



Florida Department of Environmental Protection

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July 9, 2008

TO: Toni Sturtevant, OGC
FROM: Mike Halpin, Siting Coordination

Pursuant to § 403.5252, Florida Statutes, the Department of Environmental Protection (DEP) after consulting with the affected agencies has determined that the portion of the Progress Energy Florida (PEF) Levy Nuclear Plant application concerning the associated transmission lines is not complete.

The following Item I represent the DEP- Siting Coordination Office's request for additional or clarifying information; item II the DEP – Southwest District; item III DEP– Central District; item IV the DEP – Northeast District; item V the DEP – Office of Greenways & Trails (OGT); item VI the Fish and Wildlife Conservation Commission (FWCC); item VII the Southwest Florida Water Management District, item VIII the Tampa Bay Regional Planning Council (TBRPC); item IX the Withlacoochee Regional Planning Council (WRPC); item X the East Central Florida Regional Planning Council (ECFRPC); item XI the Hillsborough County Environmental Resource Commission; item XII Hillsborough County; and item XIII Sumter County.

The applicant should identify any items which may be more suitably handled through post-certification submittals, as well as propose related conditions of certification. Requests for completeness items related to federal permit applications are processed directly by the federally delegated or approved program and are not shown herein.

ITEM I DEP - Siting Coordination Office

1. Please provide an electronic copy of the EzEMF program files for each cross-section.
2. Please explain why the left edge of the proposed Right-Of –Way for Cross-Sections 3.2-11, 3.2-13, 5.2-3, 5.2-5, 6.2-3 and 6.2-5 appear to exceed standards.

ITEM II DEP- Southwest District Environmental Resource Permitting Program

1. Please revise the aerial surveys, to include the following:
 - Clearly show the proposed corridor on aerial photos. The photos should be scaled at 1:400 or less.
 - Show the limits of any wetlands located within the proposed corridor and the FLUCCS codes that correspond to each wetland.

2. Once the wetlands are delineated and the boundaries are approved by Department staff, provide a table that shows the potential wetland impacts (in square feet or acres). The table should include the types of wetlands impacted using FLUCCS codes and whether the impacts will be temporary or permanent. The Department recommends using the minimum and maximum span of the power lines to approximate the location of the poles. Also, include any impacts associated with fill roads. Refer to Chapter 62-343.900(1), Section E, F.A.C.
3. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where there is possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above. Refer to Chapter 3.2.4.1 of the Southwest Florida Water Management District Basis of Review (B.O.R.)
4. In areas where temporary or permanent wetland impacts occur, mitigation will be required, provide the supporting UMAM information required in Chapter 62-345, F.A.C. Also, provide a mitigation plan for the impact areas using UMAM. Finally, a restoration plan will need to be provided for the impact areas. Refer to Chapter 62.345, F.A.C.
5. If this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest. Refer to Chapter 3.1.1 of the B.O.R.
6. Provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands, sovereign state lands, or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands, sovereign state lands, or within an aquatic preserve then the project must comply with Chapter 18-20 and 18-21 F.A.C. and Chapter 253 and 258 Florida Statutes (F.S.) and section G of the Joint Application for Environmental Resource Permits must be completed and submitted to the Department prior to construction. Refer to Chapter 62-343.900(1), Section G.
7. Volume 2, Sheet 9-A3-15 states that the transmission line from the Holder Substation to Ross Prairie Substation will traverse the Withlacoochee State Trail, the Withlacoochee River, the Hálpata Tastanaki Preserve, and the Ross Prairie State Forest. In these areas is the transmission line wholly located within PEF's existing 500/230-kv transmission line easement? Will there be any additional impacts to wetlands for the construction and operation of the proposed line?

8. Volume 2, Sheet 9-A3-15 states that the transmission line from Anderson Substation to SR 44 will traverse the Withlacoochee River. In these areas is the transmission line wholly located within PEF's existing 500/230-kv transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?
9. Volume 3, Figure 9-A5.3-6 shows the proposed transmission line corridor passing through the Withlacoochee State Forest and the Chassahowitzka Wildlife Management Area. In these areas is the transmission line wholly located within an existing transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?
10. Volume 3, Figure 9-A7.3-5 shows that part of the Crystal River East Substation may be located within a conservation area. Please provide a copy of this conservation easement.
11. Volume 4, Sheet 9-8A-14 states that the proposed corridor will cross one state trail, seven SWFWMD lands, four Outstanding Florida Waterbody's (OFW's), six county lands, four recreation areas, one state park, and one SWWMD preserve area. In these areas is the transmission line wholly located within an existing transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?
12. Are the UMAM scores solely for the impacts associated with the LNP? Or, do the UMAM scores include the wetland impacts associated with the transmission lines? If the Please show the locations of the scored wetlands on an aerial photo and contact Greg Nieboer at 813-632-76300 ext. 360 for an onsite verification of the UMAM scores.
13. Volume 2, Sheet 9-A3-22 states that the Marion County identifies the need to minimize impacts to the Cross Florida Greenway and states in Policy 2.23 that the County will coordinate with the State to minimize the effects of utility lines crossing the Cross Florida Greenway. The policy identifies design considerations such as burying lines, co-locating within existing lines, and to narrow corridors. Therefore, please provide documentation on how has this criteria been met?
14. Volume 4, Sheet 9-A8-16 states that pursuant to Policy 23.1, the construction of new overhead utilities is prohibited within 250 feet of rivers, unless underground placement is clearly demonstrated to be environmentally or technically unsound. The policy also states that the construction of transmission lines for electric power is permitted in existing, approved corridors. In these areas is the transmission line wholly located within an existing transmission line easement?

Industrial Wastewater Program

1. The submitted information fails to indicate whether any industrial wastewater will be generated during construction. However, in the event that dewatering activities are deemed necessary during construction activities it is recommended that the applicant contact the IW

program for permitting requirements for the disposal of the generated groundwater during such activities. Please contact Mr. Mike Lukowich, P.E., IW/Permitting Supervisor at 813-632-7600 extension 402.

ITEM III DEP – Central District
Environmental Resource Permitting Program

1. A determination of completeness cannot be made until a specific location for the proposed Central Florida South Substation and associated facilities is provided. Therefore, the FDEP Central District considers the site certification application incomplete until the applicant provides a specific location, in addition to any other requested information.
2. A minimum of 90 days prior to the commencement of construction, provide all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that any temporary or permanent impacts to wetlands will be avoided or mitigated for. The drawings and documentation shall be signed, sealed and dated by a professional engineer licensed in the State of Florida. Refer to Chapter 62-343.900(1)(Section E and C). Also, clearly delineate the location of the existing wetlands and surface waters within the preferred corridor and substation project area on aerial photographs and flag the wetland jurisdictional line for field verification. Include the types of wetlands and surface waters using FLUCCS codes. Refer to Chapter 62-343.900(1)(Section E)(Part III) Florida Administrative Code (F.A.C.). The submitted information shall also include engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with rules adopted by the Department. The engineering drawings and documentation shall be signed, sealed and dated by a professional engineer licensed in the State of Florida.
3. The applicant shall provide information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with rules adopted by the Department. The applicant shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.
4. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.
5. The Department shall notify the licensee in writing that the information is complete upon review of all requested information and the correction of any errors or omissions. Construction shall not begin until the Department has provided written notification of approval of the project including the wetland mitigation plan as applicable. Such approval or denial shall be provided within 30 days following completeness of the information.

6. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above.
7. A minimum of 90 days prior to the commencement of construction, provide reasonable assurance that impacts to wetlands and surface waters have been avoided or minimized. If impacts are unavoidable, provide complete details to a mitigation plan that will offset all wetland or surface water impacts associated with the project, in accordance to Chapter 62.345 F.A.C., and Chapter 12.2.1.1 and 12.3 of the St. Johns River Water Management District (SJRWMD) Applicant's Handbook.
8. If wetland or surface water impacts are proposed, prior to construction, provide an aerial survey that clearly shows the impact areas. The survey should include the square footage of impacts, identification of the types of wetlands and surface waters to be impacted using FLUCCS codes, and whether the impacts will be temporary or permanent. Refer to Chapter 62- 343.900(1)(Section E)(Part) F.A.C.
9. A minimum of 90 days prior to the commencement of construction, provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands or within an aquatic preserve, then the project must comply with Chapter 18-20 and/or 18-21 F.A.C., Chapter 253 and 258 Florida Statutes (F.S.), and Section G of the Joint Application for Environmental Resource Permits must be completed and submitted to the Department prior to construction. Refer to Chapter 62-343.900(1), Section G.
10. A minimum of 90 days prior to the commencement of construction please provide reasonable assurance that the construction of the transmission line and substation is not contrary to the public interest. Or, if this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest. Refer to Chapter 12.1.1 of the SJRWMD Applicant's handbook.

ITEM IV **DEP - Northeast District**
Environmental Resource Permitting Program

1. Please clarify the scope of wetland impacts resulting from the project. Please indicate if impacts are temporary or permanent and if they are in forested or non-forested wetlands. FLUCCS Code designation is fine.
2. Please provide a mitigation plan that will adequately offset the proposed amount of wetland impacts for the entire project. Provide a detailed description of restoration, enhancement, or creation activities that are proposed. If credits are going to be purchased from mitigation banks servicing the affected areas, credit reservation letters must be submitted prior to the issuance of a permit. Credits must be sought from banks servicing the basins in which the impacts occur.

ITEM V DEP – Office of Greenways & Trails (OGT)

1. OGT needs to know exact size and locations of ALL transmission lines in this area in order to clarify impacts and make decisions on location of other facilities.
2. OGT would request a rerouting of the current 69KV lines to be co-located with the new proposed corridor for the 500 KV lines.
3. ROW request Inglis Island New and existing – 705'. Verbal discussions with PE contradict this and imply they would actually need a wider corridor.
4. Spacing for poles is between 1,000' to 1,500'. Need to see how the spacing will occur over the river below the dam to make sure they will not be installed in our parking lot.
5. Weathering steel mono poles requested if determined by DEP to be most appropriate.
6. Colors/textures/ aesthetic improvements to poles as proposed by DEP/OGT
7. Desire shade structures or other amenities for trail users along transmission corridors
8. Timber rights need to be discussed where trees must be cleared for PE facilities. (How are timber revenues handled?)
9. Need clarification on access across corridors, gates, maintenance vehicles, etc.
10. Vegetation and landscaping plan along corridors needs to be agreed to by OGT

ITEM VI Fish and Wildlife Conservation Commission (FWCC)

Volumes 2-4 provide information on the Transmission Line Corridors. The text, tables, and figures associated with each section of the transmission lines indicates possible occurrence of state and federally listed species.

It is not clear how much of the area was actually surveyed for listed species. Please see the comments on the Environmental Report for additional information that is needed regarding survey and monitoring.

The text indicates that a 25-foot buffer will be provided for any gopher tortoise burrows and relocation of the tortoises if necessary. The text also indicates that necessary buffers will be maintained around the bald eagle nests. Proposed transmission line corridors would cause take of habitat for the threatened Florida scrub jay on state and private lands.

Volume 3, Section 9-AS, Brookridge Line, did not address the presence or migration of whooping cranes in nearby Chassahowitzka Wildlife Management Area or on the Goethe State Forest. It is not clear from the text what avoidance, minimization or mitigative measures will be taken, during construction and maintenance of the transmission lines, to protect and conserve the other listed species.

The applicant will need to provide conservation and mitigation measures for state-listed species in accordance with Chapter 68A-27, Florida Administrative Code.

Descriptions of each section of the transmission lines, contained in Volumes 2-4, indicated that additional right-of-way will be needed to co-locate much of the transmission line system. Depending upon the line and location, the additional right-of-way may vary even within the same line. Some of the lines are adjacent to or cross public conservation lands.

The applicant will need to address the State's Linear Facilities Policy where proposed transmission corridors would cross public conservation lands.

The applicant should also indicate what measures will be undertaken during construction and routine maintenance to prevent interference with necessary habitat management on these conservation lands. Sec. 5.6.1.1 states that "The majority of listed species observed in the LPC [Levy Plant Complex], LCR [Crystal River Energy Complex switchyard], and LCFS [Central Florida South Substation] corridors are mobile avian species that could relocate to similar habitat during construction activities." The listed avian species this project is likely to affect are listed in large part because there is insufficient suitable habitat remaining to support the species; this is true not just on private lands but also on public lands. Lands converted or altered during the construction of this project are unlikely to support listed species post-construction unless habitat restoration and management activities are planned. This statement assumes that other suitable, unoccupied habitat is available and near the displaced individuals, clans, or groups.

The applicant should describe methods to minimize or mitigate for species that will be displaced.

ITEM VII Southwest Florida Water Management District (SWFWMD)

This proposed transmission corridor crosses and potentially impacts seven District land resources: Hálpata Tastanaki Preserve, Two Mile Prairie, Lake Panasoffkee, Annutteliga Hammock, Upper Hillsborough FDA, Lower Hillsborough FDA, and Brooker Creek Preserve.

As stated in the application, the proposed corridor co-locates with existing transmission line corridors that vary in width. If acquisition of easements or other property interests becomes necessary to secure any right of way on or through District properties, additional information will be necessary, to include independent appraisals, certified boundary surveys and detailed surveys of natural resources and archaeological information within proposed new corridors on District lands. There are some generic questions that apply to all corridors that may be sited on District lands that were not clearly addressed in the application. They are as follows:

1. District Acquisition Purpose: Explain how compensation will be given to the District for disturbance and alteration of wetlands on District owned conservation lands that were acquired for water resource protection.
2. Public Use: Given the length and connectivity of these power line corridors, explain whether PEF will allow expanded corridors to be utilized as connector recreation trails to enhance public use opportunities.
3. Land Management: Explain how the District's prescribed burning practices on adjoining District lands will be affected by the expanded power lines. Explain how PEF will maintain exotic vegetation in the expanded areas to prevent infestation of adjoining lands.

Specific concerns per property are listed below:

Hálpata Tastanaki Preserve – Marion County

A current corridor in Sections 18 and 19 in Township/Range 17/20 and STR 24/17/19 in southern Marion County is also part of the LPN proposed corridor. The current 420 foot wide easement granted to Florida Power through District-owned Hálpata Tastanaki Preserve may be adequate for the LPN Corridor. Widening the corridor would impact property purchased for conservation purposes.

4. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Two Mile Prairie – Citrus County

A current corridor in Sections 25, 26, 34 and 35 in Township/Range 17/19 in northern Citrus County is also part of the LPN proposed corridor. This corridor runs through District-owned Two Mile Prairie. However, a partial release of easement recorded in Book 1164/Page 0455 of the official records of Citrus County was granted in December, 1996. This partial release of easement removed Florida Power's right to utilize the entire portion of this corridor lying within Two Mile Prairie. District staff is not able to locate any instruments authorizing such land use on this property subsequent to this recording. The granting of additional interests in this property may be required to proceed. Widening the corridor beyond the footprint of the 420 foot wide easement released in 1996 would impact property purchased for conservation purposes. Two Mile Prairie is jointly owned by the Board of Trustees of the Internal Improvement Fund and the District but managed by the Department of Forestry under a management agreement between the District and DOF.

5. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Lake Panasoffkee – Sumter County

Near Sections 32, 33, 34 and 35 in Township/Range 18/22 and Sections 3, 4, 5 and 10 in Township/Range 19/22, the proposed corridor lies north of Route 44 and West of Interstate 75 resulting in no impacts to District lands. If the corridor is expanded south of 44 and/or east of 75 in this area, the Lake Panasoffkee Tract may be affected. The Lake Panasoffkee Tract was purchased for conservation purposes.

6. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Annutteliga Hammock – Hernando County

In Sections 15, 22, 27 and 34 in Township/Range 21/18, the proposed corridor runs through an existing power line corridor none of which the District owns. The existing corridor is contiguous with several District-owned parcels that were purchased as part of the Annutteliga Hammock project. If the proposed facilities remain within the existing 295 foot wide corridor, District Lands will not be affected. If the corridor is widened, several District-owned parcels will be affected. Annutteliga Hammock was purchased for conservation purposes.

7. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Upper Hillsborough – Polk County

PEF proposes to collocate with an existing power line corridor at this point (see map). This new corridor will impact the conservation easement held by the District over parcel 13-508-103C totaling 7,000 acres. The conservation easement was purchased by the District for preservation and protection of water quality protection, flood protection and natural systems. As stated in the application, new easements will be needed from the fee simple and easement owners. The added widening and clearing of the existing corridors will impact existing natural areas and wildlife which is contrary to the purposes for acquisition and the conservation easement.

8. Please identify and address any compatibility issues between the conservation easement and the proposed power line corridor.

Lower Hillsborough FDA – Hillsborough County

PEF proposes to collocate with an existing transmission corridor. This property was purchased for preservation and protection of water quality protection, flood protection and natural systems. The initial purchases were to support construction of the Four River Basins flood control project a partnership project with US Army Corps of Engineers. The public purpose of this property as a flood control project should not be affected by the public purpose of the power line corridor. The entire western portion of the property has a man-made levy to keep floodwaters from the Hillsborough River in the river flood basin. As stated in the application new easements will be needed from the fee simple owner. As a Four River Basins flood control project this is a

certified recreation area. A partnership agreement with the Corps and Hillsborough County has been in place since the early 1970's and resulted in the construction of several park sites within a 16,000 acre tract of conservation land. The parks are considered premier sites for Hillsborough County and additional widening and clearing of the existing corridors will impact existing natural areas and wildlife and likely impact the parks which is contrary to the purposes for acquisition.

9. Please identify and address any compatibility issues between the Four River Basins flood control project purpose, the regional recreation use on the property and the District's purposes for acquisition.

Brooker Creek Headwaters Preserve – Pinellas County

PEF proposes to collocate with an existing transmission corridor. This property was purchased for preservation and protection of water quality protection, flood protection and natural systems. Pinellas County manages the property as a part of its land holdings adjoining District lands. This is one of the remaining natural areas in Pinellas County and considered a premier regional recreation area and environmental education site. Additional widening and clearing of the existing corridors will impact existing natural areas and wildlife and likely impact the park which is contrary to the purposes for acquisition.

10. Please identify and address any compatibility issues between the regional recreation use on the property, the District's purposes for acquisition and the proposed power line corridor.

ITEM VIII Tampa Bay Regional Planning Council (TBRPC)

1. Please discuss how the project within Hillsborough and Pinellas counties will become consistent with the following adopted Council goals and policies, from the Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005):
 - 2.19: Consider existing and future land use plans when siting public and semi-public facilities of affected jurisdictions and appropriate agencies and the impact on the quality of life of any adjacent residential neighborhood(s).
 - 4.43: Protect, preserve, and restore all regionally-significant natural resources shown on the Map of Regionally-Significant Natural Resources.
 - 4.44: Allow impacts to regionally-significant natural resources only in cases of overriding public interest and when it is demonstrated and/or documented that mitigation will successfully recreate the specific resource. Mitigation should meet the following ratios, at minimum:
 - FNAI Natural Communities 3:1
 - LULC Habitat Dry 2: 1
 - LULC Habitat Wet 3:1
 - 4.45: Ensure that mitigation by habitat re-creation employs native plant material which provides the same natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.

- 4.46: Recognize that, consistent with other policies in this section, permitted mitigation banking shall set the criteria for impact mitigation.
 - 4.47: Recognize that mitigation efforts shall be:
 - Performed within the same drainage basin where the unavoidable impact to regionally significant wetlands occurs; and
 - Allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.
 - 4.48: Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio should be twice the habitat recreation ratio set forth in policy 4.44.
 - 4.57: Ensure that land use decisions are consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.
 - 4.136: Hold recreation and park sites inviolate against diversion to other uses, except in cases of overriding public interest.
 - 4.1 38: Protect the natural resources of regionally-significant parks, greenways, preserves, and conservation lands from incompatible land uses adjacent to these areas. Include pedestrian trails, where appropriate.
2. Please provide a description of how the proposed project will meet each section of the Hillsborough and Pinellas counties and the Tampa, Plant City and Oldsmar Land Development Codes, in order to reduce the necessity of conditions of certification.
 3. What will be the source and noise level of the proposed transmission facility that will require an exemption to the Hillsborough and Pinellas County noise ordinances?
 4. Were the studies conducted for the siting of the existing transmission line reviewed for insights into the natural features along the corridor? Were any high quality or unique features identified in the previous surveys visited during the process of preparing this TL application?
 5. If surveys are not conducted for listed species (plant and animal) or archaeological/historical/cultural resources prior to right-of-way selection, how can the potential impact to listed species be determined and used as a selection criterion? Please describe the methodology that will be used to locate these species prior to final right-of-way selection so that potential impacts can be identified and avoidance/minimization/mitigation measures determined.
 6. The listed species information on pages 9-A8-38 - 44 describes the potential for occurrence of each listed species within the PHP corridor. There is no discussion as to whether the corridor provides breeding, nesting, or feeding habitat, and so it is not possible to determine if use as a transmission corridor would have an impact on the species which should be minimized, avoided or mitigated. Please provide more information on the use of the habitats within the corridor by each listed species, and the likelihood of impact to those species by right-of-way clearing, construction, operation and maintenance of a 230 kV transmission line. Information on the use of the existing, maintained right-of-way by listed species would be very useful in this regard.

7. Please describe the techniques and frequencies which will prevent invasive or nuisance species from vegetating the newly-cleared right-of-way or displacing native species within the right-of-way.

ITEM IX Withlacoochee Regional Planning Council (WRPC)

1. Electrical transmission facilities would require the construction of new substations and other associated infrastructure. What actions can the applicant take to minimize the total amount of new impervious surface area created as a result of these improvements?
2. If options exist for transmission facility placement within individual corridors, what criteria would cause a decision to cross land having designated conservation status or traverse a route in close proximity to transportation rights-of-way?
3. All first and second magnitude natural springs in a study area county or counties should be noted on maps identifying major water bodies and resource features. Specifically, how could best practices limit total impact to springs during transmission facility construction and maintenance phases?
4. Construction of electrical transmission facilities would require clearing of areas in preparation for use as right-of-way. Maintenance of right-of-way would impose additional limitations and conditions on natural systems. Understanding that the applicant intends to minimize impacts on water bodies, wildlife and the landform, what specific mitigation actions would follow the clearing of wetlands and uplands or the crossing of freshwater bodies and identified habitat areas?

ITEM X East Central Florida Regional Planning Council (ECFRPC)

1. The Council staffs concerns regard the Development of Regional Impact (DRI) area along the southern boundary of the corridor area in Lake County. Staff is concerned whether the Future Land Use map included in the application is representative of the DRI planned land use or the unchanged underlying future land use of Lake County/Leesburg. If the DRI planned land use is not included in the application, the ECFRPC is requesting the information for our review.
2. In Figure 9-A3, 3-4 (3 of 3), the ECFRPC staff is unable to determine where the candidate corridor is located upon reaching the Florida Turnpike. The language in the text of the application concerning the corridor alignment past the Florida Turnpike is not depicted in this figure. In order to conduct a concise review of the transmission h e corridor, a map should be included showing the corridor center line for the transmission line, in a clear manner, after leaving the Central Florida Substation.

ITEM XI Hillsborough County Environmental Resource Commission

Air Management

1. The Environmental Report (Appendix 10.1 1, Volumes 8 and 9) fails to address reasonable precautions in the form of detailed methods, practices and procedures to control unconfined emissions of particulate matter generated during construction of the transmission lines as required by Chapter 62-296.320(4)(c), F.A.C.
2. Reasonable precautions may include, but not be limited to, methods such as enforced speed limits of 10 miles per hour for vehicles travelling over exposed soils and other un-stabilized materials, curtailing operations during high wind conditions if necessary, application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of soils on right-of-ways, and construction of poles and lines, application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, seeding and mulching access road surfaces and other areas disturbed by construction activities to stabilize the soils.
3. In addition, the SCA fails to address open burning and noise issues within Hillsborough County. Pursuant to Chapter 1-4 (Open Burning), Rules of the EPC, the open burning of any vegetative materials generated from clearing of right-of-ways and access roads must receive EPC authorization. The applicant is also subject to the provisions of Chapter 1-10 (Noise), Rules of the EPC. (See attached rules)
4. Please be aware that if the construction of transmission line requires the demolition of existing structures or buildings, the demolition activities may be subject to the National Emission Standards of Hazardous Air Pollutants (NESHAP), Subpart M, Asbestos. In Hillsborough County, the applicant may contact EPC staff for more guidance, as necessary.

Waste Management

1. The information provided is complete for EPC staff to review Waste issues. However, as it pertains to the proposed construction of transmission line corridor(s) within Hillsborough County, the applicant should contact the Waste Management Division in order to determine the locations of the any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project sites.
2. The applicant must also ensure that the management of materials generated from the development or impact to any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project are properly managed. Further the applicant should be made aware that the development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the Environmental Protection Commission.

Wetlands Management

The information provided is not sufficient for EPC staff to issue a wetlands impact authorization in Hillsborough County. To obtain a recommendation of approval from EPC staff for subsequently submitted permits or plans, the following items should be addressed:

1. Delineations: Knowledge of the actual extent of the wetlands and other surface waters is necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-1 1, Wetlands, Rules of the EPC. The wetlands can be delineated by either EPC or Southwest Florida Water Management District staff. Once the wetlands and other surface waters have been delineated, wetland surveys must be submitted to EPC staff for review and formal approval. The approved wetland line must then be incorporated into the development of a site plan. The wetland line must appear on all site plans, labeled as "EPC Wetland Line", the wetland must be labeled as "Wetland Conservation Preservation Area", and the setback labeled as "30150-foot Wetland Conservation Preservation Area Setback", pursuant to the Hillsborough County Land Development Code (LDC).

Wetland Impacts

The project describes impacts to wetlands that have not been reviewed by staff or authorized by the Executive Director of the EPC. Although the EPC recognizes the statutory jurisdiction limitation of local environmental regulations pertaining to power plant sitings, the EPC provides the following comments as standard language for projects impacting wetlands in Hillsborough County. Chapter 1-1 1, Rules of the EPC, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible.

a. If it is the applicant's intention to proceed with the wetland impacts described within the submittal, a separate wetland impact/mitigation proposal and the appropriate review fee, as provided in Chapter 1-6, Rules of the EPC, must be submitted to the EPC for review. These impacts include, but are not limited to, improvements to existing facilities, creation of new facilities and the conversion of forest wetlands to herbaceous wetlands. Please be aware that a submittal provides no reliance that the wetlands may be developed as proposed and that EPC staff cannot approve plans at the construction phase if unapproved wetland impacts are depicted. Therefore, it is strongly recommended that EPC staff authorization to impact wetlands be obtained prior to the submittal of any permits or construction plans.

b. Chapter 1-1 1.01, Rules of the EPC, states that development requiring mitigation be an avenue of last resort when reasonable use of the property is otherwise unavailable. To complete a proposal to impact wetlands, the applicant must provide detailed information through a separate process.

c. Plans or permits must, at a minimum, include the following information and must be included in all future submittals. Please be advised that omission of any of the following may result in a recommendation of denial from EPC staff.

- (1) Wetland lines, wetland areas and wetland setback lines must be labeled as "EPC Wetland Line", "Wetland Conservation/Preservation Area ", and "30150-foot Wetland Conservation/Preservation Area Setback Line" respectively pursuant to the Hillsborough County Land Development Code. Failure to properly label these features on

future plans may result in a recommendation of denial from this agency. The setback line must be shown in its entirety even if impacts to the setback are proposed. Furthermore, where setback encroachments are proposed, a narrative shall be submitted describing the necessity for the setback encroachments proposed, and measures taken to protect the wetland areas from construction related impacts.

(2) All wetland impacts must be labeled, cross-hatched, and acreage calculated on all plan sheets where they appear. Proposed mitigation must be shown and labeled.

(3) Erosion control devices must be placed between the Wetland Conservation/Preservation Area and the area to be developed (typically along the wetland setback line). Suitable erosion control devices must be in place prior to any disturbance of materials on site, and must remain in place until all loose soils have been stabilized. The method of erosion control to be used (i.e., silt screens, etc.) must be stated and the placement (i.e., along the wetland setback) must be indicated.

(4) Cross-sections must be included where wetlands or the wetland setback interface with roads, stormwater sumps/ponds, or any other graded feature. These cross-sections must accurately depict the EPC Wetland Line and Wetland Setback Line, erosion control devices, the toe of fill, proposed and existing grades, and vertical and horizontal scales. The depths of any ponds proposed for excavation adjacent to wetlands must be shown along with hydrologic information for the wetlands.

(5) Construction plans must be submitted along with a complete set of drainage calculations that include all wetland seasonal water elevations.

General Comments/Conditions:

a. A 30150-foot setback must be maintained around each Wetland Conservation/Preservation Areas and the **setback line must also be shown on all future plan submittals**. Land alterations within this setback are restricted, as per the Hillsborough County Land Development Code (LDC). Exceptions are allowed only with specific recommendation of the EPC and with approval of the Natural Resources Review Team of the Hillsborough County Planning and Development Management Department, and/or the Land Use Hearing Officer.

b. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-1 1, the EPC Wetland Rule. Silt screens or other EPC approved methods or erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

c. Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without, written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1- 1 1, Rules of the EPC.

d. At any time prior to approval of construction plans for this project, EPC staff may identify other legitimate concerns as they become obvious.

ITEM XII Hillsborough County

According to Section 9-A8.2.4, Progress Energy's transmission poles are expected to range from 80 feet to 145 feet in height; therefore, they will be subject to the County's Large Facilities Ordinance set forth in Ordinance 3-29.

1. Progress Energy shall adhere to all non-procedural conditions of the Utilities Accommodation Guide related to large facilities in the rights-of-way for transmission poles larger than 24 inches in diameter or poles exceeding 75 feet in height.
2. The County hereby requests the diameter of the transmission poles to be located in the County.

