

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Staff Analysis Report

**Levy Nuclear Power Plant Units 1 and 2
Site Certification**

Transmission Line Portion

Progress Energy Florida

**PA51-08
DEP OGC Case No. 08-1621
DOAH Case No. 08-2727EPP**

September 25, 2008

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I. INTRODUCTION

The Florida Power Corporation doing business as Progress Energy Florida, Inc. (PEF) Levy Nuclear Power Plant Units 1 & 2 project (LNP) is being reviewed for licensing under the provisions of the Power Plant Siting Act including portions of the Transmission Line Siting Act (the Acts) as outlined in Sections 403.501 through 403.539, Florida Statutes (F.S.), and Chapter 62-17, F.A.C. The Acts provide a centralized and coordinated environmental licensing process which results in the certification of a power plant with associated facilities and corridors for new transmission lines that cross or affect multiple government jurisdictions.

For linear facilities associated with an electrical power plant, such as the proposed transmission lines, the Acts provide for the certification of “corridors”, the area within which the associated linear facilities’ rights-of-way must be located. Once the rights-of-way for the new transmission lines have been acquired, the boundaries of the corridors will be revised to those of the acquired rights-of-way. The remainder of the corridors will then have no further legal significance with relation to this project.

Pursuant to 2008 Florida House of Representatives’ Bill 7135, Section 70 (Enrolled 2008), PEF may allow consideration of alternate corridors (and has chosen to do so) that may be proposed by other parties for all or portions of this corridor, including alternate substation sites for the two proposed substations. The application processing schedule set forth in Sections 403.521 – 403.526, 403.527(4), and 403.5271 is used for these corridors, including the opportunity for the filing and review of alternate corridors or substation sites, if a party timely proposes an alternate transmission line corridor route or substation site for consideration.

This Staff Analysis Report will analyze only those portions of the application related to the transmission lines which are being processed under different statutory timelines than the plant and other associated facilities. Proposed Conditions of Certification included in this report are applicable only to the transmission line portion of the LNP. Pursuant to the statute, a set of proposed Conditions of Certification will be filed with the Staff Analysis Report for the Levy Nuclear Plant and other associated facilities which will incorporate the transmission line Conditions of Certification proposed here.

The Florida Cabinet sitting as the Siting Board ultimately makes the final approval on the power plant and associated facilities as well as transmission line corridors and included transmission line facilities. The Siting Board’s decision will be based on the recommendations of an Administrative Law Judge who has evaluated the testimony and evidence of reviewing agencies, intervening parties and the public.

A. Project Description

On June 9, 2008, PEF submitted to the Department of Environmental Protection (DEP) an application for certification of their proposed nuclear power plant consisting of Units 1 and 2; associated facilities consisting of a railroad spur, a barge canal, water

pipeline, and access roads; and transmission line corridors (Figure 1). The LNP will require new transmission lines in order to incorporate the additional power into the Florida electrical grid system.

Figure 1- Site Map



Although the vertical clearance of the transmission lines will vary along the right-of-way in all instances the transmission lines will meet the requirements of the National Electrical Safety Code (NESC) (Institute of Electrical and Electronics Engineering, Inc., approved April 2007) and will have a typical minimum clearance above the ground of 35 feet. Existing roadways, access roads, and structure pads will be used for construction and maintenance access to the transmission lines, wherever practicable. Where the new transmission lines will be constructed adjacent to existing transmission right-of-way, improvements to the associated access roads and/or pads may be made depending on the status of the existing conditions. Where adequate access roads or structure pads do not exist, new roads and pads may be constructed. These roads will be unpaved with a top elevation up to 2 feet above expected seasonal high water and a typical road surface width of 18 feet.

PEF developed criteria for identifying corridor segments based on PEF's experience in this part of the State of Florida, experience in previous transmission line studies, and input from the public involvement process. Those criteria required corridor segments, to the extent practicable, to:

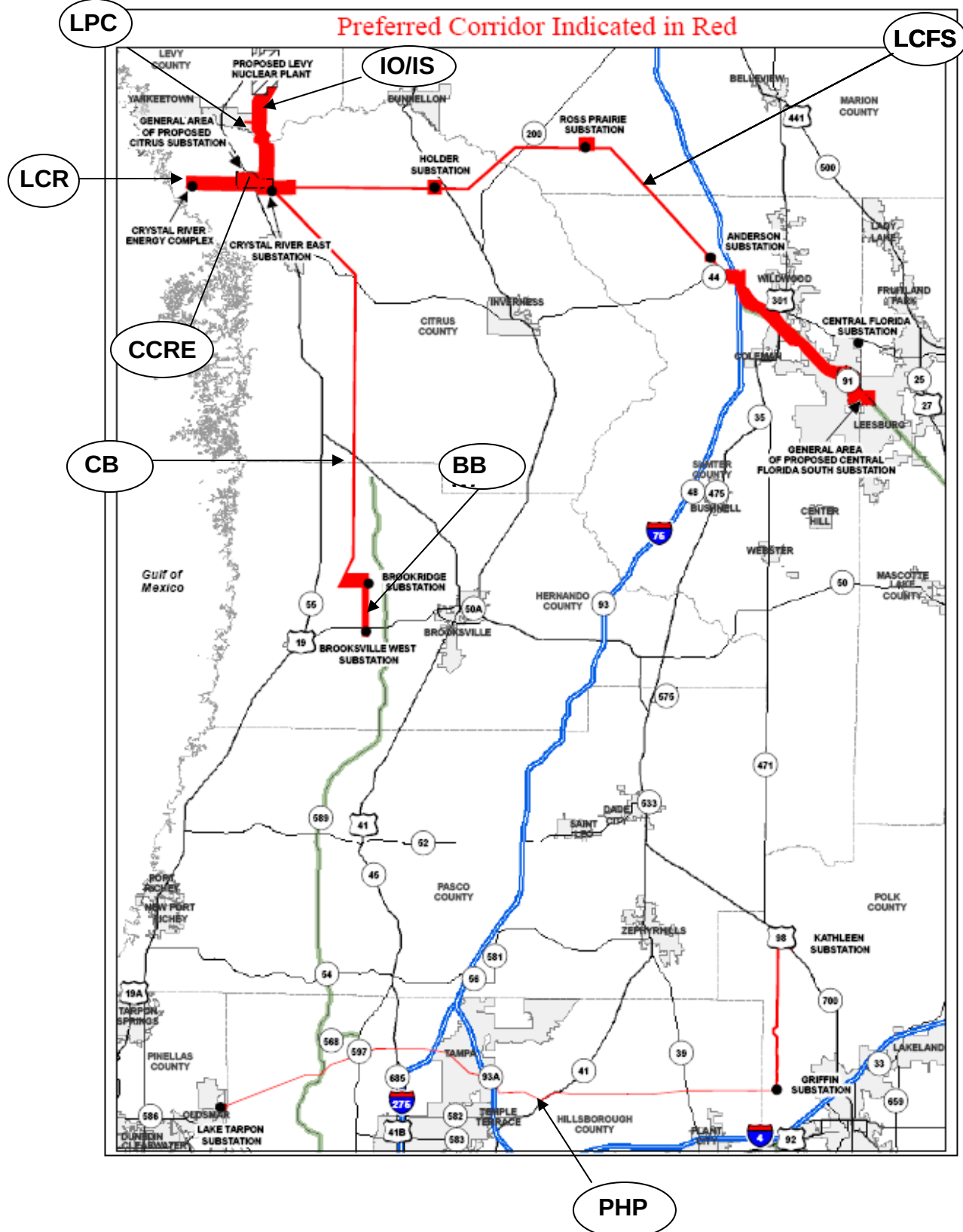
- Maximize co-location with existing PEF transmission lines;

