

Appendix I: Draft Conditions of Certification

Appendix II–1: Public Service Commission Determination of Need

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for expansion of Turkey Point and St. Lucie nuclear power plants, for exemption from Bid Rule 25-22.082, F.A.C., and for cost recovery through the Commission's Nuclear Power Plant Cost Recovery Rule, Rule 25-6.0423, F.A.C.

DOCKET NO. 070602-EI
ORDER NO. PSC-08-0021-FOF-EI
ISSUED: January 7, 2008

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

APPEARANCES:

BRYAN S. ANDERSON, ESQUIRE, R. WADE LITCHFIELD, ESQUIRE,
MITCH ROSS, ESQUIRE, and JESSICA A. CANO, ESQUIRE, 700 Universe
Boulevard, Juno Beach, Florida 33408-0420
On behalf of Florida Power & Light Company.

JENNIFER S. BRUBAKER, ESQUIRE, and KATHERINE E. FLEMING,
ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850
On behalf of the Florida Public Service Commission.

FINAL ORDER GRANTING PETITION FOR DETERMINATION OF NEED
FOR PROPOSED EXPANSION OF NUCLEAR POWER PLANTS

BY THE COMMISSION:

Background

On September 17, 2007, Florida Power & Light Company (FPL) filed a petition for a determination of need for the proposed expansion of nuclear power plants in Dade and St. Lucie Counties. FPL filed its petition pursuant to Section 403.519, Florida Statutes (F.S.). FPL's proposal consists of the expansion ("uprate") of the electric generating capacity of its existing Turkey Point and St. Lucie nuclear power plants, in Dade and St. Lucie Counties, respectively. FPL's proposed uprate would increase the power output at Turkey Point, units 3 and 4, from approximately 700 megawatts (MW) to 804 MW per unit, for a two-unit total of about 208 MW. At St. Lucie, units 1 and 2, net electrical generation per unit is expected to increase from

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approximately 840 MW to 943 MW, for a two-unit total of 206 MW. FPL proposes to complete the uprate to all four nuclear units during separate outages beginning in 2011 and ending in 2012.

This matter was scheduled for a formal administrative hearing on December 10-13, 2007. No persons intervened in this docket, and no public testimony was presented at the hearing on December 10. At the hearing, after taking all evidence, we considered the proposed stipulations regarding the appropriate resolution of all issues identified for this proceeding. We approved the stipulated positions by a bench decision, thereby resolving all issues in this docket and granting FPL's petition for determination of need. This Order reflects our decision and serves as our report under the Power Plant Siting Act, as required by Section 403.507(4)(a), F.S.

Standard of Review

Section 403.519(4), Florida Statutes, sets forth those matters that we must consider in a proceeding to determine the need for the expansion of an existing electrical power plant, or the construction of a new nuclear power plant:

In making its determination on a proposed electrical power plant using nuclear materials or synthesis gas produced by integrated gasification combined cycle power plant as fuel, the commission shall hold a hearing within 90 days after the filing of the petition to determine need and shall issue an order granting or denying the petition within 135 days after the date of the filing of the petition. The commission shall be the sole forum for the determination of this matter and the issues addressed in the petition, which accordingly shall not be reviewed in any other forum, or in the review of proceedings in such other forum. In making its determination to either grant or deny the petition, the commission shall consider the need for electric system reliability and integrity, including fuel diversity, the need for base-load generating capacity, the need for adequate electricity at a reasonable cost, and whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available.

Findings

As discussed above, we were presented a series of stipulations which serve to address each of the issues that had been identified for hearing. We have reviewed the proposed stipulations, and find that they are appropriate based on the record development of this docket, and that they provide a reasonable resolution of the outstanding issues regarding FPL's petition. We, therefore, approve the stipulations set forth below.

Need for Electric System Reliability and Integrity

There is a need for the Turkey Point nuclear power plant ("PTN") and St. Lucie nuclear power plant ("PSL") uprates, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes. Without the uprates,

FPL's electric system reliability and integrity will be significantly reduced, and FPL will fail to meet its 20% reserve margin beginning in 2012, as shown in the table below.

Estimated Impact on FPL's Summer Reserve Margin		
Year	Reserve Margin w/o Uprates	Reserve Margin with Uprates
2010	22.6%	22.6%
2011	20.1%	20.1%
2012	17.8%	19.2%
2013	16.1%	17.9%
2014	14.2%	16.0%
2015	11.7%	13.4%

FPL has future resource needs of 490 MW of incremental capacity in 2012. All demand side management ("DSM") that is known to be cost-effective through 2013 is already reflected in FPL's 2006/2007 resource planning work, which identified this capacity need. Consequently, to meet FPL's summer reserve margin criterion of 20% through 2013, FPL needs new capacity in the form of power plant construction and/or purchases.

The data in the table above actually reflects an optimistic view by also including 287 MW of renewable energy purchases that are not yet certain. Three contracts for 143 MW from municipal solid waste facilities will expire in 2009-2010, but are assumed to be extendable. FPL is also analyzing three new proposals for a total of 144 MW of capacity beginning in 2011-2012. Even combined, the 287 MW of renewable generation does not significantly defer the need for additional capacity beyond the 2012 time frame.

As the table above shows, considering load projections today, the proposed uprates do not satisfy all reliability needs. Without the uprates, the gap between capacity and need becomes even larger.

Need for Fuel Diversity

There is a need for the PTN and PSL uprates, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes. Increasing nuclear generation through the nuclear uprates will enhance fuel diversity.

During 2006, about 21% of the energy produced by FPL was generated using nuclear fuel. Without the nuclear uprates, due to system growth, the percentage of nuclear-fueled production will decrease to about 17% by 2013 and decline thereafter. In contrast, FPL's analysis shows that the nuclear uprates would contribute to FPL's system supplying approximately 19% of its energy with nuclear-fueled energy by 2013. Likewise, with the uprates, natural gas-fueled production will decrease from 67% to 65%. Thus, the nuclear uprates contribute to improving and maintaining FPL's fuel diversity as well as decreasing reliance on natural gas as a fuel for electric generation. The diversification of fuel type, technology type and

transportation method provided by the uprates will enhance system reliability for FPL's customers.

Need for Baseload Generating Capacity

There is a need for the PTN and PSL uprates, taking into account the need for baseload generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes. The uprates will add approximately 414 MW of nuclear-fueled baseload generating capacity, which is needed to keep pace with the increasing demand for reliable power and the steady growth that the state of Florida continues to experience.

Need for Adequate Electricity at a Reasonable Cost

There is a need for the PTN and PSL uprates, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes. The uprates will increase the amount of highly efficient nuclear-fueled generation on FPL's system, and will displace large amounts of higher-cost fossil fuel and purchase power generation, resulting in fuel savings that provide a net benefit (i.e., lower system cost) to customers. In addition, customers will benefit from reduced capacity costs due to the deferral effect of the nuclear uprates upon the timing of subsequent additional units in the 2014-2017 time period.

Furthermore, adding incremental capacity by uprating plants maximizes use of existing sites, as compared to constructing a generating plant of equivalent capacity at a new site. FPL already owns the necessary land at Turkey Point and St. Lucie, it is permitted for electric generation plants, and most of the necessary infrastructure is already in place. The proposed project precludes these costs at a new site.

No Mitigating Renewable Energy Sources and Technologies or Conservation Measures

There are no renewable energy sources and technologies or conservation measures taken by or reasonably available to FPL which might mitigate the need for the proposed expansion of the Turkey Point and St. Lucie nuclear power plants. FPL's forecasted need already accounts for all of the cost-effective DSM identified through the year 2014, plus a projection of continued DSM for the years 2015-2020. This DSM includes FPL's current Commission-approved DSM goals and a significant amount of additional DSM that FPL has identified as cost-effective, and we have since approved, since the current DSM goals were approved. Additional conservation measures cannot be implemented to eliminate the need for the PTN and PSL uprates.