Planning & Growth Management

A. Natural Resources

1. An evaluation of the Polk-Hillsborough-Pinellas (PHP) corridor identified the existence of Significant Wildlife Habitat (SWH) as depicted on the County's Significant Wildlife Habitat Map. PHP sectional maps where SWH was observed include Figures 9-A8.3-5, 7-9 and 11 of 12. The County's Land Development Code defines SWH as contiguous stands of natural plant communities which have the potential to support healthy and diverse populations of wildlife. Upland SWH is defined as an environmental sensitive area per the Land Development Code. The potential for upland SWH existence within the boundaries of the PHP corridor shall require, during the site plan review process, a determination of the existence, type, and extent of any upland significant wildlife through a formal delineation approved by the Natural Resources Unit.
2. Preservation of significant wildlife habitat shall be required where necessary to prevent fragmentation of a wildlife corridor as determined by the County. The proposed corridor should be adjusted to minimize their adverse impacts to Significant Wildlife Habitat.
3. If unavoidable, in-kind mitigation of upland SWH should consist of off-site preservation consistent with the preservation requirements in the County's Land Development Code Section 4.01.09 and must be the same type of habitat either xeric or mesic or land which can be restored to the same type of habitat as the natural plant community being adversely impacted onsite by the development.
4. As indicated in the application, the PHP corridor contains suitable habitat to potentially support populations of listed plant and animal species. The appropriate pre-clearing wildlife surveys will be required during the site plan review process to determine the presence of listed species. Species documented to reside in the Levy Nuclear Plant ("LNP") site and associated corridors include, but are not limited to, the gopher tortoise, wood stork, white

ibis, bald eagle, Southeastern American Kestrel and sandhill crane. Surveys should be timed to include the breeding seasons of those species most likely expected to reside within the corridor. Essential wildlife habitat shall be addressed as defined in the County's Land Development Code Section 4.01.10 for the PHP corridor within Hillsborough County.

5. According to the Environmental Report, gopher tortoises were documented to reside with the LNP and associated corridors. The County would like a copy of the pertinent Florida Fish and Wildlife Conservation Commission tortoise permit for the PHP corridor.
6. Active bald eagle nests (HIL-028) indicated on PHP Regional Screening Figure 9.A8.3-2 must be graphically depicted with required buffer zone on any preliminary site plans submitted during the development review process. Progress Energy shall protect the required buffer zone by locating and redesigning proposed improvements to ensure no adverse impact to the active nests. Construction phases consisting of right-of-way clearing, access road construction, line construction, active restoration or any other related activities are required to comply with the *National Bald Eagle Management Guidelines (2007)*.
7. The PHP corridor overlays the following publicly owned lands: Flatwoods Wilderness Park and Lake Park. As a public preserve, any impacts, direct or secondary, to either preserve would require that a project compatibility plan be reviewed and approved by the County. This plan must focus on the continued protection of the preserve and ensure that the proposed impacts will not interfere with the habitat management and conservation objective of the property.
8. This project is subject to the requirements of the Hillsborough County Land Development Code Section 4.01 including the preservation of trees, natural vegetation, and environmentally sensitive areas. The County requests that a field meeting be scheduled with its Planning & Growth Management Department to determine the location of significant trees within the proposed corridor. The limits of the corridor boundaries must be staked prior to scheduling the field meeting. The field meeting should be conducted prior to the submittal of the construction plans. All trees identified must be accurately located on the grading sheet and improvement detail sheets. Every effort must be made to retain identified trees. Failure to retain these trees will necessitate their replacement, if applicable, per Section 4.01.06.A.6 of the Land Development Code. A replacement plan must identify the total Diameter Breadth Height of the tree trunk, the location, species, grade quality and size of replacement trees pursuant to 4.01.06.A.7 Article 4 of the Land Development Code.
9. All trees confirmed as a Grand Oak must be accurately located and labeled as such on Progress Energy's site construction plan. The emphasis of the Land Development Code is to preserve Grand Oaks and every effort must be made to design proposed improvements around them. Failure to demonstrate the preservation of a Grand Oak(s) after all efforts have been explored shall require replacement as specified in Section 4.01.06.A.7 of the Land Development Code.

B. Transportation

1. During the construction of the proposed transmission line, all construction truck traffic going to the construction site must follow the County's Truck Route Plan. A truck may leave a designated truck route and drive on a County road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck routes can be found on the Hillsborough County Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 19th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33602.
2. The County requests that truck drivers who will be transporting equipment and materials for the new transmission line be respectful of residential neighborhoods and surrounding land uses when traveling to and from the construction site.
3. The County's Comprehensive Plan requires that all development on or adjacent to planned future corridors designated for improvement in the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County and identified on the Corridor Plan Listing be consistent with the transportation functions of those corridors; therefore the County requests that Progress Energy coordinate with the County's Planning and Growth Management Department to prevent encroachment by structures, parking areas, or drainage facilities, except as may be allowed on an interim basis in accordance with the Comprehensive Plan.

C. Community Planning

1. Three historic resources located in Hillsborough County and previously recorded in the Florida Master Site File (FMSF) may be located within or adjacent to this corridor. 11303 Knights Griffin Road (8H15323) and 11404 Knights Griffin Road (8H15324) have both received a determination of ineligibility for listing in the National Register of Historic Places (NRHP) by the State Historic Preservation Officer (SHPO). The Antioch General Store, 12650 N McIntosh Road (8H16416), has not been evaluated for listing in the NRHP by the SHPO but is listed in the Hillsborough County Historic Resources Inventory. Per the Hillsborough County Land Development Code Section 03.03.00, the County's Historic Resources Review Board (HRRB) may review development applications that affect properties listed in or abutting those listed in the Historic Resources Inventory.
2. Twenty-seven archaeological resources located in the County and previously recorded in the FMSF may be located within or adjacent to this corridor. 8H143, 8H14057, 8H14058, 8H14059, 8H14060, 8H14061, 8H14062, 8H14063, 8H14064, 8H14065, 8H14079, 8H15431, 8H116771, 8H16772, 8H17842, 8H19672, and 8H19673 have received a determination of ineligibility for listing in the NRHP by the SHPO. 8H1380 and 8H1539 were determined to have insufficient information available regarding their NRHP eligibility by the SHPO. 8H170, 8H1428, 8H1474, 8H1495, 8H1496, and 8H16940 have not been evaluated for listing in the NRHP by the SHPO. 8H1381 and 8H14056 have been determined to be potentially eligible for listing in the NRHP by the SHPO. Archaeological site 8H17842 is located within the city limits of the City of Tampa. Progress Energy should contact Dennis Fernandez at (813) 274-7984 for information regarding historic and archaeological resources in the City of Tampa. Archaeological sites 8H19673 and 8H19672 are located within the city

limits of the City of Plant City. Progress Energy should contact the City of Plant City at (813) 659-4200 for more information regarding historic and archaeological resources located within their city limits.

3. Knights Griffin Road, US Highway 301, Morris Bridge Road, Livingston Avenue, Hanna Road, County Road 685, Gunn Highway, and Race Track Road are designated Rural Scenic Roadways. Progress Energy shall ensure that the siting and construction of the transmission line comply with the County's Land Development Code, Section 6.06.03.1 Scenic Roadways.

D. Neighborhoods

1. The proposed line cuts through both the Urban Service Area and the Rural Service Area. The County is concerned with the compatibility of uses and impacts on its communities, specifically striving to facilitate the protection of the character of the surrounding neighborhoods. The intensity of the proposed transmission line development must not create external impacts that adversely affect surrounding residential uses.
2. Progress Energy shall ensure that the transmission line is compatible with adjacent uses through the use of, but not limited to, screening and buffering along the ground plane, and consistent transmission structure design limited to monopoles except where safety considerations require the erection of other transmission structures.
3. Progress Energy shall reduce the negative effects of external impacts resulting from transmission line related factors including, but not limited to, traffic and noise.
4. The compatibility of any new buildings, accessory structures and appurtenances with the neighborhoods, shall be achieved through controlled access, building orientation, building mass, scale, and height, as well as site planning techniques including screening and buffering.
5. Progress Energy shall endeavor to hold regular community, neighborhood meetings and public meetings through the design, permitting, and construction phases of the project and address the concerns of residents and other stakeholders affected by the placement and construction of the transmission line.
6. The County requests that Progress Energy coordinate with the County's Office of Neighborhood Relations in obtaining updated homeowner association and civic groups contact information to notify these organizations of the proposed transmission line siting project as well as to provide them with periodic updates on the development process.
7. The County desires that Progress Energy work with Planning and Growth Management Department to identify the possible collocation of trails and other compatible opportunities within the transmission line-right-of-way.
8. Section 9-A8.4.5 provides that construction activities will be performed during the day time; however special circumstances may dictate that some activities be performed at night. Please

list what type of special circumstances would dictate night-time construction and the potential hours during which this construction will occur.

Right-Of-Way Management

1. Progress Energy shall utilize and adhere to all of the non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-way Use Procedure Manuals, including, but not limited to, all County design and construction standards, and protection of existing traffic controls, overhead and underground power lines installations procedures, permanent restorations for areas beyond the edge of pavement, and permanent pavement restorations.
2. Progress Energy needs to contact the Greater Tampa Utilities Group (GTUG) and all individual private and public utilities in Hillsborough County and coordinate the design and construction of the transmission lines within the County's right-of-way.

Public Works

1. Progress Energy shall contact the County departments managing design and construction of Capital Improvement Programs, infrastructure projects, and resurfacing programs and shall coordinate the subject permit application issues, the design and construction of the transmission power lines in the County with these departments. As a minimum, the following departments, division, sections, and agencies should be contacted: Water Resource Services, Solid Waste, the Public Works Department, (Engineering Division, Transportation Maintenance Division, Right-of-way Management Office, Design Engineering Services, Projects Management, Stormwater Management Section, Traffic Division), Parks and Recreation Department, Real Estate Department, Planning and Growth Management Department, and any other departments that is involved in the planning, design, and construction of infrastructure projects.
2. Progress Energy shall coordinate and resolve any and all known and potential conflicts with the above mentioned agencies, departments, sections, not only with the existing infrastructure and utilities, but also with all of the proposed and future utilities and infrastructure work, Capital Improvement Programs, etc, so as to avoid existing and future conflicts.
3. Progress Energy needs to contact Sunshine One Call and obtain a listing (Design and Construction tickets) of all of the existing underground utilities within the proposed transmission power line routes in Hillsborough County.
4. The County would like to know what public roadways are to be used for the transportation of the transmission poles, the type of carrier and wheel pressures that will be utilized and the times of day for the transport of said poles.
5. Is Progress Energy anticipating closing any public road during the project?

If so, Progress Energy needs to contact Hillsborough County's Right-of-way Management Office and coordinate their work and, if applicable, obtain a Temporary Traffic Control Permit whenever Progress Energy intends to impede traffic in any manner whatsoever and/or is working within 15 feet of the edge of pavement. Progress Energy may need to submit a signed, sealed, site specific Maintenance of Traffic (MOT) plan to the County for review and approval. Also, Progress Energy will need to provide to County a MOT plan for construction entrances and exits. This process also applies to all lane or road closures requests.

6. Progress Energy's design and construction plans shall be certified by Professional Engineers Registered in the State of Florida for all applicable disciplines required for this project, including, but not limited to, civil, structural, mechanical, and soil.
7. The County needs Progress Energy to minimize the impacts of the transmission line on intersection improvements by locating all proposed transmission line poles outside the ultimate configuration for all current and potential future signalized intersection.

Real Estate

It appears that Progress Energy may need to acquire property from the County in order to complete the corridor for the proposed transmission line. Once Progress Energy has identified what additional property is needed, Progress Energy will need to provide legal descriptions and sketches of the property to the County so that an evaluation of the potential impact, if any, of the proposed transmission line on the property can be made.

Water Resources Services

The County understands that the Progress Energy's PHP corridor is intended to utilize the existing corridor for the most part; however there may be instances where Progress Energy may need to acquire additional property. Once the corridor's boundaries are determined with respect to specific roads and easements, the County reserves the right to review this corridor to ensure that there are no issues such as corrosion of existing (ion) water transmission lines caused by electrical currents from the transmission lines.

Miscellaneous

The county hereby requests that Progress Energy:

1. Provide graphic or text information pertaining to existing population densities along the preferred route.
2. Identify existing and permitted developments along the preferred route.
3. Describe what efforts are being taken to reduce the visual and aesthetic impacts of the transmission line along the corridor.
4. Advise whether lattice towers are planned for any portion of the corridor or whether all of the transmission structures will consist of monopoles.
5. Advise whether Progress Energy owns the 300 feet of right-of-way discussed in Section 9-A8.3.2.1 which states that the PHP corridor from Hillsborough River to Lake Tarpon

Substation is approximately 300 feet wide until it approaches Lake Tarpon Substation. If not, how much right-of-way does Progress Energy own in this area.

ITEM XIII Sumter County

1. Section 9-A3.3.1.7 of the Application identifies the general location for a Proposed Central Florida South Substation. However, the general location appears to cover an area several thousand acres large. Given such a large area, a determination of land use suitability for the proposed substation is not feasible. Please provide a more definitive location of the proposed substation in order to facilitate a land use suitability determination.
2. Section 9-A3.3.6.2.1 of the Application provides a brief overview of the Sumter County Comprehensive Plan in regard to public utilities. However, the overview does not address any of the goals, objectives, or policies related to protection of environmental resources and neighborhood compatibility also contained within the Sumter County Comprehensive Plan. Please provide additional information regarding the proposed project and its consistency with the Sumter County Comprehensive Plan policies related to protection of environmental resources and neighborhood compatibility.
3. Section 9-A3.3.6.2.3 of the Application addresses pertinent sections of the County's Land Development Code and Code of Ordinances. On March 11, 2008, the Sumter County Board of County Commissioners adopted ordinance 2008-09 amending the Sumter County Noise Ordinance. Please verify consistency of the project with the revised Noise Ordinance. Also, the Application states that requirements for permits from Sumter County Public Works for utility improvements within the county's right-of-way. However, no commitment is made regarding obtaining proper permits from Public Works.
4. Section 9-A3.6.2.4 of the Application discusses the zoning approval required for the proposed Central Florida South Substation. The Application is correct in its determination that the proposed substation requires a Major Special Use approval under the County's Land Development Code. However, there is a discrepancy in the Application regarding jurisdiction of the location of the proposed Central Florida substation. The Application states in earlier sections that the proposed Central Florida substation will be located within either the City of Wildwood or the City of Leesburg. However, this Section states: "If the selected substation site is located within the unincorporated area of Sumter County, PEF will apply to Sumter County for a Special Use Permit". Please confirm if the proposed substation is planned to be located within the City of Wildwood or within unincorporated Sumter County.
5. The proposed transmission line has potential impacts to surrounding residential properties. County staff is concerned with the compatibility of uses and protecting the character of surrounding neighborhoods. The proposed transmission line must not create external impacts that adversely affect surrounding neighborhoods. Please describe the use of screening and buffering to minimize impact along the ground plane and how the visual and aesthetic impacts of the transmission lines to surrounding properties are mitigated.