- Maximize co-location with other linear features including arterial and collector roads, major canals, and railroads;
- Minimize locating corridor segments adjacent to existing residential development where no transmission line already exists;
- Minimize the severance of land under common ownership;
- Maximize following previously disturbed alignments (roads, trails, canals, ditches, etc.) through Florida Managed Areas (FMA), wetlands and upland forested areas;
- Minimize river and canal crossings where no crossing (road, railroad, transmission or other utility crossing) already exists;
- Minimize locating corridor segments abutting schools;
- Minimize locating corridor segments abutting community facilities;
- Encourage location close to existing industrial and extractive land uses;
- Minimize location within traditional business districts with concentrations of older or historic buildings; and
- Maintain distance from registered public and private airports consistent with Federal Aviation Administration (FAA) and other applicable state and county regulations.

The following is a list of the electrical transmission lines that PEF is seeking certification for and Figure 2 shows a map of all the corridors;

1. Levy Nuclear Plant to Proposed Citrus Substation, two 500-kV Transmission Lines (Levy and Citrus Counties), also known as the Citrus 1 and Citrus 2 or the LPC transmission lines (Figure 4).
2. Levy Nuclear Plant to Crystal River Energy Complex Switchyard, 500-kV Transmission Line (Levy and Citrus Counties), also known as the Crystal River or LCR (Levy Crystal River) transmission line (Figure 5).
3. Levy Nuclear Plant to Proposed Central Florida South Substation, 500-kV Transmission Line (Levy, Citrus, Marion, Sumter and Lake Counties and Municipalities of Wildwood and Leesburg), also known as the Sumter or the LCFS (Levy Central Florida South) transmission line (Figure 6).
4. Levy Nuclear Plant North and South Construction/Administration, 69-kV Transmission Lines (Levy County), also known as the Levy North and Levy South or IO and IS transmission lines (Figure 8).
5. Crystal River Energy Complex Switchyard to Brookridge Substation, 230-kV Transmission Line (Citrus and Hernando Counties), also known as the Brookridge or CB transmission line (Figure 9).
6. Brookridge Substation to Brooksville West Substation, 230-kV Transmission Line (Hernando County), also known as the Brooksville West or BBW transmission line (Figure 10).
7. Proposed Citrus Substation to Crystal River East Substation, 230-kV Transmission Line (Citrus County), also known as the Crystal River East or CCRE transmission line (Figure 11).
8. Polk-Hillsborough-Pinellas, 230-kV Transmission Line (Polk, Hillsborough and Pinellas Counties and Municipalities of Tampa, Plant City and Oldsmar), also known as the Kathleen or PHP transmission line (Figure 12).

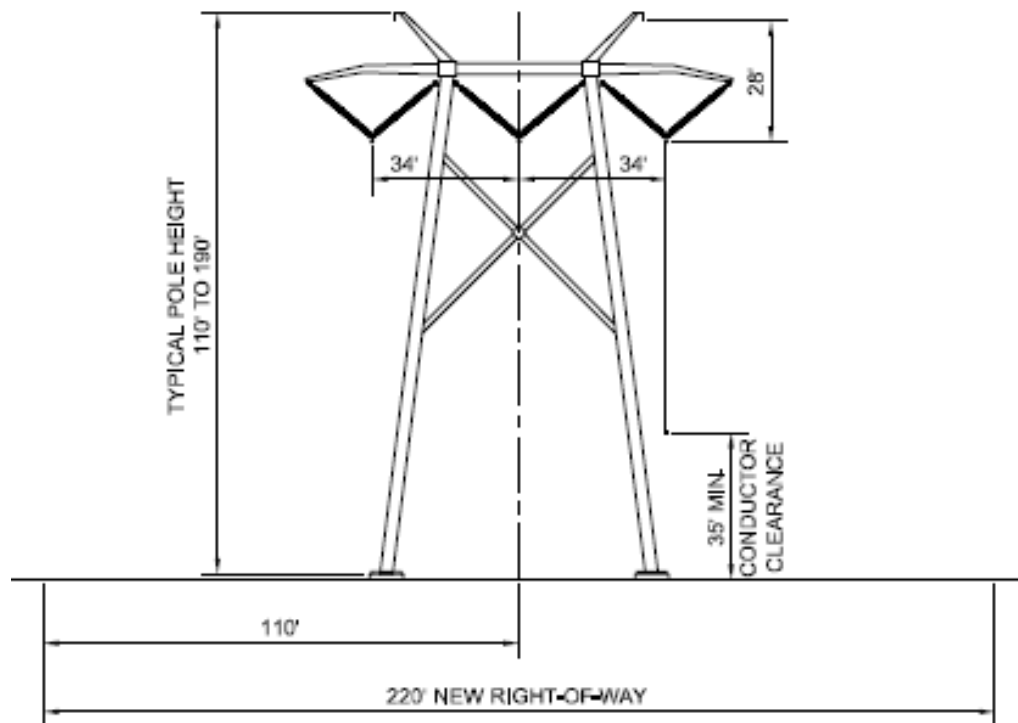
Figure 2 – Preferred Corridors



The proposed corridors for four new 500-kV transmission lines, where practicable, encompass available PEF existing right-of-ways (ROWs). The corridor lengths range from approximately 7 to 59 mi., and range in width from approximately 1000 ft. to 0.5 mi. to allow for maximum flexibility when determining the ROW and for entering or exiting substations. Approximately 91 mi. of transmission lines will need to be constructed to the first substations in order to incorporate the power generated by LNP into the Florida electrical grid system.

Figure 3 shows a typical tangent steel H frame structure with 5' to 8' diameter pier foundation.

