



EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

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Philip Laurien, AICP
Executive Director

Ann Seiler
Siting Coordination Office
Florida Department of Environmental Protection
3900 Commonwealth Blvd
Tallahassee, FL 32399

May 15, 2009

RE: Review Cape Canaveral Energy Center Site Certification Application

Dear Ms. Seiler,

Pursuant to Florida Statute 403.526(1), the East Central Florida Regional Planning Council staff has conducted a review of Cape Canaveral Energy Center Site Certification Application. On May 15, 2009, at the ECFRPC Council Meeting, the Council Board approved the Cape Canaveral Energy Center Site Certification Application.

The conditions set forth by the ECFRPC concerning this application are as follows:

- FPL shall continue to monitor the effectiveness of the Temporary Manatee Heating System throughout deconstruction and construction phases to ensure its effectiveness, in accordance with the FPL Cape Canaveral Manatee Protection Plan. *(ECFRPC Policy 4.11 Hydrological and ecological functioning of the region's river systems shall be protected. Activities that would significantly and adversely alter the stage, discharge or quality of rivers and tributaries within regionally significant watersheds should not be permitted. Activities that would reduce significantly the habitat diversity, species diversity or population size of plant and animal species within regionally significant watersheds should not be permitted. River systems should be protected by local government comprehensive plans and land development regulations, as well as rules of the FGFWFC, FDEP, Regional Planning Council and water management districts to ensure that the full complement of plant and animal species currently inhabiting those systems, both terrestrial and aquatic, continue to persist in perpetuity.)*
- FPL shall coordinate with FFWCC and USFWS to appropriately mitigate for and monitor affected species on both the Energy Center site and Offsite Construction Laydown and Parking Area, pursuant to ECFRPC Strategic Regional Policy Plan Policy 4.31 *Planning and development approval shall avoid adverse impacts to listed species. Where suitable habitat on a project site is used by a listed species, a site plan and a management plan to minimize harm to*

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the species and to maintain sufficient habitat to support a viable population of the species on-site should be required as a condition of development approval and Policy 4.32 All levels of government shall protect critical habitat for listed species.

- Appropriate measures shall be employed to prohibit runoff into the Indian River Lagoon as per the following policies found in the ECFRPC Strategic Regional Policy Plan :

- *4. 10 In order to protect natural waterbodies, water courses and wetlands from siltation, Best Management Practices (BMPs) for control of erosion and sedimentation shall be employed for all road construction, urban development, silvicultural and agricultural activities. BMPs also shall be employed to protect stormwater management systems (e.g., exfiltration systems) from excess sediment loads. Erosion and sediment control BMPs include those of the SCS, FDOT, FDEP, FDACS, and IFAS.*

- *4. 11 Hydrological and ecological functioning of the region's river systems shall be protected.*

- If dredging is to take place during the construction phase of the project, it shall be minimized to ensure the least possible adverse environmental, social and economic impacts to the region's estuaries (*ECFRPC Policy 4.17*).

- The project site is located in Category 3 and 5 Storm Surge Areas. The ECFRPC recommends that FPL work with Brevard County Emergency Management to ensure the safe evacuation of workers if needed during the project development, as well as a plan for the debris and construction equipment. (*ECFRPC Policy 2.2 Development in coastal high-hazard areas shall be managed so that public facilities and services required to maintain maximum allowable hurricane evacuation times in county comprehensive plans do not exceed local government's ability to provide them.*)

- Any new transmission line corridors, if needed, should, to the maximum extent possible, be located in a common corridor (*ECFRPC Policy 7.14: Use of common corridors for utility systems shall be encouraged.*)

- Reclaimed water should be used for all irrigation purposes on the property. (*ECFRPC Policy 4.4 Nonpotable water demands should be met using the lowest quality water available and appropriate for the intended application. In order to reduce groundwater or surface water withdrawals, water reuse or reclamation programs should be used whenever feasible for uses that do not require potable water.*)

- All spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, shall be reported in accordance with DEP District Office Industrial Wastewater Compliance/Enforcement Section. (*ECFRPC Policy 2.1 Existing*

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regulations regarding generation, storage, treatment, disposal, monitoring and transportation of hazardous waste and materials shall be enforced.)

This concludes the review and conditions of the application.

The Council reserves the right to present any further issues on this project as additional information becomes available.

Sincerely,



Phil Laurien, Executive Director

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