6. Please provide information regarding what circumstances would require night time construction.
7. Please provide information regarding the public roadways used for the transportation of the transmission poles, the type of carrier, axle loading of the vehicles, and times of day for their transportation.
8. Please provide information (map or text) regarding population densities along the preferred corridor.
9. Please identify any large scale development existing or in review (Development of Regional Impact or Planned Unit Development) along the preferred corridor.



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July 1, 2008

Mr. Mike Halpin, Administrator
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blainstone Road, MS 48
Tallahassee, Florida 32399

RE: Site Certification Application, Progress Energy Florida Levy Nuclear Plant Units
1 and 2; Powerline Transmission Corridor, Levy County, Florida; First
Completeness Review and Request for Additional Information

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 Site Certification Application for the Progress Energy
Florida Levy Nuclear Plant Units 1 and 2 project and the associated Powerline
Transmission Lines Project and provide the following comments for consideration in the
application completeness review.

Project Description

Progress Energy Florida proposes to build and operate two 1154 (nominal electrical)
megawatt electric (MWe) advanced passive light water nuclear reactors (proposed Levy
Nuclear Plant Unit 1 [LNP 1] and proposed Levy Nuclear Plant Unit 2 [LNP 2]). LNP 1
and 2 will be located in Levy County, Florida. The project also includes several new and
expanded 500-kilovolt (kV) and 230-kV electrical transmission lines and substations, a
new rail line, new site access roads, and new offsite cooling water disposal pipelines that
will connect the Levy Nuclear Plant site to the existing Crystal River Nuclear Facility.
The site is located adjacent to and north of the Cross Florida Barge Canal approximately
seven miles from the coast.

Requested Information

Listed species surveys. The applicant, in the Environmental Report (Volumes 8 and 9),
indicated that various listed species (gopher tortoises [threatened], Florida scrub jays
[threatened], red-cockaded woodpeckers [species of special concern], Sherman's fox
squirrel [species of special concern]) were found at the proposed Levy Nuclear Plant site
and in or adjacent to the proposed Powerline Transmission corridors. FWC records
indicate that the transmission corridors are also within the range of the Florida mouse
(species of special concern), which is unlikely to have been detected during observational
surveys. The explanations of survey methodologies contained in Chapter 6 are very
brief. We request that the applicant provide additional information on the methodologies
used to survey for listed species, dates and times when the surveys were conducted,
location maps of the surveys and transect locations, and specific locations and numbers of
listed species found. It is also not clear what monitoring studies and survey protocols
will be conducted during and after construction. The applicant will need to provide

additional information that describes the monitoring plans and protocols, for all species (aquatic and terrestrial), that are anticipated to be conducted during construction, after construction, and for operational monitoring. We will need more detailed survey information prior to completion of the Levy Nuclear Plant and the associated Powerline Transmission Lines application.

Gopher tortoises. Chapter 6, Section 6.5.1.2.1, indicates that a gopher tortoise relocation plan will be developed in accordance with FWC guidelines. After the spring of 2009, new gopher tortoise management permitting requirements will be in place. These permits require either on-site or off-site relocation of all gopher tortoises potentially impacted by development, and a mitigation contribution to the FWC will be required for all relocation permits. We encourage Progress Energy to conduct on-site relocations to address any gopher tortoise issues, especially in the vicinity of the transmission lines, rather than off-site relocations where suitable habitat exists. The applicant will need to indicate if the on-site relocation plan is intended for different segments of the transmission corridor and plant location or as a complete "unit." The applicant will also need to identify any off-site recipient site locations for the relocation of the gopher tortoises. Chapter 6, Section 6.5.1.2.1 Important Species, does not provide any conservation measures for state-listed Florida mice or Sherman's fox squirrels. The applicant will need to provide conservation and mitigation measures for state-listed species in accordance with Chapter 68A-27, Florida Administrative Code.

Red-cockaded woodpeckers. Sec. 5.4.4.3 Biota Doses (pages 5-51 & 52), talks about the exposure of air-borne radiation to the terrestrial biota. "Table 5.4-16 shows that with the exception of the red-cockaded woodpecker (RCW) and northern bobwhite, the doses meet the 25 milliRoentgen equivalent man per year (mrem/yr) whole body dose equivalent criterion in 40 CFR 109." Using Fig. 2.7-16 – Wind Rose Jan. 1, 2001, to Dec. 31, 2005, approximately 20% of the winds in this area will be blowing onto inhabited red-cockaded woodpecker clusters and planned clusters on Goethe State Forest.

Also in Sec.5.4.4.3, "From an ecological viewpoint, population stability is considered more important to the survival of the species than the survival of individual organisms. Thus higher doses are permitted." While generally this is true for a widely dispersed viable population, an isolated population requires the survival of as many individuals as possible for its continued success. The following is from the Recovery Plan for the red-cockaded woodpecker (*Picoides borealis*) Second Revision; U.S. Fish and Wildlife Service. "...The buffering effect of helpers against annual variation operates only when helpers can readily occupy breeding vacancies as they arise. Helpers do not disperse very far and typically occupy vacancies on their natal territories or a neighboring one. If groups are isolated in space, dispersal of helpers to neighboring is disrupted and the buffering effect of the helper class is lost. When this happens, populations become much less likely to persist through time. Cooperative breeding system does not allow rapid annual growth of populations." The population of red-cockaded woodpeckers on Goethe has only 40 active clusters; organized into two subpopulations, one in the Black Prong area of Goethe and the other in the southern end of Goethe, in the Daniels Island and Apex tracts, with little contact between both subpopulations. Subpopulations reach stability when they support 30 or more active clusters and therefore these subpopulations are not ecologically stable. For this reason, the State has directed substantial resources

toward managing these subpopulations so they are sustained. The applicant should describe mitigation measures that will be undertaken to address the potential impacts to the red-cockaded woodpecker clusters and planned clusters on Goethe State Forest.

Manatees. The environmental report (4.3.2.2, page 4-47) states that standard manatee conditions will be followed and professional biologists will serve as boat-based observers during certain phases of construction. The applicant should provide information detailing how observers will be selected, whether they have any previous experience observing for manatees, how many observers will be assigned to the construction areas and how many hours per day each observer will be assigned to work.

The environmental report (4.3.2.2, page 4-46) states that a cofferdam will be used to minimize release of sediment to the Cross Florida Barge Canal. The applicant should describe the procedure that will be used to ensure that manatees are not trapped behind the cofferdam.

The environmental report (4.3.2.2, page 4-46) describes the components of the cooling water intake structure as an intake structure, vertical bar screens, traveling screens, pumps and a pump house. The applicant should describe what access, if any, manatees could potentially have to the completed cooling water intake structure and what measures are being taken, if necessary, to prevent access.

Aquatic systems. The applicant has provided information on the biological characterization of the Cross Florida Barge Canal in the vicinity of the Levy Nuclear Plant site in the Environmental Report and in the National Pollution Discharge Elimination System (NPDES) permit application. The applicant indicates that benthic invertebrate sampling was conducted by the "approved Aquatic Sampling Work Plan." A short summary is provided in Volume 5, NPDES permit, Attachment 2; Volume 8, Section 2.4.2.6; and also in Volume 9, Chapter 6. The applicant has indicated that the cooling water intake structure will affect flows and aquatic life in the Cross Florida Barge Canal for a distance of five miles from the Inglis Lock and Dam. We request that the applicant provide a copy of the "aquatic sampling work plan," detailed survey protocols for the macro-invertebrates, the various plankton communities, and fish communities. We request the applicant indicate where the new aquatic sampling stations will be located on the old Withlacoochee River channel. We also request the applicant provide a sampling protocol that would be initiated during operation of the plant in order to address impingement and entrainment. Further, we request that the applicant develop a mitigation plan to address impacts to aquatic life.

We request that the applicant consider providing a mitigation plan that includes the creation of multiple breaches along the earthen berm that extends into Withlacoochee Bay (Gulf of Mexico) from the Cross Florida Barge Canal. Historically, freshwater would enter the bay, flow southward and support a euryhaline system consisting of oysters and other estuarine organisms. With the creation of the berm for the Cross Florida Barge Canal, this supply of freshwater was diverted offshore. A hydrographic analysis should accompany the mitigation plan in order to model the modified flow pattern that would result from the creation of the proposed breaches and the ultimate consequence on the local salinity regime.

Previous mitigation was required for the effluent from the existing Crystal River Plant. Since the applicant proposes to use the existing Crystal River Plant's discharge canal, we request information regarding any marine or estuarine mitigation efforts associated with the construction and operation of the existing Crystal River Plant. This should include detailed descriptions of the specific activities, along with the outcomes of each activity. We also request that the applicant address the whether the mitigation was successful in terms of achieving the predefined goals.

Cumulative impacts. The Environmental Report (volumes 8 and 9) for the proposed plant facility and the transmission lines does not appear to contain an analysis of the cumulative impacts of the proposed facility and its transmission lines in conjunction with the Crystal River Nuclear Facility and transmission lines and other activities in the area. We recommend that a thorough cumulative effects analysis be conducted that includes, at a minimum, effects on marine/estuarine habitat and species, atmospheric deposition of material from both power plants, bird migration/transmission line mortality, and impacts of the transmission line on habitat and species.

Potential restoration of the Withlacoochee River. Volume 9, Section 4.1.1.1.2.3, provides information on the land use plan effects with the construction of the Levy County Plant. The applicant should explain impacts to plant operations if the lock and dam are removed from Lake Rousseau and possible impacts to the plant and operations if restoration of the Withlacoochee River is pursued in the future. In addition, the applicant should describe alternatives for different water intake structure locations that would allow for future restoration of the Cross Florida Barge Canal.

Recreational access. The applicant should indicate if there will be any security zones established in any areas of the proposed facility that would restrict access to areas currently open to fishing and hunting activities.

Transmission lines. Volumes 2-4 provide information on the Transmission Line Corridors. The text, tables, and figures associated with each section of the transmission lines indicates possible occurrence of state- and federally listed species. It is not clear how much of the area was actually surveyed for listed species. Please see the comments on the Environmental Report for additional information that is needed regarding survey and monitoring. The text indicates that a 25-foot buffer will be provided for any gopher tortoise burrows and relocation of the tortoises if necessary. The text also indicates that necessary buffers will be maintained around the bald eagle nests. Proposed transmission line corridors would cause take of habitat for the threatened Florida scrub jay on state and private lands. Volume 3, Section 9-A5, Brookridge Line, did not address the presence or migration of whooping cranes in nearby Chassahowitzka Wildlife Management Area or on the Goethe State Forest. It is not clear from the text what avoidance, minimization or mitigative measures will be taken, during construction and maintenance of the transmission lines, to protect and conserve the other listed species. The applicant will need to provide conservation and mitigation measures for state-listed species in accordance with Chapter 68A-27, Florida Administrative Code.

Descriptions of each section of the transmission lines, contained in Volumes 2-4, indicated that additional right-of-way will be needed to co-locate much of the transmission line system. Depending upon the line and location, the additional right-of-way may vary even within the same line. Some of the lines are adjacent to or cross public conservation lands. The applicant will need to address the State's Linear Facilities Policy where proposed transmission corridors would cross public conservation lands. The applicant should also indicate what measures will be undertaken during construction and routine maintenance to prevent interference with necessary habitat management on these conservation lands.

Sec. 5.6.1.1 states that "The majority of listed species observed in the LPC [Levy Plant Complex], LCR [Crystal River Energy Complex switchyard], and LCFS [Central Florida South Substation] corridors are mobile avian species that could relocate to similar habitat during construction activities." The listed avian species this project is likely to affect are listed in large part because there is insufficient suitable habitat remaining to support the species; this is true not just on private lands but also on public lands. Lands converted or altered during the construction of this project are unlikely to support listed species post-construction unless habitat restoration and management activities are planned. This statement assumes that other suitable, unoccupied habitat is available and near the displaced individuals, clans, or groups. The applicant should describe methods to minimize or mitigate for species that will be displaced.

Thank you for the opportunity to review this proposed power plant. If your staff has any specific questions regarding our comments, I encourage them to contact Theodore Hoehn (850-488-3831; email ted.hoehn@myFWC.com).

Sincerely,



Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/tsh

ENV 1-3-2

Progress Levy Nuclear_1452

cc: Jamie Hunter, Progress Energy
Emily Norton, FWC, Tallahassee



An Equal
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Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only 1-800-231-6103 (FL only)

On the Internet at: WaterMatters.org

Bartow Service Office
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Bartow, Florida 33830-7700
(863) 534-1448 or
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Lecanto Service Office
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Nell Combee
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July 2, 2008

Mike Halpin, Director
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road MS-48
Tallahassee, Florida 32399-2400

Re: Site Certification Application No. PA08-51/DOAH Case No. 08-2727
Progress Energy Florida – Levy County Nuclear Power Plant

Dear Mr. Halpin:

The Southwest Florida Water Management District staff has completed its initial review of the above-referenced application for site certification in accordance with Section 403.5066 of the Florida Electrical Power Plant Siting Act. District staff has determined that the application is not complete at this time.

Attached is a list of additional information items requested by District staff in order to make the application complete for review.

If you have any questions concerning the enclosed, you may contact me at the District's Brooksville headquarters at extension 4660. You may also contact Paul Williams, Water Use Manager, at the District's Brooksville Regulation Department if you require more detailed discussion concerning the proposed consumptive water use.

Sincerely,

Martha A. Moore
Senior Attorney

Enclosure

cc: R. Owen B. Lue P. Williams L. Bartos R. Jaques
D. Sanders C. Kruk C. Post
Attached service list

\\Completeness1 CovLtr.doc

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
COMPLETENESS COMMENTS
Progress Energy Florida – Levy County Nuclear Power Plant
Site Certification Application No. PA08-51
DOAH Case No. 08-2727
July 2, 2008

I. WATER RESOURCE AND CONSUMPTIVE USE ISSUES

Hydrologic Analysis

Drawdown Impact Modeling was submitted by the Applicant in support of the above referenced site certification application. The ground-water flow model MODFLOW was used to evaluate drawdown impacts from the proposed withdrawals. In order to evaluate the modeling the MODFLOW input and output data files will be needed. If a model preprocessor was used, such as Visual Modflow or Groundwater Vistas, the files created by those programs should also be submitted. In addition, an analysis of the cumulative impacts of all withdrawals within the model should be performed.

1. In order to assess the hydrologic impacts associated with proposed water use from all sources, the applicant must perform analyses that demonstrate the extent of the water-level drawdown in the surficial and Floridan aquifers, showing related lake level and spring flow impacts (where applicable) as a result of cumulative withdrawals. Please provide model-simulation results that illustrate the above mentioned concerns, and provide maps to document models and display results at the appropriate scale(s). Please show the cumulative predicted drawdown associated with the currently permitted withdrawals for all users, and the cumulative predicted drawdown associated with the requested withdrawals. Please submit all model input and output files (raw MODFLOW or Groundwater Vistas) in digital format and sign and seal all reports describing the results of the model-simulation results. Reference Rule 40D-2.301(1), F.A.C.
2. Please compare and discuss the differences between the calibrated model transmissivity and the aquifer transmissivity determined from on-site pumping tests. In addition, please provide all surficial and Floridan aquifer pumping test data and analyses.