Figure 3 – H Frame Transmission line structure



The 500-kV LPC Corridor is approximately 7 miles in length and is a mile wide. The typical right-of-way width is 220 feet for a new 500-kV transmission line constructed with H-frames and 200 feet when constructed with monopoles, with the structures located in the center of the right-of-way. Two new 500-kV transmission lines are proposed for the 500-kV LPC Corridor. The proposed collocation with other proposed 500-kV transmission lines may allow a reduction in the typical right-of-way width.

Figure 4 - LPC

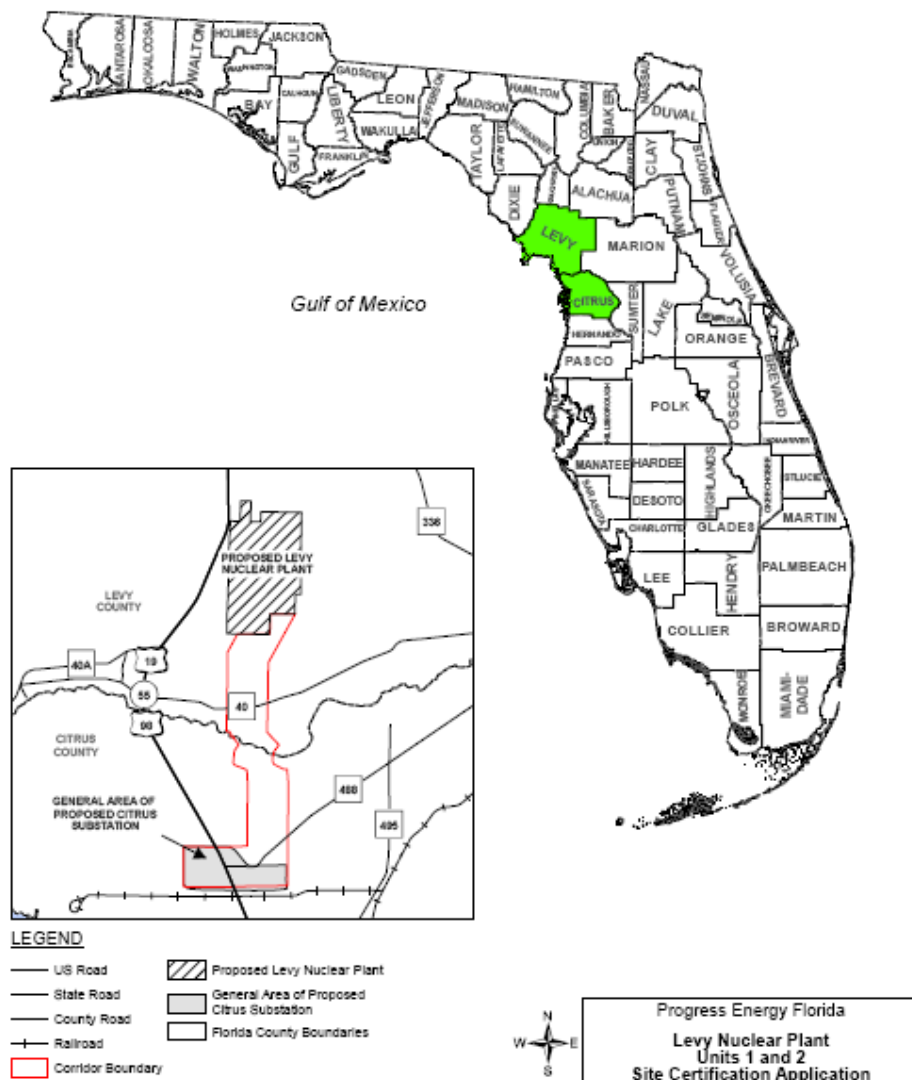


Figure 5 - LCR

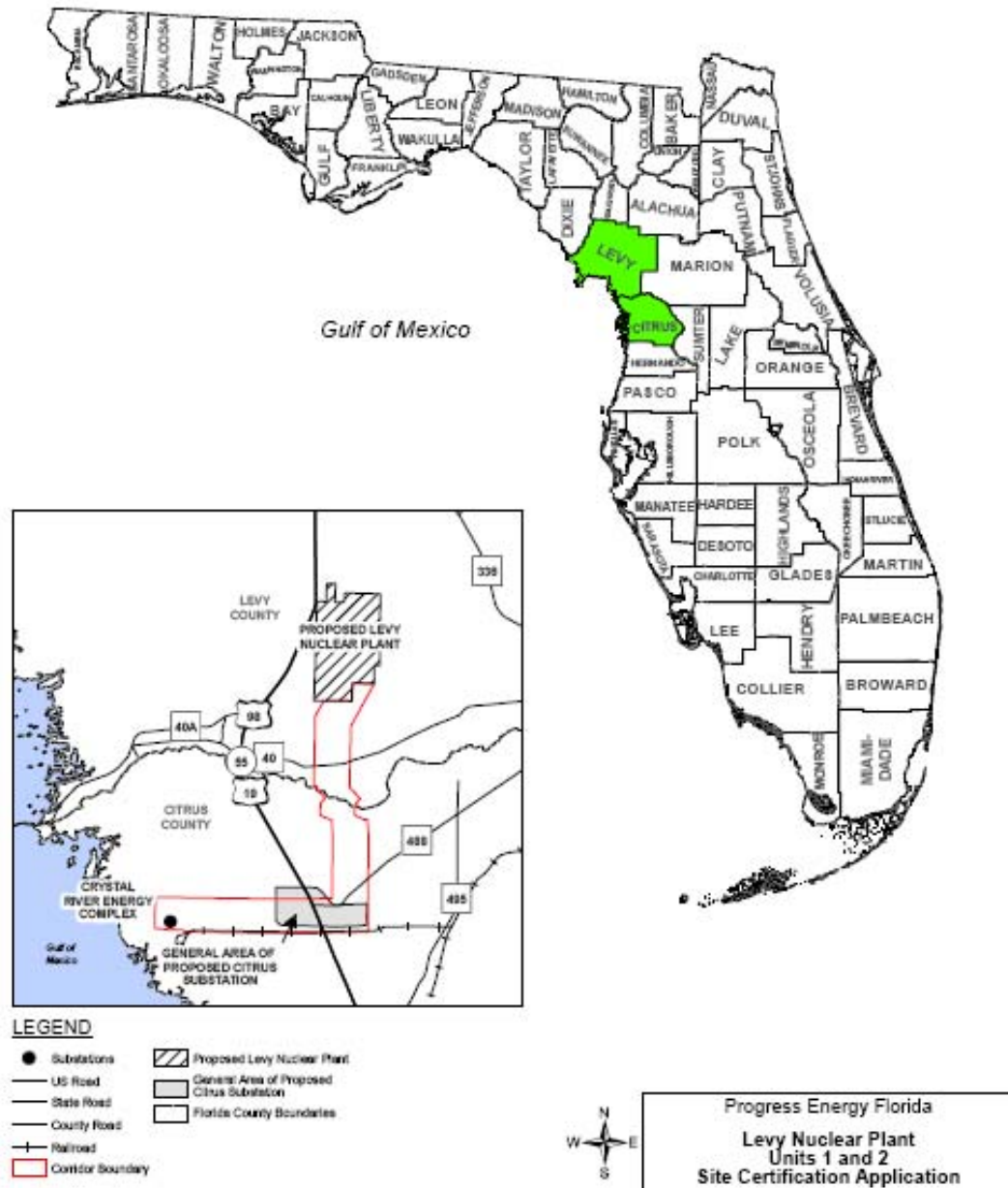
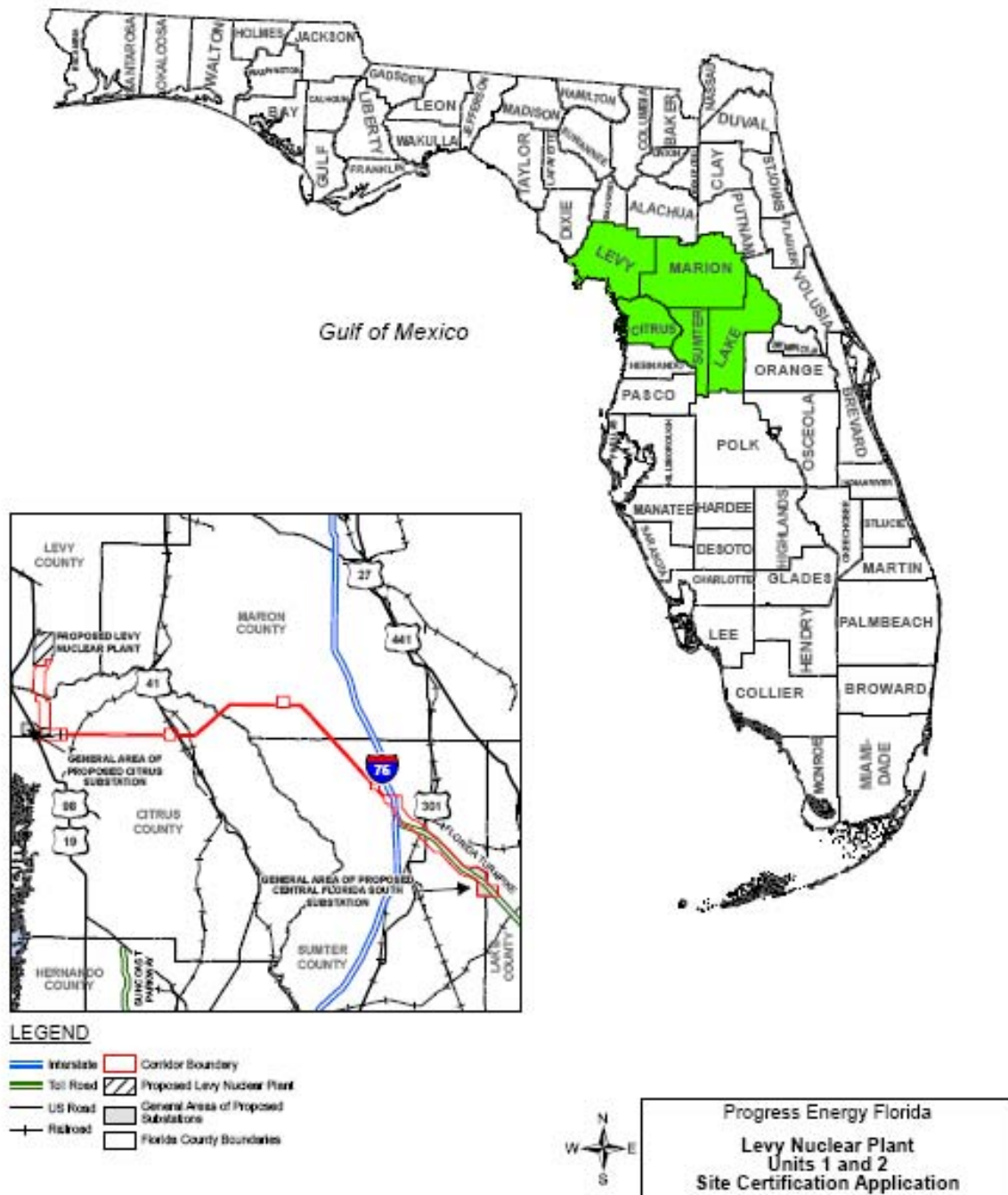


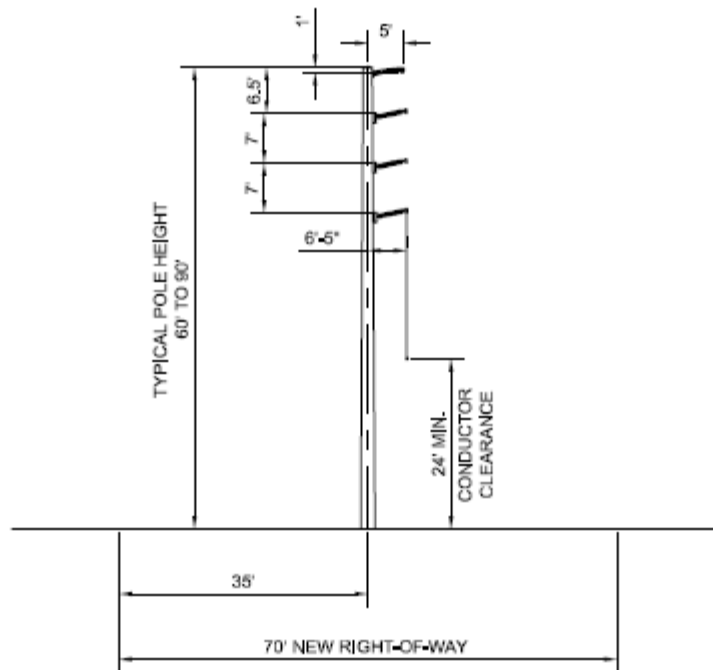
Figure 6 - LCFS



The 69-kV IS Corridor is located between the LNP and US 19, and is located entirely on PEF owned property. The 69-kV IO Corridor is located between the LNP and County Road (CR) 40. A majority of the 69-kV IO Corridor is located on PEF owned property.

Figure 7 shows a monopole structure with a 4' to 6' diameter pier foundation which is a typical structure configuration for this type of line.

