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Comments of the Pipeline Safety Trust
on the Special Permit Application of Sabal Trail Transmission
Docket No PHMSA-2021-0052

September 27, 2021

We appreciate the opportunity to comment on the special permit application filed by the Sabal Trail Transmission line for approximately 10 miles, with a proposed extension of that mileage should additional lands change classes in the near future. The FERC certificate for this line was issued in February of 2016 and the line went into service in 2017. The area covered by this permit application lies in one of the fastest growing census districts in the country over the past decade, primarily because of a very large 55+ housing development, The Villages.

When Sabal Trail was constructed, the specific area covered by this permit application had not been built out, and still had the characteristics of a rural class one area. Except for one glaring difference from most rural Class 1 areas: the southern edge of The Villages was located just north of this area. No one could miss it on a map, or flying over it, and no one should have been surprised that the Villages has now expanded to include the permit area, and will continue to expand even further. Even the applicant now acknowledges that the area will continue to be built out, changing the class location for more of the permit application area and necessitating further future action on the part of the operator to comply with class change location requirements.

While the operator constructed the line to Class 1 standards before the substantial development, they either knew or should have known that the area described in the permit application would be developed in short order and would become a Class 3 area, whether by the Villages or another developer. In the limited time we have had to review the permit application and research the area's development, we've found a number of news stories, public internet forums, press releases, and references to Planning Commission meetings and similar sources, all of which indicated that development of the area at issue would happen pretty immediately.

In 2006, the City of Wildwood annexed a large area south of Highway 44, including a large portion of the permit application area. In 2018, the Villages acquired 5600 of those annexed acres, expanding its southern boundary not only to south of highway 44, but even further to south of the Florida Turnpike, including part of the special permit area. In a news article

discussion the acquisition by the Villages, <https://www.thevillages.com/life/the-villages-acquires-5600-acres-that-wildwood-annexed-13-years-ago>, the Wildwood Mayor explained the city's vision:

Even before The Villages was developing land south of County Road 466, the Wildwood commission saw the potential in annexing property offered by several large landowners south of State Road 44.

Today, the city is opening the door for The Villages to create a mixed-use residential development on 5,600 of those acres — a move that will bring up to 22,000 homes, new business space and millions in new tax revenue.

“It was all part of the visioning we did back then,” said Wildwood Mayor Ed Wolf, who was mayor at the time. “It was all voluntary annexation, too ... The Villages purchasing this property should not come as a surprise to anyone,” Wolf said.

A representative of the Villages stated: “Development of this portion of Wildwood has been part of the city’s plan for decades,” he said. The image accompanying this story is here:



The dark green area is the 5600 acres being referred to as 2018 acquisitions by the Villages, but the map clearly demarcates other areas of the special permit application area as “Future Development.” The City of Wildwood intended that area for future development, and the Sabal Trail developers should have known that, if they didn’t in fact know it.

Part of the area within the special permit application area that lies on the north side of the Turnpike (shown in the map above in light green and labeled Future Development) was acquired by The Villages in December of 2016, just a few months after the FERC certificate was issued, and three months after construction began on the pipeline.

<https://www.ocalacre.com/single-post/2016/12/14/the-villages-purchases-2327-acres-on-florida-turnpike-for-25000000> Here is an image of that area:

The Villages Purchases 2,327 Acres on Florida Turnpike for \$25,000,000



If you thought The Villages was wrapping up their development ambition or had run out of land, think again. Their recent \$25,000,000 acquisition of the former 2,327 acre Bailey Ranch from Maury L Carter and Associates will provide The Villages with land for perhaps another 8,000+ new homes. (I haven't seen the site plans, so that's just a guess.) The property runs along the Florida Turnpike for about two miles on the north side at the Okahumpka Service Plaza. A quick gander at all the pastures to the south and it's not too hard for one to think Bigham Hide Co, Bexley Sumter Inc and Wildwood Ranch LLC are already in the cross hairs.

#TheVillages #FloridaTurnpikedevlopment #Landforsale
#Okahumpkaserviceplaza

In another news article from June of 2017, The Villages revealed more plans for southern growth of the development: <https://www.thevillagesdailysun.com/growth/southern-growth->

[details-unveiled/article_ca09fcbc-55bb-11e7-a0c7-1fb689ac5241.html](https://www.fox35.com/story/news/development/2019/01/27/the-villages-of-fenney-mcclure-desoto-southern-oaks-14000-homes/5241.html) This article refers to the plans for growth in an area on the southwest side of the Turnpike, partly within the special permit area, and partly within the special permit proposed expansion area.