For purposes of analysis, FPL's forecast assumed successful contracting for and delivery of 144 MW of renewable firm capacity bid in response to its 2007 request for proposals for renewable energy, and successful extension of 143 MW of renewable firm capacity from three expiring municipal waste-to-energy contracts. There are not sufficient additional renewable energy options to mitigate the need for the 414 MW of nuclear baseload capacity that will be provided by the uprates. The table previously shown in this Order shows the need for additional capacity even after including DSM and purchased power from renewable energy sources.

Most Cost-Effective Source of Power

The proposed uprates will provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes. The estimated nominal costs for the PTN and PSL uprates, not including construction carrying costs, are approximately \$750 million and \$651 million, respectively. The costs of changes to the transmission system that are needed to support the uprates are estimated at \$45 million.

To fully evaluate the system impacts of the nuclear uprates, FPL developed a long-term resource plan that included the uprates ("the Plan with Nuclear Uprates") and an alternate resource plan not including the nuclear uprates ("the Plan without Nuclear Uprates"). The Plan without Nuclear Uprates represents the addition of combined-cycle (CC) units that could be sited and receive permitting approval in the relative near term. FPL also utilized three different fuel cost forecasts and four different environmental compliance cost forecasts in its economic analysis to address the impacts of uncertainty in future fuel and environmental compliance costs. Because 3 of these 12 scenarios represent a highly unlikely combination of low natural gas costs and high CO₂ environmental compliance cost, FPL used 9 scenarios in its economic analysis. FPL's analysis shows that in eight of the nine economic scenarios comparing the generating technology choices represented in the two plans, the Plan with Nuclear Uprates is the most cost effective option. The estimate is that total net savings realized by customers are expected to range from \$222 million to \$963 million on a cumulative present value revenue requirement basis.

Proposed Expansion is Exempt from Rule 25-22.082, F.A.C.

The PTN and PSL uprates are within the definition of electrical power plants utilizing nuclear materials as fuel (see Sections 403.513(13), 403.506(1), and 366.93, Florida Statutes). Accordingly, pursuant to Section 403.519.(4)(c), the proposed uprates are exempt from Rule 25-22.082, Florida Administrative Code.

Rule 25-6.0423, F.A.C., Applicable to the costs of the Proposed Expansion

Rule 25-6.0423, F.A.C., is applicable to the costs of the proposed expansion of the Turkey Point and St. Lucie Nuclear Power Plants after the issuance of our order granting this determination of need. For example, if FPL were to file for recovery by May 1, 2008, as called for in Rule 25-6.0423(5)(c)(1)(b), F.A.C., carrying costs on construction that we determine to be reasonable and prudent pursuant to the Rule would be included for cost recovery purposes as a component of the 2009 Capacity Cost Recovery Factor in the annual Fuel and Purchased Power Cost Recovery proceeding, pursuant to Rule 25-6.0423(5)(c)(4), F.A.C.

Conclusion

Based on the resolution of the foregoing issues, and as more fully developed in FPL's prefiled testimony and its petition, we hereby find it appropriate and in the public interest to approve the proposed stipulations set forth above, and grant FPL's petition to determine the need for the proposed expansion of the Turkey Point and St. Lucie Nuclear Power Plants.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's petition for determination of need for expansion of Turkey Point and St. Lucie nuclear power plants is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of January, 2008.



ANN COLE
Commission Clerk

(S E A L)

JSB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within five (5) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Appendix II-2: Department of Community Affairs Agency Report



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 7, 2008

Mr. Mike Halpin, Program Administrator
Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399

Re: Agency Report: Florida Power and Light (FPL) Turkey Point Units 3 and 4 Uprate Project

Dear Mr. Halpin:

This letter serves as the Agency Report submitted by the Department of Community Affairs as required by the Power Plant Siting Act (PPSA), Chapter 403.501-.518, Florida Statutes (F.S.) in response to the application for certification filed by Florida Power and Light (FPL) in January 2008 for the Turkey Point Units 3 and 4 uprate at the existing Turkey Point facility in Miami-Dade County, Florida.

The plant is located approximately 4.5 miles from the City of Homestead on 11,000 acres and includes a 5,900-acre closed cooling canal. Adjacent to the site, is a 13,000-acre FPL-owned wetlands mitigation bank.

Florida Power and Light (FPL) has requested to increase the steam-electric output of its two, 700-megawatt, nuclear-fueled, steam generating units, Units 3 and 4. The existing units began operation in 1972 and 1973, prior to the enactment of the Florida Electrical Power Plant Siting Act. The proposed uprate project will now serve to increase the steam-electric output of each unit, although operations will remain within existing regulatory limits for the plant.

Department staff has reviewed the completed site certification application and, as proposed, has not identified any issues of concern. The Department does not require the applicant to seek any variations, exceptions, forms of relief, or to satisfy other requirements with respect to conditions

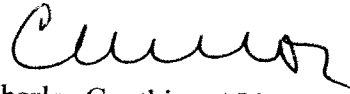
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

Mr. Mike Halpin
August 7, 2008
Page 2

of certification. The proposed project represents an intensification of activity already occurring onsite and it is the Department's recommendation that the proposed uprate project for Units 3 and 4 of the Turkey Point facility be approved. If you have any questions regarding this report, please contact Dr. Barbara Lenczewski at (850) 922-1786, or you may contact her by email at: barbara.lenczewski@dca.state.fl.us.

Sincerely,



Charles Gauthier, AICP, Director
Division of Community Planning

CG/bl

cc: Carolyn Dekle, South Florida Regional Planning Council
Marc C. LaFerrier, AICP, Director, Miami-Dade County Planning and Zoning

Appendix II-3: South Florida Water Management District Agency Report



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

TO: Cindy Mulkey, FDEP Siting Office

FROM: James J. Golden, AICP, Lead Planner
Environmental Resource Regulation Department

DATE: August 14, 2008

SUBJECT: FPL Turkey Point Units 3 & 4 Nuclear Uprate Project
Power Plant Site Certification Application
Final Agency Report

The District is transmitting its final agency report on the above subject project, pursuant to Section 403.526, F.S., and Chapter 62-17.091, F.A.C. This report was officially approved by the District's Governing Board for transmittal to the FDEP at their meeting earlier today. The District is recommending approval of the proposed project, subject to compliance with a Recommended Condition of Certification.

BACKGROUND

The South Florida Water Management District (District) has reviewed the above subject application. According to FPL's application, the Uprate Project involves internal modifications to the existing Nuclear Units 3 and 4 located at Turkey Point. FPL proposes to obtain approximately 206 MW net of electrical generating resources at the Turkey Point Plant, or approximately 103 MW net for each unit. The Project proposed for certification will consist of internal upgrades and/or modifications to each unit. These upgrades will include refurbishment and improvement activities to the steam turbine-electrical generator, the onsite electrical systems and the plant circulating water pumps. The extra electrical output is said to result from improving the performance of the steam turbines and from using more nuclear fuel, which will result in increased power from the reactors. The application states that all improvement activities will occur within the existing buildings and structures associated with Units 3 and 4; no external construction activities are required for the Project and no changes to the cooling canal system will be undertaken.

While there will be no increase in the amount of cooling water necessary to cool the existing units and no additional discharge to the cooling canal system as a result of the Uprate Project, there will be a slight increase in temperature of the cooling water discharged to the cooling canal system, which will result in an increase in evaporation (2-3 MGD, according to FPL's analysis). FPL's maximum predicted temperature

Memorandum

FPL Turkey Point Units 3 & 4 Nuclear Uprate Project

Page 2 of 4

increase is approximately 2.5 degrees (F) entering the cooling canals and 0.9 degree (F) returning to the generating units.

FPL has informed the District that the plant's circulating water system, including the discharge to groundwater through the cooling canal system, is regulated under the federal NPDES and Industrial Wastewater permits issued to the facility by the State of Florida Department of Environmental Protection (DEP).

