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July 13, 2009

**VIA ELECTRONIC MAIL ONLY
HARD COPY WILL NOT FOLLOW**

Mike Halpin
Department of Environmental Protection
Siting Coordination Office
3900 Commonwealth Blvd.
Tallahassee, FL 32399

Re: Brevard County Agency Report - Cape Canaveral Energy Center

Dear Mr. Halpin,

Brevard County staff has reviewed the conceptual plans of the Cape Canaveral Energy Center site and associated facilities. Pursuant to Section 403.507, Florida Statute, the County prepared its Agency Report relating to the certification of the proposed site and associated facilities. The County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, waiver, exemption or other relief is necessary in order for the proposed site and associated facilities to be certified.

If you have any questions or concerns, please do not hesitate to contact me or Christine Lepore, County Attorney, at (321) 633-2090.

Sincerely,

A handwritten signature in black ink, appearing to read "Mel Scott", is written over the word "Sincerely,".

Mel Scott, Assistant County Manager
Brevard County, Florida

Cc: Attached service list

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BREVARD COUNTY AGENCY REPORT
FOR THE
CAPE CANAVERAL ENERGY CENTER

In accordance with Section 403.507, Florida Statutes, Brevard County (County) hereby presents its Agency Report related to the certification of the site and associated facilities proposed to be located in Brevard County in connection with the application filed by Florida Power & Light Company (Applicant). The County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed site and associated facilities to be certified.

The County recommends approval of the certification of the site and associated facilities proposed, subject to the following conditions, which conditions shall be binding on the Applicant, any owner of the site property, or their assigns:

Document/Submittal Requirements

1. At a minimum of 60-days prior to the start of any construction on any portion of the Cape Canaveral Florida Power Plant, including the lay down area, the Applicant shall submit to the Brevard County for its review and approval:

a. A detailed site plan depicting all development within the proposed development areas providing sufficient geometry and details for grading and construction of all improvements, roadways, underground and above ground utilities (station/offset or coordinates for drainage and sanitary structures, all radius for median and islands, typical sections of roadways, retention, parking, building ties from property line, parking dimensions). A survey control sheet using state plane coordinates may supplement the plans, which provides coordinates at all property corners, building corners, sanitary sewer structures, drainage structures, centerline of parking driveway, etc.

b. A detailed site plan which reflects within the General Statement the number of buildings and structures on the site which are to remain and new buildings being constructed such as an administrative building, storage buildings, storage tanks, and other accessory structures. Also indicate buildings or structures being removed (demolished) such as fuel storage tank or storage. Please refer to Section 62-3204(g)(1).

c. A detailed site plan depicting dimensions for all property lines on the site plan sheet 4 per Sec 62-3204(g)(4)a.

d. A detailed site plan graphically depicting the required buffer wall on site construction plan sheet 4 as well as the landscape plans

e. A detailed site plan depicting the sidewalk together with required construction details per Sec 62-3204(g)(4)c and note the recording information of the sidewalk assessment agreement.

f. A detailed site plan depicting the paved parking areas, and the number of parking spaces provided clearly identified on the site construction plan.

g. A detailed site plan providing fire flow calculations. Also, indicate proposed and existing fire hydrants within the required travel distance to the most remote accessible point of the structure.

h. A signed and sealed photometric lighting plan complete with a photometric display, luminaire schedule, manufacturer's cut-sheet and the following note: "Site lighting must conform to Brevard County Performance Standard 62-2257 and the Engineer of Record shall certify that it complies prior to Brevard County approval of the As Built drawings."

i. A detailed site plan with depiction of all state-jurisdictional wetlands overlain on the site plan. This can be a separate sheet for visual clarity. Also indicate wetlands that will be preserved (if any) on the site plan.

j. A detailed site plan depicting FEMA flood zone delineations.

(Chapter 62, Article VIII. Site Plans, Sections 62-3200 through 62-3206, and Chapter 62, Division 6, Article VI, Subdivision III, Performance Standards)

2. At a minimum of 30 days prior to any vertical construction, on the site or associated facilities, the Applicant shall submit to Brevard County for its review and approval, completed County building permit forms for any structures on the site for associated facilities that do not consist of facilities of electric utilities as defined in Florida Statutes Section 366.02, which do not directly involve the generation, transmission, or distribution of electricity or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure that the Applicant intends to construct on the site for associated facilities that the Applicant contends is exempt from the Florida Building Code, the Applicant shall provide a list of the exempt structures or facilities, and the regulatory basis for the exemption.

(Chapter 62, Article VI, Division 1, Section 62-4033, Chapter 22, Article II)

3. Final development approval shall be contingent upon the Applicant obtaining all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County.

a. Include the state wetland permit and mitigation details, any revisions to the state approved Manatee Protection Plan, state gopher tortoise permit (requested but not required), and federal scrub jay permit (requested but not required).

b. Regardless of state mitigation requirements, mitigation for any and all state-claimed jurisdictional wetlands shall be provided to meet the no net loss of functional wetlands requirement established by ordinance and the Brevard County Comprehensive Plan. *(Comprehensive Plan, Conservation Element Policy 5.2; Chapter 62, Article X, Division 4, Sections 62-3693(1) & 62-3696).*

c. Please provide compliance documents that demonstrate that groundwater recharge volume is maintained in aquifer recharge soils. *(Comprehensive Plan, Conservation Element Policy 10.2.A)*

d. While there is currently no development proposed within the surface water protection buffer, please be advised that any future site design modifications that include such development will require additional stormwater management consisting of the capture of the first 1-inch of runoff that drains to the buffer. *(Chapter 62, Article X, Division 3, Section 62-3668)*

e. While there is currently no development proposed in the FEMA special flood hazard area, please be advised that any future site design modifications that include such development (including access to the structure) shall be elevated to or above the 100-year base flood elevation.

(Chapter 62, Article X, Division 5, Section 62-3724(d))

4. Upon completion of the construction of the project, the Applicant shall submit as-built drawings for all site improvements. The as-built drawings shall contain all items shown on the Brevard County Planning and Development as-built checklist.

(Chapter 62, Article VII, Division 2, Section 62-2842)

Application review fee

Concurrent with the submittal of the documentation required in paragraph 2 above, or concurrent with requests for inspections, the Applicant shall pay all of the county's fees for staff review of required documents, permits, inspections, and any other fees related to building permits for structures that are not exempt from the provisions of the Florida Building Code, as provided in Florida Statutes.

(Section 403.511(4) F.S.; Chapter 553, Part IV, F.S.; Section 102.2, Florida Building Code; Chapter 62, Article II, Division I, Section 62-101, Chapter 22, Article II, Fee Resolution 2007-170, Fee Resolution 2008-025)

Construction and Operation

The project shall adhere to all Brevard County Land Development Regulations in Chapter 62 of the Brevard County Code of Ordinances, including dust control, fill material stockpile height limits, noise control, dewatering operations monitoring, weekend working hours, and other related construction issues pertaining to code compliance.

(Chapter 62, Article VI, Division 6, Subdivision I, Section 62-2255)