“Every move The Villages makes is well-thought out,” he said. “What they’re doing is first-class, and it’s a pleasure to see what they develop.”

The villages of Fenney, McClure, Desoto and Southern Oaks are portions of the 14,000 homes that the Developer announced Jan. 27 to build on 8,000 acres.

“As more land was acquired around the Village of Fenney, it became clear that creating additional and smaller Villages was a natural,” said Jennifer Parr, vice president of The Villages Sales and Marketing. “Each of the four Villages – Fenney, Desoto, McClure and Southern Oaks – will be approximately 1,500 homes. My sister, Tracy, and her team are working on the characteristics, theming and naming of future villages.”



Again, this is from June of 2017, referring to an announcement that the Villages had made in January of 2017. Construction was underway somewhere on the line, although we were unable to find out specifically when construction began in this area.

The larger point, though, is that this area was annexed many years earlier, purchased and fully planned by January of 2017. Nearly every news article about development in this area speaks of the general inevitability of its buildout. Others elaborate on the fast growth of the population, and the number of times the Villages area has been the fastest growing census district in the country. See e.g., <https://www.insidethebubble.net/population/> While the operator may not have known when its FERC certificate was granted in February of 2016 that the area in the permit application would be developed by the Villages within months, it certainly should have known that it was within the city limits of Wildwood, planned for dense development and should have built the line to Class 3 standards from the start.

In its resource report to FERC, filed in 2014

[http://content.sabaltrailtransmission.com/resources/2014-update/RR1 Sabal Trail 11-21-2014 FINAL.pdf](http://content.sabaltrailtransmission.com/resources/2014-update/RR1_Sabal_Trail_11-21-2014_FINAL.pdf) , the applicant lists only 4 potential projects in the special permit application area that might have potential cumulative impacts on resources “within the general area of the Sabal Trail Project”: 3 in Sumter County and a proposed commercial alligator farm in Lake County. In the limited time we have had for review, we have not been able to determine whether the growth that caused the class location change occurred on any of the 3 listed parcels, but to the best of our understanding it did not. The growth occurred on the large parcels shown in maps and figures above. Yet, the Mayor of Wildwood, representatives of the Villages, and residents chatting on development forums all indicated that the growth that has occurred was planned, should not be a surprise, reflects a long-term strategy on the part of the developer and the city. If that’s the case, why did the applicant not know, or make it its business to find out and take the responsible decision to build the pipeline to Class 3 standards in anticipation of that long-anticipated growth? Why is the area that Wildwood had annexed and planned for residential development not included in the list of projects with cumulative effects potential?

Instead, there are now thousands of residents living in very close proximity to a large-diameter pipeline built with thinner-walled pipe and operating at very high pressure. PHMSA is being asked to sanction the operator’s decision to build the line to class 1 standards, which undoubtedly saved the operator money and made the pipeline less safe, and is further being asked to pre-approve expansion of a special permit area when thousands more people are added to the mix in the near future. While the agency may ultimately choose to grant this special permit, we hope it does not do so without asking these questions: What was the communication with the City of Wildwood and the Villages development staff? and Did the operator truly have no knowledge of the future plans or did they know about them and choose to use thinner walled pipe notwithstanding? Without making those inquiries, it risks future special permit applications in situations where class location changes are foreseeable, yet an operator may choose to make a less expensive choice to use Class 1 pipeline knowing that a special permit will be granted when the inevitable growth occurs.

The Trust has been on record as having serious concerns about class location special permits for a long time. This application raises grave concerns about the efficacy of the class location construction standards to protect the public in fast-growing areas, and the agency should take this opportunity to review the special permit process, ask hard questions of the operator and seriously consider whether the regulations and policies should be changed to prohibit special permits so soon after construction, making clear the operator's obligations to plan for foreseeable growth.

The request to grant a future extension of a permit without another application should be denied. Any future class location changes in this area, while as foreseeable as these were, should require the operator to file a new application, with another opportunity for public and agency review of the operator's operational history.

Respectfully submitted,

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