Environmental Evaluation

The proposed site is located within a known area of karst topography and groundwater recharge. Strict adherence to the engineering standards for stormwater facilities and maintenance of existing floodplains will be required.

According to the information contained within Attachment B (Groundwater Modeling) of Volume 5, the impact evaluation to wetlands was addressed utilizing the minimum flows and levels (MFLs) criteria in Chapter 40D-8, F.A.C.

3. MFLs have not yet been established within or adjacent to the site certification assessment area. Therefore, please provide an impact evaluation of the water resources utilizing the Performance Standards in Section 4 of the Basis of Review, Chapter 40D-2, F.A.C.

The groundwater modeling graphic presented in Attachment B of Volume 5 is difficult to interpret due to the large size of the assessment area and the numerous interior contours.

4. Please show the specific wetlands expected to be directly impacted due to construction related activities on the site.
5. Attachment B of Volume 5 contains a table labeled "Summary of Wetland Areas with 1.0 ft or Greater Drawdown in Surficial Aquifer." In order to accurately assess the potential for adverse wetland impacts according to habitat type, please include within the table, wetland acreages based upon FLUCCS codes. Reference Sections 40D-2.101 and 40D-2.301, F.A.C.
6. The groundwater modeling assessment stated that 138 acres of wetlands would be impacted by 1 foot or more drawdown from the normal operation of the groundwater pumping wells. What actions are proposed to prevent these drawdowns from adversely impacting these wetlands?

Requested Quantities

The application requests a peak month quantity of 5,850,000 gallons per day (gpd). The purpose and time frame for using this quantity of water is unclear.

7. Please discuss the need for the requested peak month quantity. When will this quantity of water be needed and for how long?
8. Please explain the difference between the Normal Demineralized Water Makeup Rate of 350 gallons per minute (gpm) listed in Table 3.3-2 and the Annualized Cycle Average Makeup Source Rate of 44.6 gpm provided by Westinghouse in Table 3.3-1.
9. Please discuss the alternative technologies evaluated to minimize the consumptive use associated with evaporation from the Service Water System cooling towers?
10. Was the use of re-cycled storm water evaluated to reduce the amount of groundwater to be used? Please discuss other alternative water sources that have been considered to reduce groundwater use?

Barge Canal Withdrawals

CEMEX's Inglis Mine is located approximately four miles southwest of the proposed intake location. Elevated levels of chlorides and other constituents are currently showing up in some of the monitoring wells at the site. It is stated in the application that during normal operations, water in the barge canal will essentially be sea water from the Gulf of Mexico, effectively changing the normal conditions within the canal.

11. What effect will the increase in salinity in the barge canal have on the water quality of the Inglis Mine and surrounding area?
12. How will the withdrawal of water from the barge canal affect the ecology and water quality of the Withlacoochee River downstream of the Inglis dam, within the barge canal, the adjacent estuary, and designated Outstanding Florida Waters (OFW) areas, during various stream flow regimes and barge canal withdrawal regimes?

Dewatering During Construction

Dewatering will be required during construction of the two units. A dewatering plan was not included in the application.

13. Please describe the construction related dewatering activities and the expected drawdown.

14. How much water will be pumped during dewatering activities and where will the water be discharged?

15. What will be the duration of the dewatering activities at each unit construction site?

Boring and Well Information

Logs of borings A-10 and A-17 were provided with the application. It is unclear where these borings are located in relation to the proposed plant sites. Also, boring logs, well construction details, water quality data, water levels, and geophysical logs for all monitoring wells and test wells were not provided with the application.

16. Please provide copies of boring logs, well construction details, geophysical logs (if available), water levels, and water quality data for all borings, monitoring wells, and test wells completed at the site and provide a map showing the locations.

II. DISTRICT LAND RESOURCES

Transmission Line Corridors

This proposed transmission corridor crosses and potentially impacts seven District land resources: Halpata Tastanaki Preserve, Two Mile Prairie, Lake Panasoffkee, Annutteliga Hammock, Upper Hillsborough FDA, Lower Hillsborough FDA, and Brooker Creek Preserve. As stated in the application, the proposed corridor co-locates with existing transmission line corridors that vary in width. If acquisition of easements or other property interests becomes necessary to secure any right of way on or through District properties, additional information will be necessary, to include independent appraisals, certified boundary surveys and detailed surveys of natural resources and archaeological information within proposed new corridors on District lands. There are some generic questions that apply to all corridors that may be sited on District lands that were not clearly addressed in the application. They are as follows:

1. District Acquisition Purpose: Explain how compensation will be given to the District for disturbance and alteration of wetlands on District owned conservation lands that were acquired for water resource protection.

2. Public Use: Given the length and connectivity of these power line corridors, explain whether PEF will allow expanded corridors to be utilized as connector recreation trails to enhance public use opportunities.

3. Land Management: Explain how the District's prescribed burning practices on adjoining District lands will be affected by the expanded power lines. Explain how PEF will maintain exotic vegetation in the expanded areas to prevent infestation of adjoining lands.

Specific Property Concerns

Specific concerns per property are listed below:

Halpata Tastanaki Preserve – Marion County

A current corridor in Sections 18 and 19 in Township/Range 17/20 and STR 24/17/19 in southern Marion County is also part of the LPN proposed corridor. The current 420 foot wide easement granted to Florida Power through District-owned Halpata Tastanaki Preserve may be adequate for the LPN Corridor. Widening the corridor would impact property purchased for conservation purposes.

4.. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Two Mile Prairie – Citrus County

A current corridor in Sections 25, 26, 34 and 35 in Township/Range 17/19 in northern Citrus County is also part of the LPN proposed corridor. This corridor runs through District-owned Two Mile Prairie. However, a partial release of easement recorded in Book 1164/Page 0455 of the official records of Citrus County was granted in December, 1996. This partial release of easement removed Florida Power's right to utilize the entire portion of this corridor lying within Two Mile Prairie. District staff is not able to locate any instruments authorizing such land use on this property subsequent to this recording. The granting of additional interests in this property may be required to proceed. Widening the corridor beyond the footprint of the 420 foot wide easement released in 1996 would impact property purchased for conservation purposes. Two Mile Prairie is jointly owned by the Board of Trustees of the Internal Improvement Fund and the District but managed by the Department of Forestry under a management agreement between the District and DOF.

5. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Lake Panasoffkee – Sumter County

Near Sections 32, 33, 34 and 35 in Township/Range 18/22 and Sections 3, 4, 5 and 10 in Township/Range 19/22, the proposed corridor lies north of Route 44 and West of Interstate 75 resulting in no impacts to District lands. If the corridor is expanded south of 44 and/or east of 75 in this area, the Lake Panasoffkee Tract may be affected. The Lake Panasoffkee Tract was purchased for conservation purposes.

6. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Annutteliga Hammock – Hernando County

In Sections 15, 22, 27 and 34 in Township/Range 21/18, the proposed corridor runs through an existing power line corridor none of which the District owns. The existing corridor is contiguous with several District-owned parcels that were purchased as part of the Annutteliga Hammock project. If the proposed facilities remain within the existing 295 foot wide corridor, District Lands will not be affected. If the corridor is widened, several District-owned parcels will be affected. Annutteliga Hammock was purchased for conservation purposes.

7. Please identify and address any compatibility issues between the purposes for acquisition and the proposed power line corridor.

Upper Hillsborough – Polk County - PEF proposes to collocate with an existing power line corridor at this point (see map). This new corridor will impact the conservation easement held by the District over parcel 13-508-103C totaling 7,000 acres. The conservation easement was purchased by the District for preservation and protection of water quality protection, flood protection and natural systems. As stated in the application, new easements will be needed from the fee simple and easement owners. The added widening and clearing of the existing corridors will impact existing natural areas and wildlife which is contrary to the purposes for acquisition and the conservation easement.

8. Please identify and address any compatibility issues between the conservation easement and the proposed power line corridor.

Lower Hillsborough FDA – Hillsborough County - PEF proposes to collocate with an existing transmission corridor. This property was purchased for preservation and protection of water quality protection, flood protection and natural systems. The initial purchases were to support construction of the Four River Basins flood control project a partnership project with US Army Corps of Engineers. The public purpose of this property as a flood control project should not be affected by the public purpose of the power line corridor. The entire western portion of the property has a man-made levy to keep floodwaters from the Hillsborough River in the river flood basin. As stated in the application new easements will be needed from the fee simple owner. As a Four River Basins flood control project this is a certified recreation area. A partnership agreement with the Corps and Hillsborough County has been in place since the early 1970's and resulted in the construction of several park sites within a 16,000 acre tract of conservation land. The parks are considered premier sites for Hillsborough County and additional widening and clearing of the existing corridors will impact existing natural areas and wildlife and likely impact the parks which is contrary to the purposes for acquisition.

9. Please identify and address any compatibility issues between the Four River Basins flood control project purpose, the regional recreation use on the property and the District's purposes for acquisition.

Brooker Creek Headwaters Preserve – Pinellas County - PEF proposes to collocate with an existing transmission corridor. This property was purchased for preservation and protection of water quality protection, flood protection and natural systems. Pinellas County manages the property as a part of its land holdings adjoining District lands. This is one of the remaining natural areas in Pinellas County and considered a premier regional recreation area and environmental education site. Additional widening and clearing of the existing corridors will impact existing natural areas and wildlife and likely impact the park which is contrary to the purposes for acquisition.

10. Please identify and address any compatibility issues between the regional recreation use on the property, the District's purposes for acquisition and the proposed power line corridor.

III. REGIONAL WATER SUPPLY PLANNING

1. Lake Rousseau is not listed in Part 3 of the applicant's Environmental Report. Please provide additional information specifically addressing potential impacts to this water body, which has been identified as a potential water supply source by the District and by the Withlacoochee Regional Water Supply Authority.
2. Attachment E of the application does not include information on the new plant designs for water conservation. The applicant is proposing a Westinghouse AP1000 pressurized water reactor for this site. The District will require that the applicant use the lowest water quality available for the proposed use. Please provide additional information describing any water-conserving plant designs and anticipated conservation to be achieved from such designs.

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Chair
Vice-Mayor Deborah Kynes

Vice-Chair
Commissioner Bill Dodson

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

July 7, 2008

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

RE: Progress Energy Florida - Levy Nuclear Plant Site Certification Application

Dear Mr. Halpin:

The staff of the Tampa Bay Regional Planning Council has reviewed the above-referenced application, which was submitted to us on June 2, 2008 by Progress Energy Company. The application has been reviewed for consistency with the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*, including the adopted maps of Natural Resources of Regional Significance within our region. Within our region the applicant proposes to construct electric transmission lines in Pinellas and Hillsborough counties, including the cities of Tampa, Plant City and Oldsmar. The review was restricted to the portion of the project within this area.

We find the application incomplete, and request that our concerns and questions be addressed by the applicant.

PROJECT DESCRIPTION

Within the Tampa Bay region the project proposed for corridor certification is an electric transmission line to connect the existing Griffin and Lake Tarpon substations in Polk and Pinellas counties, respectively. The length of the corridor under consideration is approximately 39 miles, and the width varies from approximately 300 feet to 1,000 feet wide centered on the existing rights-of-way. The proposed 230 kV transmission line will be located within the existing 115 kV transmission line right-of-way from the Griffin substation in western Polk County to the Lake Tarpon substation in eastern Pinellas County. Within this length it is likely that the existing lattice structures will be replaced by monopole structures, requiring additional mid-span, single-shaft structures.

The 230 kV transmission line will be strung on single-shaft tubular steel or spun concrete structures 80 - 145-feet tall and 500 to 1,400 feet apart. The transmission line will be a minimum of 29 feet above the ground between structures. The anticipated right-of-way needed for the new transmission is 100 feet.

CONCERNS

The preferred corridor crosses a number of vegetative communities identified as Natural Resources of Regional Significance in the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)* (See the attached maps). Alignment along or within existing transmission line right-of-way will allow impacts to natural resources to be minimized.

Consistency with the applicable goals and policies of the Tampa Bay Regional Planning Council, as found in the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*, including with regard to impacts to natural resources of regional significance and the addition of transmission lines in close proximity to residential areas and recreational facilities.

QUESTIONS

Please discuss how the project within Hillsborough and Pinellas counties will become consistent with the following adopted Council goals and policies, from the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*:

2.19: Consider existing and future land use plans when siting public and semi-public facilities of affected jurisdictions and appropriate agencies and the impact on the quality of life of any adjacent residential neighborhood(s).

4.43: Protect, preserve, and restore all regionally-significant natural resources shown on the Map of Regionally-Significant Natural Resources.

4.44: Allow impacts to regionally-significant natural resources only in cases of overriding public interest and when it is demonstrated and/or documented that mitigation will successfully recreate the specific resource. Mitigation should meet the following ratios, at minimum:

- FNAI Natural Communities 3:1
- LULC Habitat Dry 2:1
- LULC Habitat Wet 3:1

4.45: Ensure that mitigation by habitat re-creation employs native plant material which provides the same natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.

4.46: Recognize that, consistent with other policies in this section, permitted mitigation banking shall set the criteria for impact mitigation.

4.47: Recognize that mitigation efforts shall be:

- Performed within the same drainage basin where the unavoidable impact to regionally significant wetlands occurs; and
- Allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.

4.48: Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio should be twice the habitat re-creation ratio set forth in policy 4.44.

4.57: Ensure that land use decisions are consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.

4.136: Hold recreation and park sites inviolate against diversion to other uses, except in cases of overriding public interest.

4.138: Protect the natural resources of regionally-significant parks, greenways, preserves, and conservation lands from incompatible land uses adjacent to these areas. Include pedestrian trails, where appropriate.

2. Please provide a description of how the proposed project will meet each section of the Hillsborough and Pinellas counties and the Tampa, Plant City and Oldsmar Land Development Codes, in order to reduce the necessity of conditions of certification.

What will be the source and noise level of the proposed transmission facility that will require an exemption to the Hillsborough and Pinellas County noise ordinances?

4. Were the studies conducted for the siting of the existing transmission line reviewed for insights into the natural features along the corridor? Were any high quality or unique features identified in the previous surveys visited during the process of preparing this TLS application?
5. If surveys are not conducted for listed species (plant and animal) or archaeological/historical/cultural resources prior to right-of-way selection, how can the potential impact to listed species be determined and used as a selection criterion? Please describe the methodology that will be used to locate these species prior to final right-of-way selection so that potential impacts can be identified and avoidance/minimization/mitigation measures determined.

The listed species information on pages 9-A8-38 - 44 describes the potential for occurrence of each listed species within the PHP corridor. There is no discussion as to whether the corridor provides breeding, nesting, or feeding habitat, and so it is not possible to determine if use as a transmission corridor would have an impact on the species which should be minimized, avoided or mitigated. Please provide more information on the use of the habitats within the corridor by each listed species, and the likelihood of impact to those species by right-of-way clearing, construction, operation and maintenance of a 230 kV transmission line. Information on the use of the existing, maintained right-of-way by listed species would be very useful in this regard.