Since 1972, FPL, the U.S. Environmental Protection Agency (U.S. EPA) (until 1976) and the District have been monitoring various groundwater wells mainly on FPL's Turkey Point property. The monitoring evaluated effects of seepage from the cooling canal system within the underlying aquifer and on Biscayne Bay. The monitoring to the east, south and north of the cooling canal system began as a result of a federal lawsuit between the U.S. EPA and FPL. This monitoring terminated in 1976.

The original monitoring Agreement between the District (which was then known as the Central and Southern Flood Control District) and FPL, executed in 1972, was intended to insure that the cooling canal system operation did not cause cooling canal water to impact potable portions of the Biscayne aquifer to the west of the system. The Agreement has gone through a number of amendments since that time. The number of monitoring wells and monitoring frequency have been reduced with each of the amendments based on the observed data that indicated that the interceptor ditch program was functioning as intended. A copy of the latest amendment, dated July 15, 1983, is provided in Appendix 10.4.1.1 of the Uprate application.

FINDINGS

The District did not identify any consumptive use permitting issues, to the extent that FPL has not requested a change in allocation for the Uprate project, nor has the District identified any direct impacts to District lands or works associated with this project. However, the District is planning and implementing a number of restoration activities in the area through the Comprehensive Everglades Restoration Plan Biscayne Bay Coastal Wetlands Project. We have concerns related to potential secondary impacts on the Biscayne aquifer and Biscayne Bay associated with the slight increase in temperature of the cooling water that will be discharged to the existing cooling canal system from the Uprate project. The higher cooling water temperature will increase evaporation from the cooling canal system and therefore will result in a slight increase in salinity (approximately 2-3 ppt, according to FPL) in the water within the cooling canal system. This increase in salinity could result in potential impacts to water quality within the Biscayne aquifer and Biscayne Bay.

Memorandum

FPL Turkey Point Units 3 & 4 Nuclear Uprate Project

Page 3 of 4

The information provided by FPL in the Site Certification Application and subsequent submittals is inadequate to determine the potential for harm to regional water resources. FPL is using available monitoring data and a 2-dimensional groundwater model to characterize the exchange of saline water between the cooling canals, Biscayne aquifer and Biscayne Bay. This modeling effort is currently underway. Although monitoring data have been collected since the 1970s, the monitoring locations, sample frequency and methods for the data collection provide a limited baseline for the model and assessment of the potential affects of salinity changes in the cooling canals. Recent reports (2006) by the United States Geological Service (USGS) (Cunningham), the District (Janzen) and the U.S. Army Corps of Engineers contain data that indicate that the Biscayne Aquifer has multi-porosity flow systems in the vicinity of the Turkey Point cooling canal system. Most of the monitoring network designed for the cooling canal system was based on older (1941,1955) USGS work and site-specific sample analysis. Many of the wells have screen intervals over 40 feet in length and appear to cross these multi-porosity flow systems, which can result in composite rather than discrete water quality testing results and can affect the calculation of hydraulic gradients.

In order to assess the potential impact of the Uprate project on the Biscayne aquifer and Biscayne Bay, the District recommends a two phase evaluation process consisting of: 1) revised monitoring data collection and analysis; and, 2) 3-dimensional modeling if necessary. Prior to the online operations of Uprate project, baseline data should be collected using a revised monitoring plan which addresses the frequency of sampling, ground and surface water levels, tidal influences, location and depths of new monitoring wells sited along high porosity flow zones, rainfall, field water quality parameters (temperature, specific conductivity, salinity and pH) and laboratory analysis of new monitoring points. If the District finds the rate of groundwater exchange of fresh and saltwater and ionic loads between Biscayne Bay, the cooling canals, and the Biscayne aquifer cannot be determined from the monitoring data, then a 3-dimensional coupled surface and groundwater model (density dependent) shall be developed, calibrated and verified using the data collection during the base period. Temperature shall be included as a primary model input, since this controls evaporation and ionic strengths of the cooling canal waters. The model shall evaluate groundwater travel times from the cooling canal system to Biscayne Bay, and cooling canal system evaporation rates.

RECOMMENDATIONS

The District recommends approval of the Site Certification Application for the Turkey Point Uprate Project, subject to the following Recommended Condition of Certification:

- (1) Prior to Certification, FPL and the District shall execute a Supplemental Agreement to the original 1972 Agreement regarding Ground Water Monitoring

Memorandum
FPL Turkey Point Units 3 & 4 Nuclear Uprate Project
Page 4 of 4

and Interceptor Ditch Operation Procedures, and the subsequent supplement agreements thereto, and revise the associated Revised Operating Agreement as referenced in paragraph C.3. "Monitoring Provisions" of the Supplemental Agreement, dated July 15, 1983, to establish a revised monitoring data collection and analysis plan to assess potential impacts to the Biscayne aquifer and Biscayne Bay associated with the temperature and salinity changes in the cooling canals caused by the Uprate project, including but not limiting to salinity monitoring within the cooling canals. If the District finds that the Licensee's 2-dimensional modeling evaluation and baseline monitoring data is insufficient to assess potential changes in groundwater movement and ionic loads between Biscayne Bay, the cooling canals, and the Biscayne aquifer, then a 3-dimensional coupled surface and groundwater model (density dependent) shall be developed, calibrated and verified using the data collection during the base period. Temperature shall be included as a primary model input, since this controls evaporation and ionic strengths of the cooling canal waters. The model shall evaluate source waters, travel times from the cooling canal system to Biscayne Bay, and cooling canal system evaporation rates. Sections 373.016, 373.223, Florida Statutes; Rules 40E-4.011, 40E-4.301, 40E-4.302, Florida Administrative Code.

Appendix II-4: Miami-Dade County Land Use Consistency and Agency Report

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: FLORIDA POWER AND LIGHT
COMPANY
TURKEY POINT UNIT 3 & 4 UPRATE
PROJECT
POWER PLANT SITING APP. PA74-02**

**DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

**MIAMI-DADE COUNTY'S DETERMINATION
REGARDING CONSISTENCY OF THE APPLICATION SITE
WITH LAND USE PLAN AND LOCAL ZONING ORDINANCES**

Pursuant to section 403.50665 (2), Florida Statutes, Miami-Dade County submits this determination regarding consistency of the application site and associated facilities with Miami-Dade County's Comprehensive Development Master Plan (CDMP) and local zoning ordinances. Based on analyses by the Miami-Dade County Department of Planning and Zoning (DPZ), Miami-Dade County finds that the application site is consistent with the Adopted 2015-2025 Land Use Plan map for Miami-Dade County, Florida and Miami-Dade County's zoning ordinances, subject to the following:

1. The site is designated Institutions, Utilities and Communications on the Adopted 2015-2025 Land Use Plan map of the CDMP. The proposed electric power generation plant use is consistent with this Land Use Plan map designation.

2. The application site is zoned Industry-Unlimited Manufacturing District 3 (IU-3) and is subject to zoning regulation. In 1967, pursuant to Resolution Z-43-67, the subject property was rezoned from Interim District (GU) to Industry-Unlimited Manufacturing District 3 (IU-3). A companion resolution, Resolution Z-44-67, approved a special exception to permit atomic reactors and accessory equipment, along with companion variances and unusual use requests, subject to the approval of the Atomic

***TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624***

Energy Commission and the U.S. Department of Public Health. The uprate project site is consistent with current IU-3 zoning and the zoning approvals reflected in Resolution Z-44-67.

3. Although the uprate project site is consistent with the Adopted 2015-2025 Land Use Plan map designation, the IU-3 zoning, and the zoning approvals reflected in Resolution Z-44-67, the project itself must demonstrate consistency with all pertinent Goals, Objectives and Policies of the CDMP to be found consistent with the CDMP, including Policies LU-3A and LU-5B.

