate the pipeline corridor and to construct and maintain the pipeline subject only to the conditions set forth in the certification.
- (3) The certification may include conditions that constitute variances and exemptions from nonprocedural standards or rules of the department or any other agency which were expressly considered during the certification review unless waived by the agency as provided in s.403.9416 and which would otherwise be applicable to the location of the proposed pipeline corridor or the construction, operation, and maintenance of the pipeline(s).

MAP of the proposed corridor(s) location