7. Please describe the techniques and frequencies which will prevent invasive or nuisance species from vegetating the newly-cleared right-of-way or displacing native species within the right-of-way.

Upon receipt of sufficient responses to these concerns and questions, the staff of the Tampa Bay Regional Planning Council will provide recommendations concerning certification of the proposed corridor and the project.

Please require the applicant to forward any additional information, as well as all responses to other agencies' questions, to the Tampa Bay Regional Planning Council for further review.

And please contact me (727-570-5151 x 32 or suzanne@tbrpc.org) if there are any questions about this review.

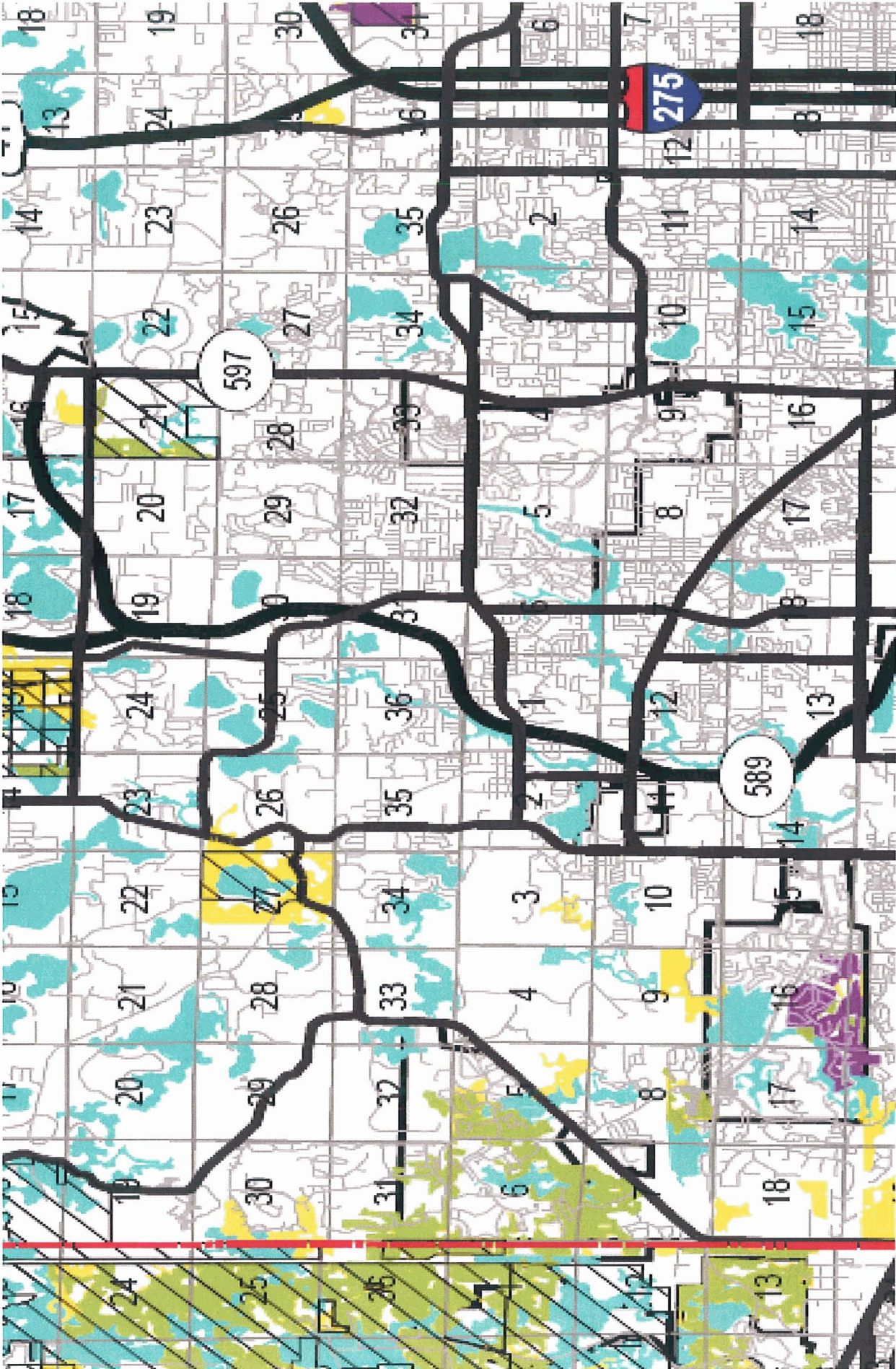
Sincerely,

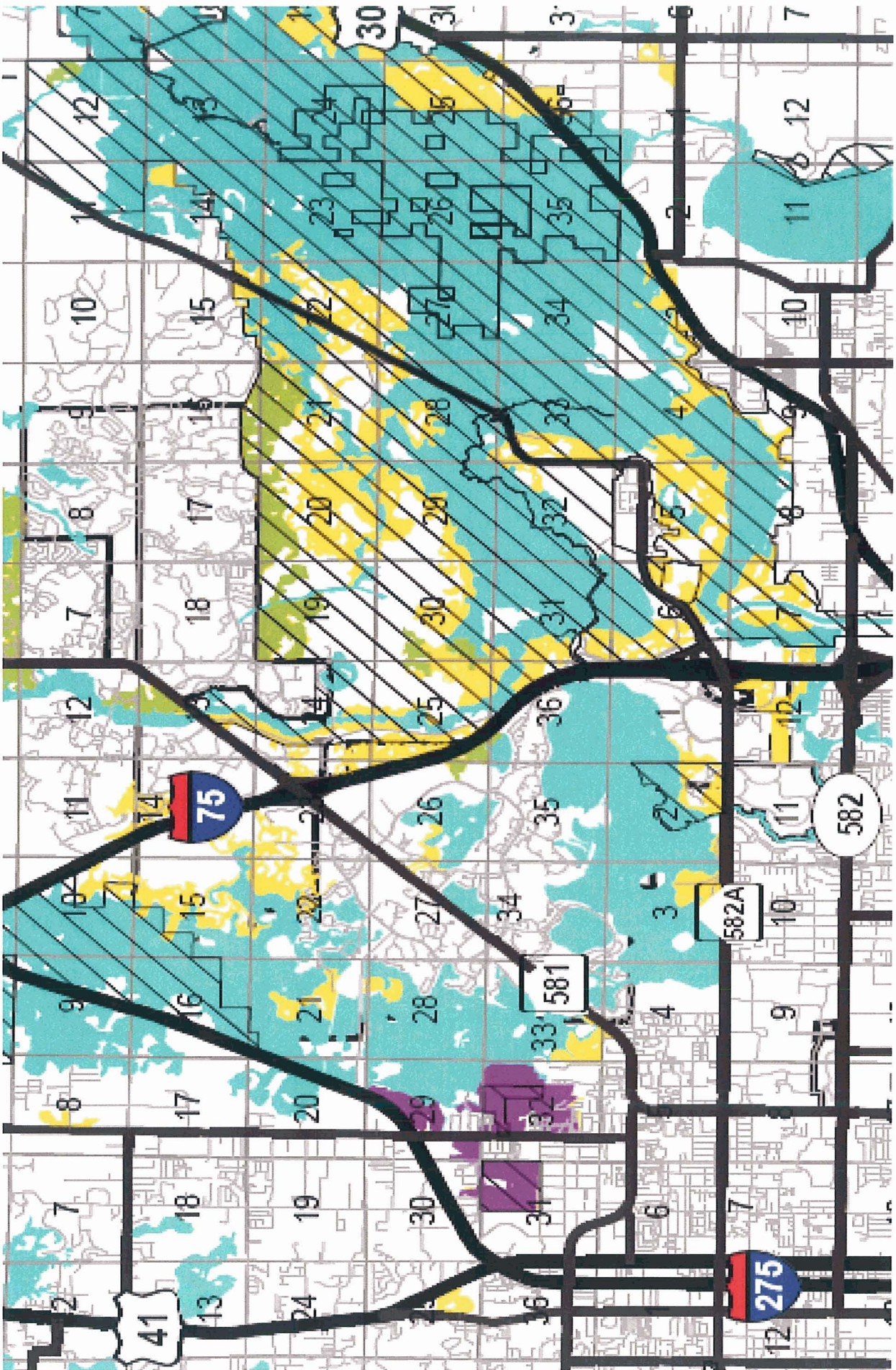
A handwritten signature in black ink that reads "Suzanne J. Cooper". The signature is written in a cursive, flowing style.

Suzanne T. Cooper, AICP
Principal Planner

enclosure

cc: Patricia Bean, Hillsborough County Administrator
Fred Marquis, Interim Pinellas County Administrator
Bruce Haddock, Oldsmar City Manager
Derrell Smith, City of Tampa Chief of Staff
David Sollenberger, Plant City Manager







MICHAEL R. MOEHLMAN
EXECUTIVE DIRECTOR

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VICE - CHAIR

June 24, 2008

Mr. Mike Halpin, PE.
Florida Energy & Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road MS-48
Tallahassee, Florida 32399-2400

SUBJECT: Completeness Statement for Progress Energy Florida's Levy Nuclear Plant Units 1 and 2 Site Certification Application

Dear Mr. Halpin:

Withlacoochee Regional Planning Council (WRPC) staff has examined the above-referenced document as it relates to the region: Citrus, Hernando, Levy, Marion and Sumter Counties. This application will require close evaluation to determine its consistency with the region's Strategic Regional Policy Plan (SRPP). Pursuant to the requirements of Section 403.5066 of the Florida Statutes, WRPC staff finds the information submitted in the application to date should allow for such a determination, except where indicated as follows:

1. Section 4.5 the Site Certification Application (SCA) generally discusses plant water use, including anticipated aquifer groundwater withdrawals. It references Section 3.3 of the Environmental Report (ER), and Section 6.3 of that same document outlines how hydrological monitoring would occur during plant construction and operation. Per the scale of projected groundwater use cited in Section 4.5.3 of the SCA, between 1.3 million and 5.8 million gallons daily, staff requests the applicant define and address fully in the site certification application the range of potential local to regional aquifer and connected natural systems impacts. Then, having established freshwater use impacts, how might current plans be adapted to promote conservation or reuse of groundwater resources?
2. Sections 4.7.2, 6.4.1 and 6.4.2 of the SCA cover on-site hazardous waste generation and off-site disposal. Section 3.8 of the ER identifies truck transport as the preferred mode for radioactive waste disposal. What analysis or decision-making criteria support this mode choice for hazardous and radioactive waste removal? What are the benefits of alternative mode choices? Specify what procedures and safeguards would apply to the transportation of all solid waste both to and from the plant site. Would the proposed program of radiological monitoring encompass routes utilized for hazardous and radioactive waste transport?

3. Section 4.4.2 of the SCA addresses the emission of particulate matter from mechanical draft cooling towers, but Section 6.6.2 states that no air quality monitoring shall occur on-site. The SCA identifies this phenomenon as the primary source of gaseous emissions resulting from construction of the proposed plant. Are there opportunities to measure air quality as part of other monitoring activities? If no monitoring will occur, what surplus control technologies might be utilized to further reduce particulate matter release beyond best available technology?
4. Section 4.5 of the ER describes radiological impacts during plant construction. Section 3.5 of that document explains the Levy Nuclear Plant's waste management system, and it clarifies how the liquid and gaseous waste management system elements conduct radioactive effluent and emission release. Chapter 5 of the ER relates potential radiological impacts of plant operation including: exposure pathways, waste hazards, and other aspects of plant operation. In Chapter 6, the ER details the applicant's intended program of radiological monitoring. Of all the measures controlling radiological impacts of plant construction and operation, what action has the applicant voluntarily undertaken above that minimum necessary to obtain required plant licensing and permit approvals?
5. Section 4.11 of the SCA states that an Emergency Preparedness Disaster Plan would be created and submitted to the Florida Department of Community Affairs for review. When would this occur? What categories of risk and hazard would that plan generally identify, and which would be addressed elsewhere? Which existing public emergency planning documents may need to be modified as a result of project development? Would other new plans be required? In what documents would emergency evacuation routes be identified, and how would the public be made better aware of vital emergency planning information? Through partnership as well as direct support at the county and municipal levels, does the applicant intend to enhance local government emergency management capacity to increase level of response preparedness?
6. Chapter 6 of the SCA refers the reader to Chapter 5 of the ER for explanation of water use impacts stemming from plant operation. Section 4.2.1.5 of the ER discusses impacts to wetlands during construction, and 5.2.1.5 discusses the impact of plant operations on wetlands. ER Section 5.2.2.3 discusses the impacts of groundwater use and mentions potential for adverse effects to wetlands, owing to groundwater consumption. What scale of impact could result to wetlands on-site and in the vicinity as a result of proposed groundwater extraction? How could this impact planned wetland mitigation efforts during construction and plant operations phases? What long-term impacts exist?
7. Section 4.5.1.1 of the SCA discusses the system to manage residual heat output from the plant. The ER's Section 5.3.2 specifically discusses cumulative impacts to the aquatic ecosystem owing to increased heat and chemical discharge due to plant operation. As outlined in Chapter 6, the ER gives details of a thermal monitoring program. What additional control technologies could yield extra mitigation of impact to regionally significant waters, fisheries, and aquatic ecosystems?

8. Section 4.5.1.4 of the SCA discusses organism removal from the cooling water intake system. What provisions has the applicant made to obviate adverse impact to marine life, especially endangered West Indian (Florida) Manatee and sea turtle species, which have been known to inhabit the Cross Florida Barge Canal? What other measures could the applicant voluntarily pursue to reduce potential conflicts between wildlife and proposed plant operations?
9. Section 5.0 of the SCA cites Section 4 of the ER to expound impacts related to project construction. ER Section 4.1.1.2.1 states that the plant site will be filled and graded to a general elevation of between 47' to 50'.
Oppositely, Figure 3.1.2 (Sheets 2, 3, and 4), contained in the ER, appears to show plant site elevation and building height indexed from a grade elevation of 100'. Correspondingly, the subterranean *basemat* is then correctly depicted at an elevation of 60.5'. ER Section 4.2.1.5 evidences this interpretation of Figure 3.1.2; as it describes *basemat* placed to a depth of 39.5' feet. Yet this same section also mentions excavation may reach as much as 75' from *ground surface* for some structural elements.

While in all cases it is understood that filling would happen to elevate cooling towers and reactors above the 100-year floodplain, this presentation makes it unclear the depths to which excavation may occur on-site. Uniformly referencing a standard measure—such as mean sea level—would help clarify the scope of excavation and therefore any impacts to the subject location and vicinity. With proposed excavation activity defined, what potential aquifer impacts could result?