RESPECTFULLY SUBMITTED

GEORGE BURGESS.
Miami-Dade County Manager
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Tel:

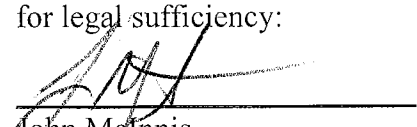
Fax:

By:


Alex Munoz

Assistant County Manager

Reviewed by County Attorney
for legal sufficiency:


John McInnis

Assistant County Attorney

**TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by ___ U.S. mail ___ facsimile ___ electronic mail **ONLY** this 7th day of April 2008, to:

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***TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624***

I FURTHER CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail **ONLY** to the following recipients this 7th day of April 2008, to:

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399-0250

Barton Bibler, P.E.
Department of Health
Environmental Engineering
4042 Bald Cypress Way
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Florida Division of Forestry
Dept. of Agriculture & Consumer Services
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Alex Munoz
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Carlos Alvarez, Mayor

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August 27, 2008

Mr. Mike Halpin, P.E.
Siting Administrator
Department of Environmental Protection
2600 Blair Stone Road, Mail Stop 48
Tallahassee, FL 32399-2400

Re: Turkey Point Units 3 and 4 Uprate Project

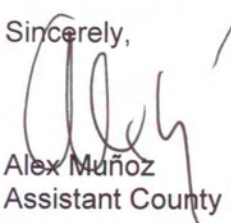
Dear Mr. Halpin:

Pursuant to your telephone conversation with the Directors of Planning and Zoning and the Department of Environmental Resources Management (DERM) on Friday August 15, 2008, Miami-Dade County has revised its submittal entitled *Determination Regarding Consistency of the Application with the Comprehensive Development Master Plan and Local Environmental Regulations* to provide the requested clarifications. The enclosed clarified report is presented in strikethrough and underline format, to differentiate the modifications from original text.

The County has reviewed the various agency reports filed for the Uprate project by other agencies and understands that the conditions submitted by the South Florida Water Management District, the Department of Environmental Protection (DEP) and the Florida Fish and Wildlife Conservation Commission are overlapping to those requested by the County. The County is currently working with Florida Power and Light to develop conditions, which could provide consensus for these overlapping conditions. Miami-Dade County looks forward to working with the DEP and the applicant to finalize a consensus document that will assist in completing the certification process for the Turkey Point Units 3 and 4 Uprate Project.

Please advise if any additional clarifications are required to the attached conditions or if you have any questions regarding the submittal. I may be reached at 305-375-2911 or you may contact Marc LaFerrier, Director, Department of Planning and Zoning at 305-375-2840.

Sincerely,


Alex Muñoz
Assistant County Manager

- c. George M. Burgess, County Manager
Marc C. LaFerrier, Director, Department of Planning and Zoning
Carlos Espinosa, Director, DERM
John McInnis, Esq., Assistant County Attorney

Delivering Excellence Every Day

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: FLORIDA POWER AND LIGHT
COMPANY
TURKEY POINT UNIT 3 & 4 UPRATE
PROJECT
POWER PLANT SITING APP. PA74-02**

**DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

**MIAMI-DADE COUNTY'S DETERMINATION
REGARDING CONSISTENCY OF THE APPLICATION
WITH THE COMPREHENSIVE DEVELOPMENT MASTER PLAN AND
LOCAL ENVIRONMENTAL REGULATIONS**

Pursuant to section 403.507(2)(a)3, Florida Statutes, Miami-Dade County submits this determination regarding consistency of the Turkey Point Unit 3 & 4 Uprate Project (the "Project") with Miami-Dade County's Comprehensive Development Master Plan (CDMP)¹ and applicable local environmental regulations. Contained in Attachment A are copies of the applicable CDMP Objectives and Policies. As directed through section 403.507(3)(c), Florida Statutes, the County has prepared conditions, which, if satisfied, will address consistency with the CDMP and local environmental regulations. Through an analyses prepared by the Miami-Dade County Department of Planning and Zoning (DPZ) and the Miami-Dade County Department of Environmental Resources Management (DERM), Miami-Dade County (County) recommends approval of certification for the Turkey Point Unit 3 and Unit 4 Uprate Project, finds that the Project may be, subject to compliance with upon satisfaction of the conditions contained herein, for be deemed consistency with applicable local ordinances, regulations, standards and criteria, including local environmental regulations. ~~As directed through section 403.507(3)(c), Florida Statutes, the County has prepared conditions, which, if satisfied, will address consistency with the CDMP and local environmental regulations. A timeline~~

¹ On April 7, 2008, Miami-Dade County found the proposed site consistent with the Adopted 2015-2025 Land Use Plan map and the local zoning ordinances. This determination did not, however, address the Project's consistency with the Goals, Objectives and Policies of the Comprehensive Development Master Plan, which was to be determined at the time of the agency reports.

**TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

~~for compliance with all of the conditions, herein, for consistency with the CDMP and local environmental regulations shall be approved by the County prior to approval of the project.~~

WATER QUALITY, FRESHWATER LOSSES AND SALT INTRUSION²

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP)

Land Use Element, Objective LU-3

Conservation, Aquifer Recharge and Drainage Element, Objective CON-2

Coastal Management Element, Objective CM-3

SECTION 24-42 OF THE CODE OF MIAMI-DADE COUNTY

The data available ~~data~~ from Miami-Dade County and FPL's ground water monitoring program indicate that the warm hyper-saline water from the Cooling Canal System (CCS) has created a plume that ~~exceed Miami-Dade County water quality standards~~ is migrating underground away from the CCS and may be impacting adjacent surface water, ground water or wetland resources. In view of the fact that the salinity and temperature of the water in the CCS are predicted ~~can reasonably be expected~~ to increase as a result of the Uprate Project, any increase in temperature and salinity of this water will ~~can further~~ exacerbate this existing condition and potentially leading to exceedances of the County's surface and groundwater standards for conductivity and chlorides. Therefore, provided FPL complies with if the following conditions ~~are complied with, the Project may be deemed required for consistency~~ with Objective LU-3, Objective CON-2 and Objective CM-3 of the CDMP and Section 24-42 of the Code of Miami-Dade County, the project is recommended for approval.

1. Within one year ~~As a condition of approval of this application certification, and not less than one hundred and eighty (180) days prior to commencement of construction of the Uprate Project~~, FPL shall develop and implement a Water Quality Compliance Plan. This Plan shall describe all proposed features, facility and process changes for the Uprate Project necessary to assure that groundwater discharges from the cooling

² Miami-Dade County identified this issue in its June 2, 2008 Preliminary Statement of Issues.

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624

canals meet surface and groundwater quality standards identified in Chapter 24 of the Code of Miami-Dade County. The Water Quality Compliance Plan shall also to include a description that of methods or features the project to avoid and minimize water quality and hydrological impacts, and to adequately mitigate those hydrological and water quality impacts which are unavoidable. The Water Quality Compliance Plan shall be submitted to FDEP and DERM and shall be subject to review and approval. The Plan shall include development and implementation of a water quality monitoring program, hydrologic study, modeling, and vegetative monitoring. -and The Water Quality Compliance Plan shall include a proposed schedule with timetables for implementation and reporting on the various components of the Plan. FPL shall implement each component and reporting requirement of the Plan in accordance with approved timetables.

2. The Water Quality Compliance Plan shall include water quality monitoring to: 1) delineate the vertical and horizontal extent of the hyper-saline plume that originates from the cooling canals and to fully characterize the water quality of this plume for the baseline condition, 2) determine the extent and effect of the groundwater plume's effect on surface water quality as a baseline condition, 3) ~~determine consistency with, and identify any variances from Miami-Dade County's water standards required for the Project,~~ 4) investigate the extent to which the tidal portions of the SFWMD drainage canal (downstream of the S-20 structure) is affected by the surface waters of the cooling canals, and 5) detect changes in the quality of surface ~~the~~ and ground water over time. The Water Quality Compliance Plan shall include installation and monitoring of an appropriate network of wells in the area that are constructed to the base of the surficial aquifer, and shall also include vegetation monitoring in areas east and west of the cooling canals where vegetation die-offs or other changes have recently been detected.
3. The Water Quality Compliance Plan shall include development of a three dimensional, variable-density heat transport model capable of accurately predicting

**TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

the path and rate of migration of the hypersaline plume to the surrounding areas ~~shall be developed~~ for this Project. The model shall be able to 1) predict the migration of the plume west of the cooling canals, in order to allow water managers and regulators to evaluate potential impacts to ground water, surface water and wetland resources west of the cooling canals, including but not limited to potential impacts to the Newton and other nearby wellfields, 2) predict the migration of the plume east and south of the cooling canals towards Biscayne Bay and adjacent wetland areas to provide information on how the migration of the plume may potentially impact water quality in the Bay, as well as the fauna and flora of the wetlands surrounding the cooling canals, and 3) predict the maximum concentration and landward extent of chloride contaminated groundwater at the toe of the salt wedge upgradient of the plume over a fifty year planning horizon as a function of salt intrusion from the CCS source water.