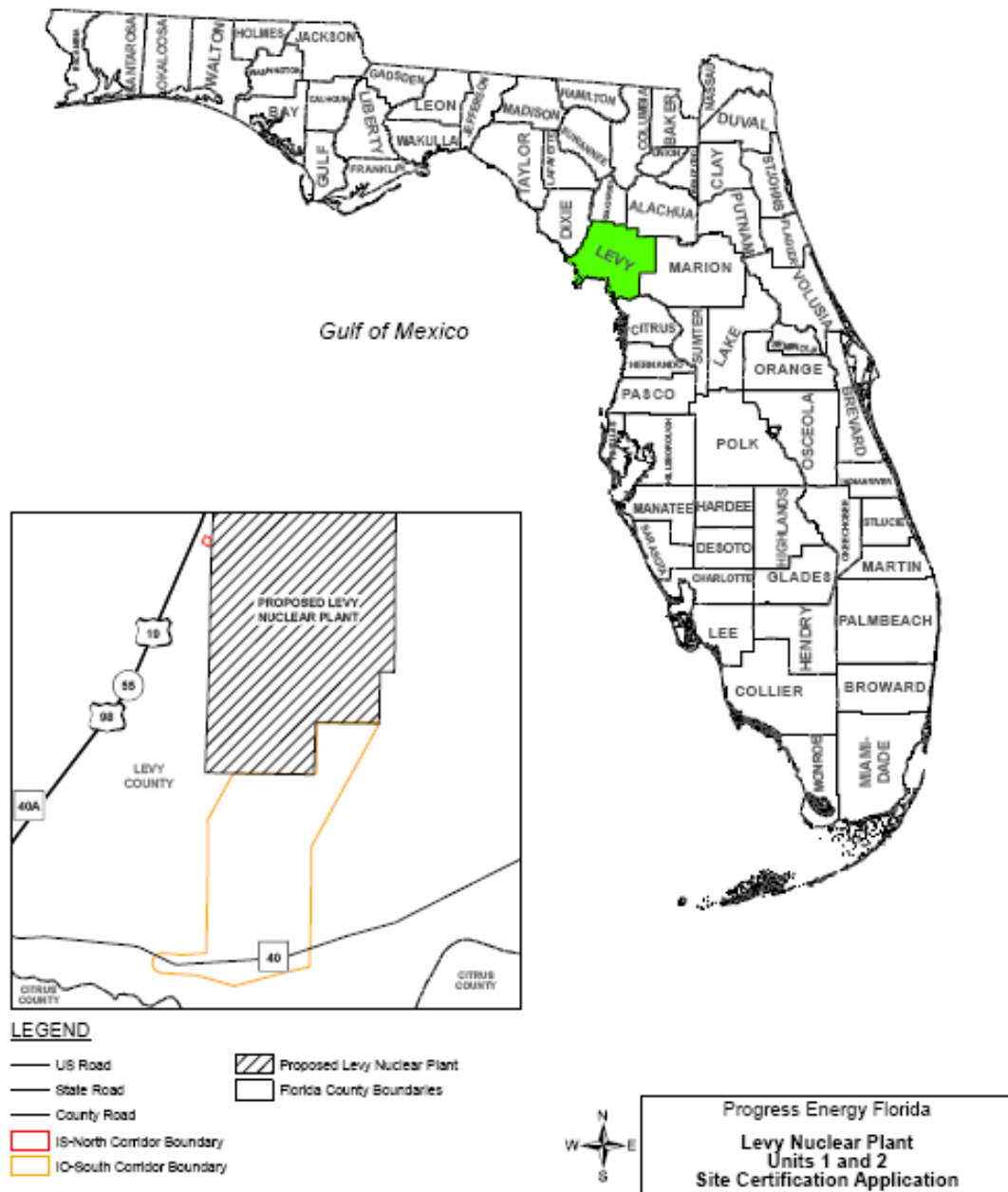
Figure 7 – Monopole Structure



The 69-kV IO Corridor is approximately 4.5 miles in length and is a mile wide for most of its length. This corridor width provides PEF with an appropriate amount of flexibility in avoiding site-specific constraints or accommodating co-location opportunities when selecting the final transmission line right-of-way within the 69-kV IO Corridor. A right-of-way of up to 70 feet is anticipated which will be reduced within the Levy/Citrus Common Corridor and wherever the right-of-way is adjacent to an existing road right-of-way.

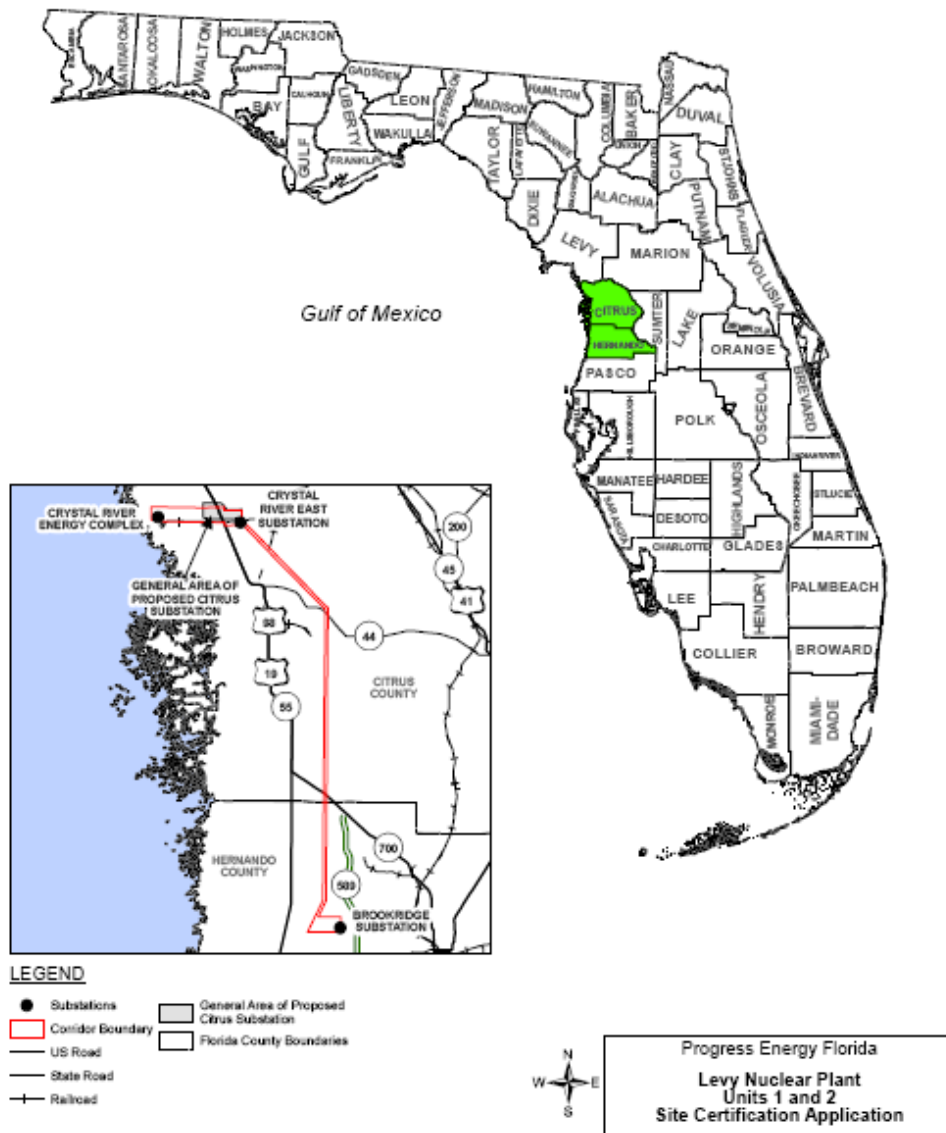
The 69-kV IS Corridor, an approximately 375-foot long corridor with a width of approximately 400 feet, will extend from the LNP westerly site boundary to allow connection to an existing 69-kV transmission line east of US 19. The corridor width provides PEF with flexibility in co-locating this proposed transmission line to the north or south of its construction access road.