10. Section 5.2.2 of the SCA directs the reader to Chapter 6 of the ER for exposition of project impact monitoring. Section 6.1 of the ER identifies where the plant's residual thermal output could impact existing conditions in water bodies around the subject location, and it outlines supporting methodology for a program of vicinity water temperature monitoring. In so doing, this section extensively references Tables 6.1.1 through 6.1.3, which contain no data. Whereas in many cases data would not exist until a future point of collection, will background water temperature data now available be made publicly accessible? Likewise, to what extent will pre-application monitoring data be available as it pertains to current aquatic ecosystems and other categories of background conditions? Generally, how are the monitoring process and supporting methodologies—covered in ER Section 6.0—structured to recognize impacts directly attributable to project development as an independent variable?
11. Section 7 of the SCA discusses the economic impacts of the Levy Nuclear Plant. Has the applicant considered what other types of economic uses might benefit from co-location either on-site or in proximity to the Levy Nuclear Plant and Crystal River Energy Complex?
12. Electrical transmission facilities would require the construction of new substations and other associated infrastructure. What actions can the applicant take to minimize the total amount of new impervious surface area created as a result of these improvements?

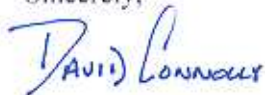
13. If options exist for transmission facility placement within individual corridors, what criteria would cause a decision to cross land having designated conservation status or traverse a route in close proximity to transportation rights-of-way?
14. All first and second magnitude natural springs in a study area county or counties should be noted on maps identifying major water bodies and resource features. Specifically, how could best practices limit total impact to springs during transmission facility construction and maintenance phases?
15. Construction of electrical transmission facilities would require clearing of areas in preparation for use as right-of-way. Maintenance of right-of-way would impose additional limitations and conditions on natural systems. Understanding that the applicant intends to minimize impacts on water bodies, wildlife and the landform, what specific mitigation actions would follow the clearing of wetlands and uplands or the crossing of freshwater bodies and identified habitat areas?

Withlacoochee Regional Planning Council staff recommends the applicant make specific response to the preceding comments and questions; and, until that time, agency staff cannot determine the application to be complete. If the applicant maintains information currently submitted is sufficient to address a given concern, then please reference exactly where in the existing documentation such answers are provided. If an answer may be deduced from information already submitted, staff would still ask the applicant to provide explanation of all necessary facts.

Staff appreciates the opportunity to comment and looks forward to continuing to participate in this process.

Thank you.

Sincerely,



David Connolly
Principal Planner

Cc: Mr. Paul Darst, Department of Community Affairs (DCA)
Mr. Kevin Smith, Citrus County Planning Department
Mr. Ron Pianta, Hernando County Planning Department
Ms. Shenley Neely, Levy County Planning Department
Mr. Dwight Ganoe, Marion County Planning Department
Mr. Brad Cornelius, Sumter County Planning Department
Mr. Norm Fugate, City Attorney for the City of Inglis
Ms. Jerri A. Blair, City Attorney for the City of Wildwood
Mr. Harold A. Horne, City of Dunellon
Ms. Cyndi Mulkey, Siting Coordination Office
Ms. Ann Seiler, Siting Coordination Office



East Central Florida Regional Planning Council

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Phone 407.623.1075 • Fax 407.623.1084 • www.ecfrpc.org

Philip Laurien, AICP
Executive Director

July 2, 2008

Ann Seiler
Florida Department of Environmental Protection
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

RE: Progress Energy Levy Nuclear Power Plant Transmission Lines

Dear Ms. Seiler,

Pursuant to Florida Statute 403.5066, the East Central Florida Regional Planning Council staff has conducted the completeness review of Progress Energy Levy Nuclear Power Plant and Transmission Lines application. The ECFRPC reviewed the information concerning the Sumter Line corridor into Lake County and Leesburg. This is a 500 kV transmission line corridor connecting the Levy Nuclear Power Plant and the proposed Central Florida South Substation in Sumter or Lake County.

The Council staff's concerns regard the Development of Regional Impact (DRI) area along the southern boundary of the corridor area in Lake County. Staff is concerned whether the Future Land Use map included in the application is representative of the DRI planned land use or the unchanged underlying future land use of Lake County/Leesburg. If the DRI planned land use is not included in the application, the ECFRPC is requesting the information for our review.

In figure 9-A3,3-4 (3 of 3), the ECFRPC staff is unable to determine where the candidate corridor is located upon reaching the Florida Turnpike. The language in the text of the application concerning the corridor alignment past the Florida Turnpike is not depicted in this figure. In order to conduct a concise review of the transmission line corridor, a map should be included showing the corridor center line for the transmission line, in a clear manner, after leaving the Central Florida Substation.

Sincerely,

Phil Laurien, Executive Director

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Commissioner
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Fax Numbers (813):
Admin. 627-2620 Waste 627-2640
Legal 627-2602 Wetlands 627-2630
Water 627-2670 ERM 627-2650
Air 627-2660 Lab 272-5157

July 1, 2008

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

Re: Progress Energy's Site Certification Application Completeness Review – Levy County Nuclear Plant Unit 1 and 2

Dear Ms. Seiler,

Thank you for the opportunity to provide input on the sufficiency of the Progress Energy Site Certification Application for the Levy County Nuclear Plant Unit 1 and 2 (SCA). The Environmental Protection Commission staff (EPC) has completed our initial review of the SCA and has determined that additional information is needed for the purposes of our review. Please see the following staff comments below:

A. Air Management

1. The Environmental Report (Appendix 10.11, Volumes 8 and 9) fails to address reasonable precautions in the form of detailed methods, practices and procedures to control unconfined emissions of particulate matter generated during construction of the transmission lines as required by Chapter 62-296.320(4)(c), F.A.C.
2. Reasonable precautions may include, but not be limited to, methods such as enforced speed limits of 10 miles per hour for vehicles travelling over exposed soils and other un-stabilized materials, curtailing operations during high wind conditions if necessary, application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of soils on right-of-ways, and construction of poles and lines, application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, seeding and mulching access road surfaces and other areas disturbed by construction activities to stabilize the soils.

3. In addition, the SCA fails to address open burning and noise issues within Hillsborough County. Pursuant to Chapter 1-4 (Open Burning), Rules of the EPC, the open burning of any vegetative materials generated from clearing of right-of-ways and access roads must receive EPC authorization. The applicant is also subject to the provisions of Chapter 1-10 (Noise), Rules of the EPC. (See attached rules)
4. Please be aware that if the construction of transmission line requires the demolition of existing structures or buildings, the demolition activities may be subject to the National Emission Standards of Hazardous Air Pollutants (NESHAP), Subpart M, Asbestos. In Hillsborough County, the applicant may contact EPC staff for more guidance, as necessary.

B. Waste Management

1. The information provided is complete for EPC staff to review Waste issues. However, as it pertains to the proposed construction of transmission line corridor(s) within Hillsborough County, the applicant should contact the Waste Management Division in order to determine the locations of the any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project sites.
2. The applicant must also ensure that the management of materials generated from the development or impact to any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project are properly managed. Further the applicant should be made aware that the development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the Environmental Protection Commission.

C. Wetlands Management

The information provided is not sufficient for EPC staff to issue a wetlands impact authorization in Hillsborough County. To obtain a recommendation of approval from EPC staff for subsequently submitted permits or plans, the following items should be addressed:

1. Delineations:

Knowledge of the actual extent of the wetlands and other surface waters is necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11, Wetlands, Rules of the EPC. The wetlands can be delineated by either EPC or Southwest Florida Water Management District staff. Once the wetlands and other surface waters have been delineated, wetland surveys must be submitted to EPC staff for review and formal approval. The approved wetland line must then be incorporated into the development of a site plan. The wetland line must appear

on all site plans, labeled as "EPC Wetland Line", the wetland must be labeled as "Wetland Conservation/Preservation Area", and the setback labeled as "30/50-foot Wetland Conservation/Preservation Area Setback", pursuant to the Hillsborough County Land Development Code (LDC).

2. Wetland Impacts:

The project describes impacts to wetlands that have not been reviewed by staff or authorized by the Executive Director of the EPC. Although the EPC recognizes the statutory jurisdiction limitation of local environmental regulations pertaining to power plant sitings, the EPC provides the following comments as standard language for projects impacting wetlands in Hillsborough County. Chapter 1-11, Rules of the EPC, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible.

- a. If it is the applicant's intention to proceed with the wetland impacts described within the submittal, a separate wetland impact/mitigation proposal and the appropriate review fee, as provided in Chapter 1-6, Rules of the EPC, must be submitted to the EPC for review. These impacts include, but are not limited to, improvements to existing facilities, creation of new facilities and the conversion of forest wetlands to herbaceous wetlands. Please be aware that a submittal provides no reliance that the wetlands may be developed as proposed and that EPC staff cannot approve plans at the construction phase if unapproved wetland impacts are depicted. Therefore, it is strongly recommended that EPC staff authorization to impact wetlands be obtained prior to the submittal of any permits or construction plans.
- b. Chapter 1-11.01, Rules of the EPC, states that development requiring mitigation be an avenue of last resort when reasonable use of the property is otherwise unavailable. To complete a proposal to impact wetlands, the applicant must provide detailed information through a separate process.
- c. Plans or permits must, at a minimum, include the following information and must be included in all future submittals. Please be advised that omission of any of the following may result in a recommendation of denial from EPC staff.
 - (1) Wetland lines, wetland areas and wetland setback lines must be labeled as "EPC Wetland Line", "Wetland Conservation/Preservation Area", and "30/50-foot Wetland Conservation/Preservation Area Setback Line" respectively pursuant to the Hillsborough County Land Development Code. Failure to properly label these features on future plans may result in a recommendation of denial from this agency. The setback line must be shown in its entirety even if impacts to the setback are proposed.

Furthermore, where setback encroachments are proposed, a narrative shall be submitted describing the necessity for the setback encroachments proposed, and measures taken to protect the wetland areas from construction related impacts.

- (2) All wetland impacts must be labeled, cross-hatched, and acreage calculated on all plan sheets where they appear. Proposed mitigation must be shown and labeled.
- (3) Erosion control devices must be placed between the Wetland Conservation/Preservation Area and the area to be developed (typically along the wetland setback line). Suitable erosion control devices must be in place prior to any disturbance of materials on site, and must remain in place until all loose soils have been stabilized. The method of erosion control to be used (i.e., silt screens, etc.) must be stated and the placement (i.e., along the wetland setback) must be indicated.
- (4) Cross-sections must be included where wetlands or the wetland setback interface with roads, stormwater sumps/ponds, or any other graded feature. These cross-sections must accurately depict the EPC Wetland Line and Wetland Setback Line, erosion control devices, the toe of fill, proposed and existing grades, and vertical and horizontal scales. The depths of any ponds proposed for excavation adjacent to wetlands must be shown along with hydrologic information for the wetlands.
- (5) Construction plans must be submitted along with a complete set of drainage calculations that include all wetland seasonal water elevations.

3. General Comments/Conditions:

- a. A 30/50-foot setback must be maintained around each Wetland Conservation/Preservation Areas and the **setback line must also be shown on all future plan submittals**. Land alterations within this setback are restricted, as per the Hillsborough County Land Development Code (LDC). Exceptions are allowed only with specific recommendation of the EPC and with approval of the Natural Resources Review Team of the Hillsborough County Planning and Development Management Department, and/or the Land Use Hearing Officer.
- b. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Silt screens or other EPC approved methods or erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure

the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

- c. Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.
- d. At any time prior to approval of construction plans for this project, EPC staff may identify other legitimate concerns as they become obvious.

D. Environmental Resource Management Department

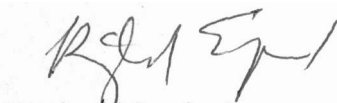
No additional information needed.

E. Water Management Department

No additional information needed.

Again, thank you for the opportunity to participate in this completeness review and for considering our comments as part of your project evaluation. Should you have any questions, please feel free to contact me at 813-627-2600, extension 1254 or Sanford@epchc.org.

Sincerely,

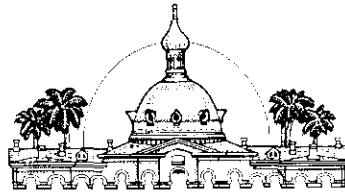


Reginald Sanford
Chief, Enforcement and Analysis
Air Management Division

Office of the County Attorney

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July 1, 2008

Mr. Mike Halpin
Siting Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-3400

Re: Progress Energy Florida - Levy Nuclear Project
Site Certification Application

Dear Mr. Halpin:

The staff of Hillsborough County (the "County") has reviewed the above-referenced application for certification with respect to the upgrade of the existing 115 kV transmission line that traverses the County. In accordance with Section 403.5066 of the Florida Electrical Power Plant Siting Act, enclosed is the County's Completeness Report. The County has determined in its initial review that Progress Energy's application is not complete at this time for the following reasons:

HILLSBOROUGH COUNTY'S LARGE FACILITIES ORDINANCE

According to Section 9-A8.2.4, Progress Energy's transmission poles are expected to range from 80 feet to 145 feet in height; therefore, they will be subject to the County's Large Facilities Ordinance set forth in Ordinance 3-29.

1. Progress Energy shall adhere to all non-procedural conditions of the Utilities Accommodation Guide related to large facilities in the rights-of-way for transmission poles larger than 24 inches in diameter or poles exceeding 75 feet in height.
2. The County hereby requests the diameter of the transmission poles to be located in the County.

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PLANNING & GROWTH MANAGEMENT

A. Natural Resources

1. An evaluation of the Polk-Hillsborough-Pinellas (PHP) corridor identified the existence of Significant Wildlife Habitat (SWH) as depicted on the County's Significant Wildlife Habitat Map. PHP sectional maps where SWH was observed include Figures 9-A8.3-5, 7-9 and 11 of 12. The County's Land Development Code defines SWH as contiguous stands of natural plant communities which have the potential to support healthy and diverse populations of wildlife. Upland SWH is defined as an environmental sensitive area per the Land Development Code. The potential for upland SWH existence within the boundaries of the PHP corridor shall require, during the site plan review process, a determination of the existence, type, and extent of any upland significant wildlife through a formal delineation approved by the Natural Resources Unit.

2. *Preservation of significant wildlife habitat shall be required where necessary to prevent fragmentation of a wildlife corridor as determined by the County. The proposed corridor should be adjusted to minimize their adverse impacts to Significant Wildlife Habitat.*

3. If unavoidable, in-kind mitigation of upland SWH should consist of off-site preservation consistent with the preservation requirements in the County's Land Development Code Section 4.01.09 and must be the same type of habitat either xeric or mesic or land which can be restored to the same type of habitat as the natural plant community being adversely impacted onsite by the development.

4. As indicated in the application, the PHP corridor contains suitable habitat to potentially support populations of listed plant and animal species. The appropriate pre-clearing wildlife surveys will be required during the site plan review process to determine the presence of listed species. Species documented to reside in the Levy Nuclear Plant ("LNP") site and associated corridors include, but are not limited to, the gopher tortoise, wood stork, white ibis, bald eagle, Southeastern American Kestrel and sandhill crane. Surveys should be timed to include the breeding seasons of those species most likely expected to reside within the corridor. Essential wildlife habitat shall be addressed as defined in the County's Land Development Code Section 4.01.10 for the PHP corridor within Hillsborough County.