CONSISTENCY WITH COMPREHENSIVE EVERGLADES RESTORATION PROJECT (CERP)²

CDMP

Land Use Element, Objective LU-3, Land Use Element Text of Environmental Protection Sub-Area F (Coastal Wetland and Hammocks) Conservation, Aquifer Recharge, and Drainage Element, Policy CON-7J, Intergovernmental Coordination, Policy ICE-4D, Objective ICE-5, Policy ICE-5C

The CDMP, through the above referenced Objectives and Policies, requires the Project to consider the consistency with the Comprehensive Everglades Restoration Project (CERP). The projected increases in salinity, may negate some of the Biscayne Bay Coastal Wetland (BBCW) CERP project's benefits, and may therefore be inconsistent with the CDMP Objectives and Policies.

² Miami-Dade County identified this issue in its June 2, 2008 Preliminary Statement of Issues.

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624

The Project may be deemed consistent with Objective LU-3, Policy CON-7J, Policy ICE-4D, Objective ICE-5, and Policy ICE-5C of the CDMP subject to the following conditions.

4. Within one year of certification, and not less than hundred and eighty (180) days prior to commencement of construction of the project, FPL shall demonstrate provide an approval from, DEP, U. S. Army Corps of Engineers, and the SFWMD that demonstrate states the Project's consistency with the Biscayne Bay Coastal Wetlands CERP project. Such consistency demonstration may be accomplished through a letter from the SFWMD, which states that the uprate project will not significantly impact the benefits anticipated from the Biscayne Bay Coastal Wetlands CERP project.
5. If the approvals statements of no significant impacts from the aforementioned agency are not obtained submitted to the County, then a demonstration of consistency with the Biscayne Bay Coastal Wetlands CERP project shall be accomplished through the development and submittal of a Biscayne Bay Coastal Wetlands CERP Project Consistency Plan. This Plan shall be submitted to DERM and address, at a minimum, the following.
 - o The plan shall include evaluate the Project's impacts of increased salinity and groundwater demands on the Biscayne Bay Coastal Wetlands CERP project. This Plan must include methods and features to reduce and mitigate projected groundwater demands and salinity increases, as well as timetables by which each mitigation strategy is to be accomplished. The use of highly treated reuse water from the Miami Dade County Water and Sewer Department (WASD) for aquifer recharge and wetlands rehydration will be evaluated as one potential mitigating components of this plan. The overarching objective shall be to reduce salinization over time within the surface, ground waters and wetlands in the areas around FPL's Turkey Point facilities consistent with the objectives of the Biscayne Bay Coastal Wetlands CERP project with emphasis on the Model Lands and Biscayne National Park areas. A second objective shall be to evaluate methods and

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624

alternative to offset groundwater demands that may result from increased evaporation caused by the Project. One component of the plan will be to evaluate the use of highly treated reuse water from the Miami-Dade County Water and Sewer Department (WASD) for aquifer recharge and wetlands rehydration as one potential mitigating option.

- This plan shall be subject to approval by the County in accordance with timetables included in the approved plan.

THREATENED OR ENDANGERED SPECIES²

CDMP

Coastal Management Element, Objective CM-1, Policy CM-1E

The cooling canal system and surrounding areas have been designated as critical habitat for the American Crocodile. FPL shall demonstrate that the proposed increase in temperature and salinity will not result in the destruction or degradation of critical habitat of the American crocodile as per Objective CM-1 and Policy CM-1E of the Comprehensive Development Master Plan.

The Project may be deemed consistent with Objective CM-1, Policy CM-1E of the CDMP subject to the following conditions.

6. The cooling canals and surrounding areas are designated as Critical Habitat by the United States Fish and Wildlife Service (USFWS) for the American Crocodile. Within one year of certification, and not less than hundred and eighty (180) days prior to commencement of construction of the project, FPL shall prepare and submit a Critical Habitat Management Plan relating to implementation of the Project. The purpose of this plan is to manage environmental conditions as is required to prevent degradation or destruction of critical habitat within and adjacent to the Cooling Canal System (CCS), as well as to identify and implement corrective actions necessary to

² Miami-Dade County identified this issue in its June 2, 2008 Preliminary Statement of Issues.

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624

protect the American Crocodile. The Critical Habitat Management plan shall be approved by the County, ~~DEP, USFWS, and Florida Fish and Wildlife Conservation Commission (FFWCC)~~ and shall include baseline water quality data, a water quality monitoring program, a study of crocodile survivorship and distribution, including juveniles, proposed corrective actions and mitigation. Additionally, and timeframes for submittals of all studies and information and timetables for corrective actions, if necessary, must be outlined in the Plan.

7. All studies and information shall be submitted ~~DERM, DEP, USFWS and the FFWCC~~ in accordance with approved-timetables. If, during the monitoring period, it is determined by ~~DEP or DERM or USFWS or FFWCC~~ that critical habitat of the American Crocodile is being lost or degraded by the activities associated with the Project, then and thereupon FPL shall implement the corrective actions in accordance with the timetables approved in the Critical Habitat Management Plan. .

All studies and information required through the above conditions shall be submitted both electronically and hard copy to the Directors of DERM and Planning and Zoning.

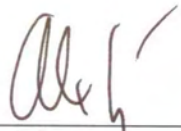
RESPECTFULLY SUBMITTED

GEORGE BURGESS.
Miami-Dade County Manager
Stephen P. Clark Center
111 N.W. 1st Street, 29th Floor
Miami, Florida 33128

Tel:

Fax:

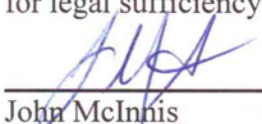
By:



Alex Munoz
Assistant County Manager

***TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624***

Reviewed by County Attorney
for legal sufficiency:



John McInnis
Assistant County Attorney

**TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by ___ U.S. mail ___ facsimile X electronic mail **ONLY** this 27 day of AUGUST 2008, to:

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Douglas S. Roberts, Esq.
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Toni L. Sturtevant, Asst. Gen. Cnsl
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Cindy Mulkey, Engineering Specialist
Department of Environmental Protection
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jdm@miamidade.gov

***TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624***

I FURTHER CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail **ONLY** to the following recipients this 27 day of AUG 2008, to:

Laura Kammerer
Bureau of Historic Preservation
R.A. Gray Building
500 South Bronough
Tallahassee, FL 32399-0250

Barton Bibler, P.E.
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Environmental Engineering
4042 Bald Cypress Way
Tallahassee, FL 32399-1742

Forrest Watson
Florida Division of Forestry
Dept. of Agriculture & Consumer Services
3125 Conner Boulevard
Tallahassee, FL 32399-1650



Alex Munoz
Assistant County Manager

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
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ATTACHMENT A

The Miami-Dade County Comprehensive Development Master Plan Objectives, Policies, and text referenced in the Determination Regarding Consistency of the Application are contained herein.

LAND USE ELEMENT

Objective LU-3

Upon the adoption of the CDMP, the location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level, vegetation type, wildlife habitat, and hurricane and other flood hazards, and by reflecting the management policies contained in resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet, or included in the Comprehensive Everglades Restoration Plan approved by Congress through the Water Resources Development Act of 2000.