Figure 8 – IO and IS



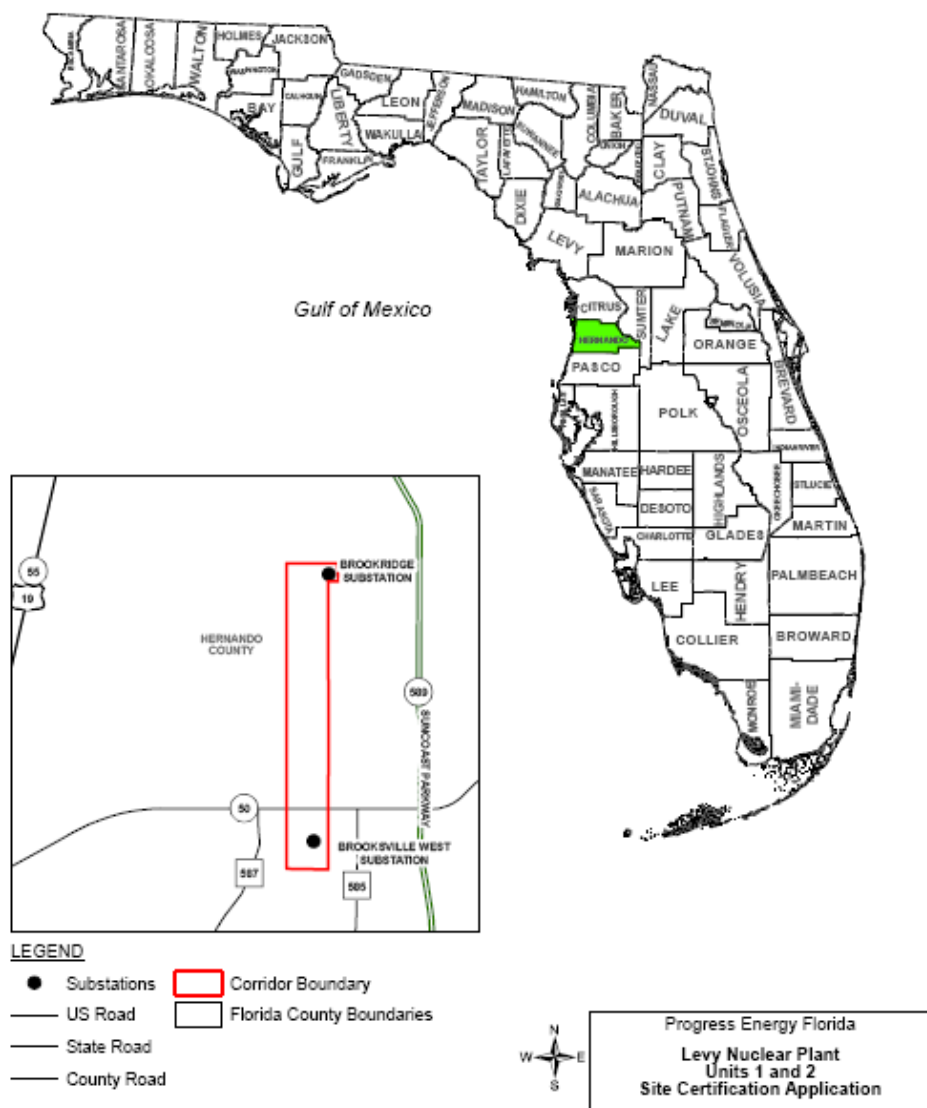
The 230-kV CB Corridor originates at the CREC switchyard in Citrus County and terminates at the existing Brookridge substation in Hernando County. The overall length of the 230-kV CB Corridor is approximately 38 miles. The 230-kV CB Corridor is co-located with PEF's existing transmission line rights-of-way for most of its length; its width ranges from approximately 1000 feet to a mile.