5. According to the Environmental Report, gopher tortoises were documented to reside with the LNP and associated corridors. The County would like a copy of the pertinent Florida Fish and Wildlife Conservation Commission tortoise permit for the PHP corridor.

6. Active bald eagle nests (HIL-028) indicated on PHP Regional Screening Figure 9-A8.3-2 must be graphically depicted with required buffer zone on any preliminary site plans submitted during the development review process. Progress Energy shall protect the required buffer zone by locating and re-designing proposed improvements to ensure no adverse impact to the active nests. Construction phases consisting of right-of-way clearing, access road construction, line construction, active restoration or any other related activities are required to comply with the *National Bald Eagle Management Guidelines (2007)*.

7. The PHP corridor overlays the following publicly owned lands: Flatwoods Wilderness Park and Lake Park. As a public preserve, any impacts, direct or secondary, to either preserve would require that a project compatibility plan be reviewed and approved by the County. This plan must focus on the continued protection of the preserve and ensure that the proposed impacts will not interfere with the habitat management and conservation objective of the property.

8. This project is subject to the requirements of the Hillsborough County Land Development Code Section 4.01 including the preservation of trees, natural vegetation, and environmentally sensitive areas. The County requests that a field meeting be scheduled with its Planning & Growth Management Department to determine the location of significant trees within the proposed corridor. The limits of the corridor boundaries must be staked prior to scheduling the field meeting. The field meeting should be conducted prior to the submittal of the construction plans. All trees identified must be accurately located on the grading sheet and improvement detail sheets. Every effort must be made to retain identified trees. Failure to retain these trees will necessitate their replacement, if applicable, per Section 4.01.06.A.6 of the Land Development Code. A replacement plan must identify the total Diameter Breadth Height of the tree trunk, the location, species, grade quality and size of replacement trees pursuant to 4.01.06.A.7 Article 4 of the Land Development Code.

9. All trees confirmed as a Grand Oak must be accurately located and labeled as such on Progress Energy's site construction plan. The emphasis of the Land Development Code is to preserve Grand Oaks and every effort must be made to design proposed improvements around them. Failure to demonstrate the preservation of a Grand Oak(s) after all efforts have been explored shall require replacement as specified in Section 4.01.06.A.7 of the Land Development Code.

B. Transportation

1. During the construction of the proposed transmission line, all construction truck traffic going to the construction site must follow the County's Truck Route Plan. A truck may leave a designated truck route and drive on a County road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck routes can be found on the Hillsborough County Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 19th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33602.

2. The County requests that truck drivers who will be transporting equipment and materials for the new transmission line be respectful of residential neighborhoods and surrounding land uses when traveling to and from the construction site.

3. The County's Comprehensive Plan requires that all development on or adjacent to planned future corridors designated for improvement in the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County and identified on the Corridor Plan Listing be consistent with the transportation functions of those corridors; therefore the County requests that Progress Energy coordinate with the County's Planning and Growth Management Department to prevent encroachment by structures, parking areas, or drainage facilities, except as may be allowed on an interim basis in accordance with the Comprehensive Plan.

C. Community Planning

1. Three historic resources located in Hillsborough County and previously recorded in the Florida Master Site File (FMSF) may be located within or adjacent to this corridor. 11303 Knights Griffin Road (8HI5323) and 11404 Knights Griffin Road (8HI5324) have both received a determination of ineligibility for listing in the National Register of Historic Places (NRHP) by the State Historic Preservation Officer (SHPO). The Antioch General Store, 12650 N McIntosh Road (8HI6416), has not been evaluated for listing in the NRHP by the SHPO but is listed in the Hillsborough County Historic Resources Inventory. Per the Hillsborough County Land Development Code Section 03.03.00, the County's Historic Resources Review Board (HRRB) may review development applications that affect properties listed in or abutting those listed in the Historic Resources Inventory.

2. Twenty-seven archaeological resources located in the County and previously recorded in the FMSF may be located within or adjacent to this corridor. 8HI43, 8HI4057, 8HI4058, 8HI4059, 8HI4060, 8HI4061, 8HI4062,

8HI4063, 8HI4064, 8HI4065, 8HI4079, 8HI5431, 8HI6771, 8HI6772, 8HI7842, 8HI9672, and 8HI9673 have received a determination of ineligibility for listing in the NRHP by the SHPO. 8HI380 and 8HI539 were determined to have insufficient information available regarding their NRHP eligibility by the SHPO. 8HI70, 8HI428, 8HI474, 8HI495, 8HI496, and 8HI6940 have not been evaluated for listing in the NRHP by the SHPO. 8HI381 and 8HI4056 have been determined to be potentially eligible for listing in the NRHP by the SHPO. Archaeological site 8HI7842 is located within the city limits of the City of Tampa. Progress Energy should contact Dennis Fernandez at (813) 274-7984 for information regarding historic and archaeological resources in the City of Tampa. Archaeological sites 8HI9673 and 8HI9672 are located within the city limits of the City of Plant City. Progress Energy should contact the City of Plant City at (813) 659-4200 for more information regarding historic and archaeological resources located within their city limits.

3. Knights Griffin Road, US Highway 301, Morris Bridge Road, Livingston Avenue, Hanna Road, County Road 685, Gunn Highway, and Race Track Road are designated Rural Scenic Roadways. Progress Energy shall ensure that the siting and construction of the transmission line comply with the County's Land Development Code, Section 6.06.03.I Scenic Roadways.

D. Neighborhoods

1. The proposed line cuts through both the Urban Service Area and the Rural Service Area. The County is concerned with the compatibility of uses and impacts on its communities, specifically striving to facilitate the protection of the character of the surrounding neighborhoods. The intensity of the proposed transmission line development must not create external impacts that adversely affect surrounding residential uses.

2. Progress Energy shall ensure that the transmission line is compatible with adjacent uses through the use of, but not limited to, screening and buffering along the ground plane, and consistent transmission structure design limited to monopoles except where safety considerations require the erection of other transmission structures.

3. Progress Energy shall reduce the negative effects of external impacts resulting from transmission line related factors including, but not limited to, traffic and noise.

4. The compatibility of any new buildings, accessory structures and appurtenances with the neighborhoods, shall be achieved through controlled access, building orientation, building mass, scale, and height, as well as site planning techniques including screening and buffering.

5. Progress Energy shall endeavor to hold regular community, neighborhood meetings and public meetings through the design, permitting, and construction phases of the project and address the concerns of residents and other stakeholders affected by the placement and construction of the transmission line.

6. The County requests that Progress Energy coordinate with the County's Office of Neighborhood Relations in obtaining updated homeowner association and civic groups contact information to notify these organizations of the proposed transmission line siting project as well as to provide them with periodic updates on the development process.

7. The County desires that Progress Energy work with Planning and Growth Management Department to identify the possible collocation of trails and other compatible opportunities within the transmission line-right-of-way.

8. Section 9-A8.4.5 provides that construction activities will be performed during the day time; however special circumstances may dictate that some activities be performed at night. Please list what type of special circumstances would dictate night-time construction and the potential hours during which this construction will occur.

RIGHT-OF-WAY MANAGEMENT

1. Progress Energy shall utilize and adhere to all of the non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedure Manuals, including, but not limited to, all County design and construction standards, and protection of existing traffic controls, overhead and underground power lines installations procedures, permanent restorations for areas beyond the edge of pavement, and permanent pavement restorations.

2. Progress Energy needs to contact the Greater Tampa Utilities Group (GTUG) and all individual private and public utilities in Hillsborough County and coordinate the design and construction of the transmission lines within the County's right-of-way.

PUBLIC WORKS

1. Progress Energy shall contact the County departments managing design and construction of Capital Improvement Programs, infrastructure projects, and resurfacing programs and shall coordinate the subject permit application issues,

the design and construction of the transmission power lines in the County with these departments. As a minimum, the following departments, division, sections, and agencies should be contacted: Water Resource Services, Solid Waste, the Public Works Department, (Engineering Division, Transportation Maintenance Division, Right-of-Way Management Office, Design Engineering Services, Projects Management, Stormwater Management Section, Traffic Division), Parks and Recreation Department, Real Estate Department, Planning and Growth Management Department, and any other departments that is involved in the planning, design, and construction of infrastructure projects.

2. Progress Energy shall coordinate and resolve any and all known and potential conflicts with the above mentioned agencies, departments, sections, not only with the existing infrastructure and utilities, but also with all of the proposed and future utilities and infrastructure work, Capital Improvement Programs, etc, so as to avoid existing and future conflicts.
3. Progress Energy needs to contact Sunshine One Call and obtain a listing (Design and Construction tickets) of all of the existing underground utilities within the proposed transmission power line routes in Hillsborough County.
4. The County would like to know what public roadways are to be used for the transportation of the transmission poles, the type of carrier and wheel pressures that will be utilized and the times of day for the transport of said poles.
5. Is Progress Energy anticipating closing any public road during the project? If so, Progress Energy needs to contact Hillsborough County's Right-of-Way Management Office and coordinate their work and, if applicable, obtain a Temporary Traffic Control Permit whenever Progress Energy intends to impede traffic in any manner whatsoever and/or is working within 15 feet of the edge of pavement. Progress Energy may need to submit a signed, sealed, site specific Maintenance of Traffic (MOT) plan to the County for review and approval. Also, Progress Energy will need to provide to County a MOT plan for construction entrances and exits. This process also applies to all lane or road closures requests.
6. Progress Energy's design and construction plans shall be certified by Professional Engineers Registered in the State of Florida for all applicable disciplines required for this project, including, but not limited to, civil, structural, mechanical, and soil.
7. The County needs Progress Energy to minimize the impacts of the transmission line on intersection improvements by locating all proposed transmission line poles outside the ultimate configuration for all current and potential future signalized intersection.

REAL ESTATE

It appears that Progress Energy may need to acquire property from the County in order to complete the corridor for the proposed transmission line. Once Progress Energy has identified what additional property is needed, Progress Energy will need to provide legal descriptions and sketches of the property to the County so that an evaluation of the potential impact, if any, of the proposed transmission line on the property can be made.

WATER RESOURCES SERVICES

The County understands that the Progress Energy's PHP corridor is intended to utilize the existing corridor for the most part; however there may be instances where Progress Energy may need to acquire additional property. Once the corridor's boundaries are determined with respect to specific roads and easements, the County reserves the right to review this corridor to ensure that there are no issues such as corrosion of existing (ion) water transmission lines caused by electrical currents from the transmission lines.

MISCELLANEOUS

The county hereby requests that Progress Energy:

1. Provide graphic or text information pertaining to existing population densities along the preferred route.
2. Identify existing and permitted developments along the preferred route.
3. Describe what efforts are being taken to reduce the visual and aesthetic impacts of the transmission line along the corridor.
4. Advise whether lattice towers are planned for any portion of the corridor or whether all of the transmission structures will consist of monopoles.
5. Advise whether Progress Energy owns the 300 feet of right-of-way discussed in Section 9-A8.3.2.1 which states that the PHP corridor from Hillsborough River to Lake Tarpon Substation is approximately 300 feet wide until it approaches Lake Tarpon Substation. If not, how much right-of-way does Progress Energy own in this area.

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7/1/2008
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The above represents the comments from the various County departments. Please have Progress Energy forward any additional information or responses to the above questions to Marva M. Taylor. Additional should you have any questions or need further clarification, please feel free to contact me at (813) 272-5670.

Sincerely,



Marva M. Taylor
Senior Assistant County Attorney

cc: Laura Kammerer, Bureau of Historic Preservation R.A.
Forrest Watson, Florida Division of Forestry
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Mr. Mike Halpin
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Board of County Commissioners

Division of Planning & Development

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July 7, 2008

Mr. Mike Halpin
Siting Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 48
Tallahassee, FL 32399-2400

Re: Site Certification Application – Progress Energy Florida – Nuclear Power Project
PPSA No. PA08-51/DOAH Case No. 08-2727

Mr. Halpin:

Sumter County staff has completed its initial review of the above referenced application for site certification (“Application”) in accordance with Section 403.5066 of the Florida Electrical Power Plant Siting Act (“PPSA”). Sumter County staff’s review was focused on the proposed transmission line corridor and substation within the county. Sumter County staff finds the Application incomplete at this time. The reasons for the finding are as follows:

Section 9-A3.3.1.7 of the Application identifies the general location for a Proposed Central Florida South Substation. However, the general location appears to cover an area several thousand acres large. Given such a large area, a determination of land use suitability for the proposed substation is not feasible. Please provide a more definitive location of the proposed substation in order to facilitate a land use suitability determination.

Section 9-A3.3.6.2.1 of the Application provides a brief overview of the Sumter County Comprehensive Plan in regard to public utilities. However, the overview does not address any of the goals, objectives, or policies related to protection of environmental resources and neighborhood compatibility also contained within the Sumter County Comprehensive Plan. Please provide additional information regarding the proposed project and its consistency with the

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Sumter County Comprehensive Plan policies related to protection of environmental resources and neighborhood compatibility.

Section 9-A3.3.6.2.3 of the Application addresses pertinent sections of the County's Land Development Code and Code of Ordinances. On March 11, 2008, the Sumter County Board of County Commissioners adopted ordinance 2008-09 amending the Sumter County Noise Ordinance. Please verify consistency of the project with the revised Noise Ordinance. Also, the Application states that requirements for permits from Sumter County Public Works for utility improvements within the County's right-of-way. However, no commitment is made regarding obtaining proper permits from Public Works.

Section 9-A3.3.6.2.4 of the Application discusses the zoning approval required for the proposed Central Florida South Substation. The Application is correct in its determination that the proposed substation requires a Major Special Use approval under the County's Land Development Code. However, there is a discrepancy in the Application regarding jurisdiction of the location of the proposed Central Florida Substation. The Application states in earlier sections that the proposed Central Florida Substation will be located within either the City of Wildwood or the City of Leesburg. However, this Section states: "If the selected substation site is located within the unincorporated area of Sumter County, PEF will apply to Sumter County for a Special Use Permit". Please confirm if the proposed substation is planned to be located within the City of Wildwood or within unincorporated Sumter County.

General Comments –

The proposed transmission line has potential impacts to surrounding residential properties. County staff is concerned with the compatibility of uses and protecting the character of surrounding neighborhoods. The proposed transmission line must not create external impacts the adversely affect surrounding neighborhoods. Please describe the use of screening and buffering to minimize impact along the ground plane and how the visual and aesthetic impacts of the transmission lines to surrounding properties are mitigated.

Please provide information regarding what circumstances would require night time construction.

Please provide information regarding the public roadways used for the transportation of the transmission poles, the type of carrier, axle loading of the vehicles, and times of day for their transportation.

Please provide information (map or text) regarding population densities along the preferred corridor.

Please identify any large scale development existing or in review (Development of Regional Impact or Planned Unit Developments) along the preferred corridor.

If you have any questions regarding our comments, do not hesitate to contact me at 352-793-0270 or brad.cornelius@sumtercountyfl.gov.

Sincerely,



Bradley T. Cornelius, AICP
Planning Manager

Copy: Bradley Arnold, County Administrator
Derrill McAteer, Hogan Law Firm, County Attorney