Land Use Element Text of Environmental Protection Sub-Area F (Coastal Wetland and Hammocks): This subarea includes all coastal wetlands designated as Environmental Protection Area on the LUP map which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies.

Because of the importance of maintaining biologic and hydrologic functions provided by these areas, the coastal wetlands should be managed toward these ends and acquired whenever possible. However, until these lands are acquired for natural resource management uses which could be considered for approval include residential use at a density not to exceed one dwelling unit per five acres, water-dependant uses, or necessary compatible public, water related facilities consistent with the Conservation, Aquifer Recharge and Drainage Element and the Coastal Management Element of this Plan. In addition, necessary electrical generation and transmission facilities are also permitted in this area. The approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT

Objective CON-2

Protect ground and surface water resources from degradation, provide for effective surveillance for pollution and clean up polluted areas to meet all applicable federal, state and County ground and surface water quality standards.

TURKEY POINT UNITS 3 & 4 UPRATE PROJECT
POWER PLANT SITING APP. PA74-02
DOAH Case No. 08-0378-EPP
DEP OGC Case No. 07-2624

Policy CON-7J. In evaluating applications that will result in alterations to wetlands, Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives may be denied.

INTERGOVERNMENTAL COORDINATION ELEMENT

Policy ICE-4D. Miami-Dade County through its planning, zoning, permitting and capital improvements processes shall continue to cooperate with the Florida Department of Community Affairs, the South Florida Water Management District, Everglades National Park, Biscayne National Park and the U.S. Army Corps of Engineers in implementing adopted County, State and federal plans to manage and restore the environmentally sensitive Everglades.

Objective ICE-5

Initiate and support cooperative inter-jurisdictional approaches to special intra-regional planning needs.

Policy ICE-5D. In the conduct of its infrastructure and service planning and development function, including transportation water, sewer and solid waste disposal functions, Miami-Dade County shall consider entering into cooperative agreements with adjacent counties and municipalities in adjacent counties where such arrangements are operationally, financially or environmentally beneficial.

COASTAL MANAGEMENT ELEMENT

Objective CM-1

Protect, conserve and enhance coastal wetlands and living marine resources in Miami-Dade County.

Policy CM-1E. Wherever a coastal wetland is degraded or destroyed, a wetland with an equal or greater amount of habitat value shall be created, enhanced or restored, maintained and monitored as required pursuant to Uniform Mitigation Assessment Methodology, Section 373.414(18), Florida Statutes. Created habitats and restored habitats shall be perpetually maintained free of invasive exotic vegetation. Habitats of endangered or threatened species shall not be degraded or destroyed.

Objective CM-3

Miami-Dade County shall continue activities to maintain or improve water quality in coastal and estuarine water bodies.

Appendix II-5: Florida Fish and Wildlife Conservation Commission Agency Report



**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Rodney Barreto
Chair
Miami

Brian S. Yablonski
Vice-Chair
Tallahassee

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Executive Staff

Kenneth D. Haddad
Executive Director

Nick Wiley
Assistant Executive
Director

Karen Ventimiglia
Deputy Chief of Staff

**Office of Policy and
Stakeholder
Coordination**

Mary Ann Poole
Director

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*Managing fish and wildlife
resources for their long-
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Voice: (850) 488-4676

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(800) 955-8770 (V)

MyFWC.com

August 6, 2008

Mr. Mike Halpin, P.E.
Siting Administrator
Department of Environmental Protection
2600 Blair Stone Road, Mail Stop 48
Tallahassee, FL 32399-2400

Re: Turkey Point Units 3 & 4 Uprate Project, Dade County

Dear Mr. Halpin:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated agency review of the referenced application for site certification in accordance with the Florida Electrical Power Plant Siting Act, Sections 403.52- 403.501, Florida Statutes.

The Turkey Point Plant lies approximately 8 miles east of Florida City, Florida and 4.5 miles east of the southeastern municipal limits of Homestead, Florida. It is approximately 9 miles east of the intersection of U.S. Highway 1 and Palm Drive (SW 344th Street). The Turkey Point Plant is adjacent to the 13,000-acre Everglades Mitigation Bank (EMB), also owned by Florida Power & Light (FPL). Turkey Point Units 3 and 4 are located on 30 acres within part of the larger FPL Turkey Point Plant located on 11,000 acres in unincorporated Miami-Dade County, Florida. The Turkey Point Units 3 and 4 Uprate Project would not change the existing footprint of the plant, and operations would remain within the existing regulatory limits for the plant. FPL has determined that these two units can be modified or "uprated" to increase their electrical output in a cost-effective and environmentally friendly manner. The Turkey Point Uprate Project would involve changes to several existing main components within the facilities in order to expand their capacity to produce steam for the generation of electricity.

While there would be no change in the actual footprint of the facility, this uprate project is expected to increase both temperature and salinity within the cooling canals. The maximum increase in temperature is expected to be 0.9° – 2.5°F and salinity is expected to increase by 2-4 parts per thousand (ppt).

Potentially Affected Resources

There is a large population of American crocodiles (*Crocodylus acutus*) that live and breed in this cooling canal system. The potential affects of increases in temperature and salinity on adult and juvenile crocodiles are explained below, and are adapted from comments by J. Perran Ross in the attached letter "effects on crocodiles of proposed changes in cooling water canals at Florida Power and Light – Turkey Point plant".

Increase in Temperature. The current upper levels of temperature in the cooling canals exceed the preferred range (82-88° F) for crocodiles and approaches lethal temperatures (95° F). Adults respond to this variation by distributing themselves to locations of

preferred temperature to thermo-regulate. Because temperature varies by season within the canal (Golder Fig. 19) and along the length of the canal (Golder Fig. 20), any additional increases in temperature are likely to reduce the length of the canal system that is suitable for crocodiles during the warmest times of the year. This could reduce the extent of available habitat for adult crocodiles and force them to crowd suitable habitat that may already be occupied by other crocodiles. Because the social hierarchy of crocodiles rewards dominance with access to the most suitable sites for thermoregulation, reducing suitable habitat would be expected to displace crocodiles lower on the social hierarchy.

Hatchling crocodiles are less able to behaviorally thermo-regulate, and they are less tolerant to temperature extremes. The greatest expected increases in temperature occur when crocodile nests are hatching, and the expected change may reach temperatures that are lethal to hatchlings. This increase could therefore leave some parts of the canal unsuitable for hatchling survival.

Increases in Salinity. The canal system is currently hypersaline (40-50 ppt) and the crocodiles at Turkey Point live and breed in the cooling canal waters. While the crocodiles may survive in hypersaline conditions, they need regular access to fresh water. They are likely finding fresh water somewhere outside of the system or are using the fresh water that accumulates on top of the berms within the canal system. Because of this, the slight increase in salinity is unlikely to change the crocodiles' ability to live and breed within the system.

On the other hand, hatchling crocodiles have a limited ability to excrete salt and require fresh water. Like the adults, the hatchlings are likely using the fresh water that accumulates on top of the berms within the canal system. Access to this fresh water is essential for hatchling crocodiles and is a strong indicator of nearby nesting. Because the changes to the plant are not expected to affect the freshwater pools, the change in salinity should have little effect.

Recommendations

In order to assess the effects of the changes in temperature and salinity within the system, and to determine if there is an overall negative affect on the crocodile population at Turkey Point, it is necessary to continue with current monitoring efforts within the system as well as increase efforts to include spatial distribution data and growth and survival data.

We recommend approval of certification for the Turkey Point Unit 3 and Unit 4 uprate with the understanding that the applicant will comply with the following Conditions of Certification:

1. The applicant shall continue with current monitoring efforts including identification surveys, breeding surveys, nest locations monitoring, and captures, and these efforts shall continue throughout the Unit 3 and Unit 4 uprating process. Data and statistical analyses shall be reported to the FWC annually in order to assess changes in the population.