Figure 9 - CB



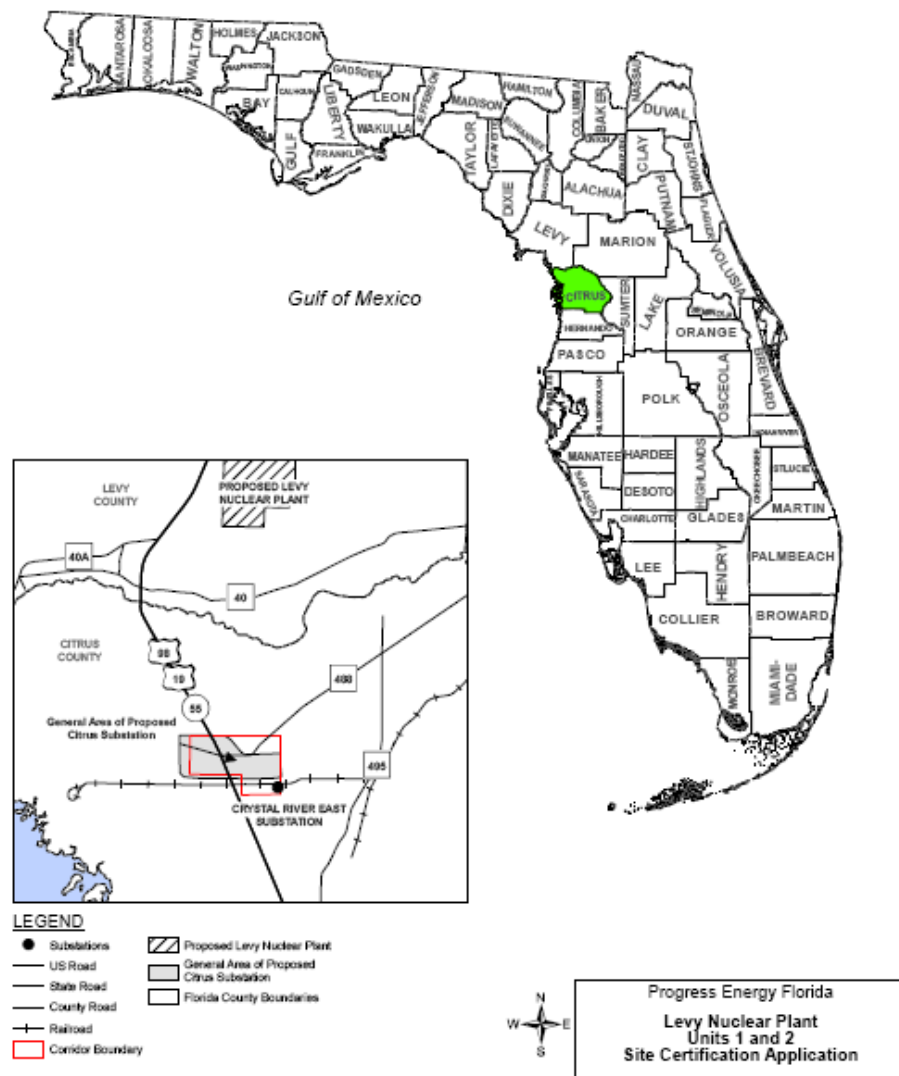
The 230-kV BBW Corridor originates at the existing Brookridge substation traverses south and terminates at the existing Brooksville West substation. The overall length of the 230-kV BBW Corridor is approximately 3 miles. The 230-kV BBW Corridor is approximately 0.5 mile wide and is co-located with the existing PEF 500/230/115-kV transmission line right-of-way. The 0.5 mile wide 230-kV BBW Corridor allows flexibility when entering/existing the substations. The predominant land use within the 230-kV BBW Corridor is residential. It is anticipated that the right-of-way needed for the 230-kV BBW transmission line is 100 feet.

Figure 10 - BBW



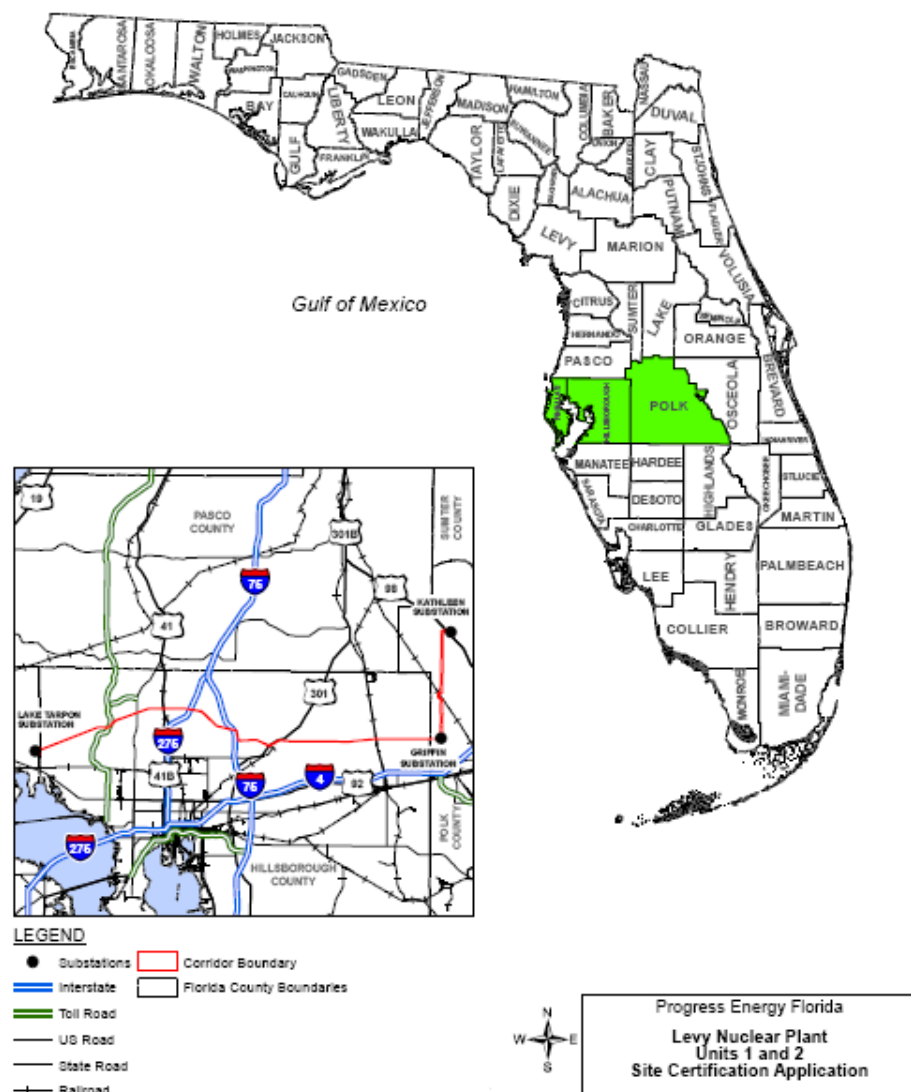
The proposed Citrus substation and the existing Crystal River East substation are separated by less than a mile. The specific location of the proposed Citrus substation, an endpoint for the 230-kV CCRE Corridor, has not been determined. The length of the 230-kV CCRE Corridor is approximately 2.7 miles and the corridor is a mile wide. The 230-kV CCRE Corridor's mile width allows the desired flexibility for future routing of the two transmission lines. The anticipated right-of-way needed for the 230-kV CCRE transmission lines is 100 feet.

Figure 11 - CCRE



The 230-kV PHP Corridor originates at the existing Kathleen substation in Polk County and terminates at the existing Lake Tarpon substation in Pinellas County. The overall length of the 230-kV PHP Corridor is approximately 50 miles. The 230-kV PHP Corridor co-locates with PEF's existing 230-kV transmission line right-of-way from the Kathleen substation to the Griffin substation. The 230-kV transmission line will be located within the existing 115-kV transmission line right-of-way from the existing Griffin substation to the existing Lake Tarpon substation.

Figure 12 - PHP



B. Transmission Line Certification Process

The filing of a complete application triggers an assessment process of environmental, socioeconomic, cultural and land-use impacts resulting from the location of the proposed corridor, construction of the transmission line and maintenance of the transmission line and its associated right-of-way (ROW). The transmission line certification process does not assess impact on private property rights nor issues related to the possible condemnation or other takings of private lands.