2. In addition to current monitoring efforts, the applicant shall:

a) Collect additional data to determine changes in spatial distribution within the canal system. Data shall be collected monthly from the entire system. Monthly events shall consist of 3 to 4 nights per event, and data collected shall include animal size, GPS location, salinity, and air and water temperatures. These data shall be included in the annual report submitted to the FWC.

b) Collect additional data to determine changes to growth and survival. The entire system shall be monitored at least twice a year for five days and four nights per event. Data collected shall include biometric data for each individual hand captured or trapped. These data shall be included in the annual report submitted to the FWC.

As discussed in meeting with FPL and U.S. Fish and Wildlife Service (USFWS), specific protocols for monitoring crocodiles within the Turkey Point system can be obtained from Mazzotti and Cherkiss (in press). While these protocols are still in press at the time of this letter, they have been made available to FPL, who is in discussions with Mazzotti and USFWS concerning site-specific adaptations to these protocols. These protocols shall be followed during monitoring at the Turkey Point Plant.

3. Per conversations with FPL and the U.S. Fish and Wildlife Service, it would be feasible to conduct these surveys both pre- and post-uprate to determine the effects of temperature and salinity changes. Surveys shall be initially conducted for a one-year period, after which protocols shall be reviewed for appropriateness. Any changes shall be submitted to the FWC.

If it is determined that there is a negative effect on crocodiles within the cooling canal system, the applicant shall monitor the crocodile population outside of the system, particularly in the FPL mitigation areas, to determine if there is no net negative effect. If growth and survival is affected within the system, then using telemetry data on crocodiles moving into and out of the system may show whether or not there is an overall change in the crocodile population at Turkey Point. A summary of monitoring efforts and results shall be submitted to the FWC.

Conclusions

While the predicted environmental changes within the Turkey Point cooling canal system appear to be relatively small, they have the potential to be significant to the crocodile population by affecting the habitat suitability of the canal system. By including the recommended supplemental data collection with the ongoing monitoring efforts, FPL may be able to demonstrate that the overall effect on the crocodile population at Turkey Point is negligible; however, without the proposed monitoring efforts, it is likely that the currently collected data would indicate a negative effect *within* the confines of the cooling canal system. Given that the conditions requested above are included in the certification, FWC recommends approval of this certification application.

We look forward to working with FPL to identify protection measures, mitigation and habitat management options for the proposed Turkey Point Units 3 and 4 Upgrading Project. If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at (850) 410-5272 or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If you or your staff has any specific questions regarding our comments, I encourage them to contact Jennifer Goff at 561-625-5122 or by email at Jennifer.Goff@MyFWC.com.

Sincerely,



Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/jdg

Turkey Point_1241_uprate letter
ENV 2-11-2/3

Enclosure

Reference

Mazzotti, F.J. and M.S. Cherkiss. In press. Status and Conservation of the American Crocodile in Florida: Recovering an Endangered Species While Restoring an Endangered Ecosystem. MS 481. *Ecological Indicators*.

Rossp@wec.ufl.eduCindy Schultz
US Fish and Wildlife Service
Vero Beach Field Office

12 May 2008

Re: Effect on crocodiles of proposed changes in cooling water canals at Florida
Light and Power-Turkey Point plant

Dear Cindy,

At your request I am pleased to offer the following comments regarding the proposed increase in capacity and water cooling operations at the Turkey Point electrical generation plant. I have reviewed the material you sent comprising chapters 3 and 5 of the FPL application, a consultant report by Golder Assocs. (13 Jan 2008) and e-mails from Fl. Fish and Wildlife Conservation Commission and S. Foster of FPL. I make these comments in my capacity as a knowledgeable private citizen and expert on crocodilian biology.

The question I address is whether the proposed increase in water temperature and salinity in the turkey point (TP) water cooling canal system will affect the population of American crocodiles (*Crocodylus acutus*) living and nesting there. We need to keep in the forefront of consideration that the primary reason for the excellent crocodile population and successful breeding is the presence of suitable nesting habitat (high sand/limestone berms and associated fresh water pools). Both water temperature and salinity may currently be suboptimum at some times of the year.

Temperature. The project proposes an maximum increase in temperature of 0.9^o - 2.5^oF in the canal water, however this does not adequately address the seasonal and spatial distribution of the warm water as it is likely to affect crocodiles. Adult and non-hatchling crocodiles thermo regulate by moving between warmer and cooler environments. The upper levels of temperature in the canals currently exceed the known crocodilian preferred range of 28-31^oC (82- 88F) and approach lethal temperatures of 35^oC (95F). Adult crocodiles appear to respond to this by distributing themselves in preferred areas of the canal where the temperatures meet their preferences, and presumably by moving between water/air/shade/sun to regulate their temperature. There is a marked seasonal variation in reported temperatures in the canal (Golder Fig. 19) and along the length of the canal (Golder Fig. 20). The effect of increasing temperature overall can be predicted to reduce the part of the canal system in which a sufficient variation and level of temperature available to crocodiles meets their needs at the warmest times of the year.

This could in turn cause movement of crocodiles from areas previously tolerable. As the canal system has a finite lower end, this could conceivably reduce the habitat availability to adult crocodiles. Crocodiles are also reported to maintain well defined social hierarchies based on access to preferred temperature regimes (basking positions, warm and cool areas). Changes in the thermal distribution along the canal system may therefore displace crocodiles lower on the social hierarchy.

The effect of increased water temperature on hatchling crocodiles is likely to be more severe as their tolerance and capacity to behaviorally thermoregulate is less. The greatest expected increases fall in the season when crocodile nests are hatching. The range of expected change falls directly within the range between preferred and lethal temperatures that may render some parts of the canal system unsuitable for survival of hatchlings.

Salinity. The salinity throughout the canal system is currently hyper saline 40-50 ppt and is predicted to slightly increase. American crocodiles routinely live in saline water and at one location, Lago Enriquillo in Dominican Republic, live and breed in hyper saline waters of 40-50ppt. Other coastal localities reported where *C. acutus* occurs in Nicaragua and Cuba may become hyper saline. Obviously, crocodiles in Turkey Point live and breed in high salinity water and the relatively small increase is unlikely to change this situation. However, crocodiles have a finite capacity to physiologically osmoregulate in salt water by excreting salt through glands in their tongue, and as a result continue to need freshwater sources to persist in hyper saline environments. It seems likely that crocodiles in Turkey Point access fresh water somewhere in the system or outside it to periodically balance their water needs.

Additionally, hatchling and young crocodiles have a limited salt excretion capacity and require freshwater. This is reported to come from two sources in the south Florida/Everglades region 1) surface water films of fresh water occurring after heavy rain and 2) isolated freshwater pools. At Turkey Point, researchers believe that successful nesting and survival of hatchlings is closely associated with the presence of freshwater pools that form in depressions in the berms between the canals. The presence of these pools is a strong predictor of nearby crocodile nesting. Assuming that rainfall remains similar to historic levels (Golder fig. 9) and that the changed cooling operations will not change the occurrence of freshwater pools, then changes in salinity of the canal water should have small effect. However two additional interacting factors may change this result. If rainfall changes due to predicted climate change then the fresh pool occurrence may change. If the change in water temperature renders areas close to current fresh pools too hot for adult crocodiles, some nesting areas may become non-viable.

This does suggest a relatively easy mitigation. If areas of the canal with optimal thermal regime can be identified, then additional berm pools could be constructed.

Overall then I concur with comments from the FWC, the situation merits cautious concern, and perhaps some more study directed specifically at conditions in the locations crocodiles occur and breed (which is neither at the intake or outlet of the cooling system where the temperatures are measured). As crocodiles successfully adapt to and manage

the current conditions in Turkey Point, it seems likely they will adapt to and manage the relatively modest changes predicted, however this does not mean such changes will be without effect. Changes in crocodile location, changes in nesting and possibly reduced hatchling survival are possible, should be monitored and may possibly be mitigated as I suggest above.

The statements presented above can all be supported from the literature if necessary. I hope these comments are helpful.

Yours truly,

James Perran Ross

cc. K. Enge, Paul Moler, Allan Woodward

Appendix II-6: South Florida Regional Planning Council Agency Report

South
Florida
Regional
Planning
Council



DEPARTMENT OF
ENVIRONMENTAL PROTECTION

AUG 01 2008

SITING COORDINATION

July 30, 2008

Mr. Michael P. Halpin, Program Administrator
Office of Siting Coordination
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Florida Power and Light Company
Turkey Point Unit 3 & 4 Uprate Project
Power Plant Siting App. PA74-02
DOAH Case No. 08-0378 EPP
DEP OGC Case No. 07-2624

Dear Mr. Halpin:

Enclosed is the South Florida Regional Planning Council Agency's Report for the Florida Power and Light Company Turkey Point Uprate Project Site Certification Application.

If you require further information, please call me at (954) 985-4416.

Sincerely,

Carolyn A. Dekle
Executive Director

CAD/tnb

cc: Ms. Barbara P Linkiewicz, Director of Environmental Licensing, FPL
Marc C. LaFerrier, Director of Planning and Zoning, Miami-Dade County
Sam Goren, Esq., Goren, Cherof, Doody & Ezrol, P.A

**South Florida Regional Planning Council's Report on the
Florida Power & Light
Turkey Point Uprate Project**

July 30, 2008

Introduction

Florida Power and Light (FPL) has submitted a Site Certification Application for the Turkey Point Uprate Project to the Florida Department of Environmental Protection (FDEP), pursuant to the Florida Electrical Power Plan Siting Act (Sections 403.501 – 403.518, Florida Statutes).

The South Florida Regional Planning Council is one of several affected agencies actively involved in the review and comment of the application, as identified in Florida Statute 403.407(2)(a)5. This process has provided Council staff the opportunity to ensure the project's consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. The Council's report contains recommendations to address impacts of the proposed project.

Project Description

The Turkey Point Plant is located in unincorporated Miami Dade County (approximately twenty five miles south of the City of Miami and 4.5 miles southeast of the City of Homestead), on the South Bay portion of Biscayne Bay. The entire Turkey Point site consists of 11,000 acres owned by FPL. The nuclear generating plants, units 3 and 4, comprise approximately 30 acres of the site. The cooling canal system occupies about 5,900 acres. The property east of the cooling canal system was deeded to the state in 1972 and the State in turn conveyed a portion of these lands to the United States for inclusion in Biscayne National Park.

Units 3 and 4 have been operational since 1972 and 1973 respectively. The steam generators for both units were replaced in 1982 and 1983. Two additional safety grade emergency diesel generators were installed in 1991. The current electrical output for each nuclear unit is approximately 700 MW.

FPL is seeking approval to increase the power generation ability of Nuclear Units 3 and 4 at Turkey Point Plant. This project, known as the Turkey Point Uprate, will increase the generating capacity of its two nuclear units by approximately 104 megawatts each. The modifications to the site will be preformed during regularly scheduled refueling outages in 2010, 2011, and 2012. New technological advances will allow greater electrical output without affecting the existing footprint of the site. The project includes upgrades to the generator, electrical systems and cooling systems. The combination of more nuclear fuel use and a more efficient system will result in increased power production. The estimated cost of the uprate project is \$750 million.

Evaluation

Public comments were solicited and included in the agency report as part of the review process. Two of the main issue areas (Safety/Security and Infrastructure Costs/Sustainability) raised by the public are outside the purview of the Florida Department of Environmental Protection Site Certification Application process. The safe transport and storage of fuel, the sustainability of the project considering vulnerability to sea level rise and the handling of costs associated with the project remain issues of concern. Consistency with the following goals and policies of the *Strategic Regional Policy Plan (SRPP)* for South Florida should be maintained.

Goal 3	Promote the health, safety, and welfare of South Florida's residents.
Policy 3.7	Reduce exposure to environmental contaminants and hazards in the Region's ground, air, and water.
Goal 4	Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.
Policy 4.9	Ensure that local governments establish as wide a range of financing methods for the provision of public facilities as possible. Where impact fees are assessed, procedures, schedules, and programs for the expenditure of these fees in a timely and equitable manner shall be developed.
Policy 4.10	Encourage the application of resource recovery, recycling, cogeneration, district cooling, water re-use systems, and other appropriate mechanisms where they are cost-effective and environmentally sound as a means of reducing the impacts of new development on existing public facilities and services and decreasing the costs of providing new public facilities and services.
Goal 9	Develop clean, sustainable, and energy-efficient power generation and transportation systems.
Policy 9.2	Encourage the development of renewable, clean fuels and energy-efficient enterprises to serve our communities and national markets.
Policy 9.7	Assess the impacts of global climate change and sea-level rise on South Florida's resources and land uses.
Goal 19	Direct future development away from areas most vulnerable to storm surges.
Policy 19.7	Require any development or redevelopment that occurs in a Coastal High Hazard Area to include features that mitigate hazard impacts and promote public safety and welfare.

The Turkey Point Upstate Project will be completed without requiring the construction of new buildings, additional transmission lines, or changes in fuel handling facilities. The footprint of the existing site will not be altered. Additional fuel will be used to increase the electrical output but the handling and storage of nuclear fuel and related waste will remain the same.

The increased power will result in increased water temperatures, evaporation, and salinity levels. While increases in salinity levels and temperature will be minimal, Council staff remains concerned about the effects on water quality, Biscayne Bay, and nearby animal and plant life.

Staff recommends that, if this application is approved, 1) impacts to the natural systems be minimized to the greatest extent feasible and 2) the Florida Department of Environmental Protection determine the extent of sensitive wildlife and vegetative communities in the vicinity of the project and require protection and or mitigation of disturbed habitat. This will assist in reducing the cumulative impacts to native plants and animals, wetlands and deep-water habitat and fisheries that the goals and policies of the SRPP seek to protect.

The proposed project should be consistent with the goals and policies of the Miami-Dade County Comprehensive Development Master Plan and its corresponding land development regulations. It is important for the applicant to work closely with the County and relevant environmental agencies to monitor and mitigate any negative impacts County to address development order conditions and achieve acceptable water quality standards.

The goals and policies of the *SRPP*, in particular those indicated below, should be observed when making decisions regarding this project:

Goal 14 **Preserve, protect, and restore Natural Resources of Regional Significance.**

Policy 14.1 Address environmental issues, including the health of our air, water, habitats, and other natural resources, that affect quality of life and sustainability of our Region.

Policy 14.3 Protect native habitat by first avoiding impacts to wetlands before minimizing or mitigating those impacts. Development proposals should demonstrate how wetland impacts are being avoided and what alternative plans have been considered to achieve that objective.

Appendix II-7: Department of Transportation Agency Report

**FLORIDA DEPARTMENT OF TRANSPORTATION
TURKEY POINT UPRATE PROJECT
JULY 2008**

SECTION I. CORRIDOR LOCATION ISSUES

No outstanding issues.

SECTION II. OUTSTANDING SUFFICIENCY ISSUES

No outstanding issues.

SECTION III. VARIANCES TO STANDARDS

No variances requested.

SECTION IV. SPECIAL USE PERMISSIONS

No special use permissions requested.

SECTION V. RECOMMENDATION FOR CERTIFICATION

The Florida Department of Transportation recommends the certification of the proposed power plant expansion. This recommendation is made contingent upon the conditions of Section VI being addressed/met.

SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION

6.1 REQUEST FOR RESTRICTED AREAS

No requests for restricted areas are necessary.

6.2 POST CERTIFICATION REVIEW ITEMS

Access Management to the State Highway System: Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

Overweight or Overdimensional Loads: Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles,

Florida Administrative Code.

Use of State of Florida Right of Way or Transportation Facilities: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. U.S. 1 has been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

Standards: The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

Drainage: Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby.

Use of Air Space: Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the

structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

Level of Service on State Roadway Facilities: All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FIHS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

SECTION VII BEST MANAGEMENT PRACTICES

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

Placing a bulletin board on site for car pooling advertisements.

Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.