The transmission line process includes the reviews and recommendations of the reviewing agencies whose jurisdiction are impacted by the proposed corridor. The reviewing agencies submit to the DEP assessment reports including recommendations and potential conditions of certification based on their areas of jurisdiction. DEP incorporates these agency reports into a compilation as part of its report. The DEP report is guided by Rule 62-17 Part II Transmission Line Siting. The analysis performed by DEP may include the consideration of the following criteria in regards to corridor location impacts: transmission line construction impacts; electric and magnetic field effects; right-of-way and access road maintenance impacts; mitigation measures; potential impacts of transmission line crossings on navigable waters, and submerged lands or wetlands; potential impact on water quality and quantity, including hydrology and surface drainage resulting from construction, clearing, and maintenance; potential impact on terrestrial and aquatic plant and animal life, including endangered or threatened species; commensurate with the level of detail of information provided in the application, a final or preliminary identification of those areas where the Department has environmental resource permit jurisdiction [specific identification and the location of the landward extent of jurisdiction may not occur until after the right-of-way has been defined]. If site specific dredging and filling information has not been provided for all locations in the corridor at the time of application filing the DEP may require an analysis of areas in which the right-of-way, if located, would cause the transmission line not to be certifiable. DEP's designation of such areas may be premised on the following:

- there are no construction techniques which can reasonably be used in that area to mitigate adverse construction impacts to the extent that permitting requirements can be met, including considerations of cumulative impact as provided for in s.403.919, F.S.
- it would be appropriate for this particular location to be excluded from the certified corridor; and other matters relating to dredging and filling which fail to comply with all non-procedural requirements of an agency or fail to comply with the standards set forth in section § 403.529, F.S., e.g., endangered species habitat.

DEP's analysis may include a review of areas where construction techniques and potential right-of-way locations may exist which will comply with departmental permitting requirements, but the department does not possess sufficient information to make such determination. For example, such an instance might occur when neither the applicant nor the department has permission to enter property to verify conditions deduced from aerial photography or other remote means.

A recommendation for certification may be made conditional as to location or as to specific construction techniques or as to provision of additional information to be submitted after certification. Post Certification Review (PCR) of a certified corridor can be a direct result of the uncertainty produced by not knowing the exact location of the final right-of-way within a 2600-foot wide corridor. Many site-specific details and site-specific construction and maintenance impacts can not be known until the ROW is selected by the Licensee. In PCR, verification occurs that allows sensitive areas to be avoided, that location and construction of the ROW and the transmission line will have minimal adverse impacts, and that substantive agency regulations are complied with. PCR can apply to endangered species monitoring, wetland impact minimization, wetland mitigation requirements, archaeological assessments, road-crossing limitations, and so on. The procedures and timeframes for PCR conditions of certification are formalized in Florida Administrative Code Rule 62-17.665. DEP or other agencies may request the Siting Board to approve such PCR conditions with respect to the LNP transmission line portion of the application.

The Conditions of Certification can be found in Appendix I.

II. AGENCY REPORTS

The complete text of following agency reports can be found in Appendix II.

A. Public Service Commission

A Determination of Need for the LNP was issued by the Florida Public Service Commission (PSC) pursuant to §403.519, F.S., on August 12, 2008. More detail concerning this determination of need will be discussed in the Power Plant Staff Analysis Report.

B. Department of Environmental Protection

The Department has concluded that the proposed corridors can be certified as long as PEF complies with the Conditions of Certification and, once the ROW's are determined, PEF supplies the information necessary to meet the informational requirements for an ERP permit as part of post-certification review. An Electric Magnetic Field (EMF) report was submitted with the application and found to be in compliance with DEP Rule 62.814 (Table 1). Six sections where the maximum field levels at the edge of right-of-way (ROW) for the new transmission lines appear to exceed the applicable electric or magnetic field limit have been highlighted. However, the maximum is equivalent to or below the existing maximum field level associated with the existing transmission line(s) that were constructed prior to adoption of the standards in Chapter 62-814, F.A.C. and with which the new transmission lines will be co-located. Since addition of the new transmission lines to the existing ROWs does not increase the electric

or magnetic fields at edge of ROW above the maximum field values created by the existing line(s), no violation of the standards of Chapter 62-814, F.A.C. will occur. Rule 62-814.470(1)(c), F.A.C. states; “Where calculations under this section indicate that operation of existing electrical facilities on an existing ROW produces electric or magnetic fields at levels higher than the limits specified for new facilities in Rule 62-814.450, F.A.C., a new electrical facility may be constructed and operated on that existing ROW provided that the new facility does not increase the electric or magnetic fields above the maximum field values created by the existing line. Where calculations under this section indicate that the existing electrical facility produces field strengths less than the limits in Rule 62-814.450, F.A.C., then the limits in Rule 62-814.450, F.A.C., shall apply.”

Table 1 - Report on Compliance of transmission line EMF associated with Progress Energy Levy County Plant

500KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
1.2-1	9.0 kv/m	10 kv/m	1.3 kv/m	2.00 kv/m	96.73 mG	200 mG
1.2-2	8.3 kv/m	10 kv/m	1.13 kv/m	2.00 kv/m	63.29 mG	200 mG
1.2-3	9.0 kv/m	10 kv/m	0.62 kv/m	2.00 kv/m	77.52 mG	200 mG
1.2-4	9.0 kv/m	10 kv/m	0.39 kv/m	2.00 kv/m	81.69 mG	200 mG
1.2-5	8.3 kv/m	10 kv/m	0.53 kv/m	2.00 kv/m	42.54 mG	200 mG
1.2-6	8.2 kv/m	10 kv/m	0.48 kv/m	2.00 kv/m	92.47 mG	200 mG
1.2-7	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.68 mG	200 mG
1.2-8	8.3 kv/m	10 kv/m	0.84 kv/m	2.00 kv/m	98.73 mG	200 mG
1.2-9	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.6 mG	200 mG
1.2-10	8.3 kv/m	10 kv/m	0.98 kv/m	2.00 kv/m	66.44 mG	200 mG

500KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
1.2-7	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.68 mG	200 mG
2.2-1	9.0 kv/m	10 kv/m	1.3 kv/m	2.00 kv/m	96.73 mG	200 mG
2.2-2	8.3 kv/m	10 kv/m	1.13 kv/m	2.00 kv/m	63.29 mG	200 mG
2.2-3	9.0 kv/m	10 kv/m	0.62 kv/m	2.00 kv/m	77.52 mG	200 mG
2.2-4	9.0 kv/m	10 kv/m	0.39 kv/m	2.00 kv/m	81.69 mG	200 mG
2.2-5	8.3 kv/m	10 kv/m	0.53 kv/m	2.00 kv/m	42.54 mG	200 mG
2.2-6	8.2 kv/m	10 kv/m	0.48 kv/m	2.00 kv/m	92.47 mG	200 mG
2.2-7	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.68 mG	200 mG
2.2-8	8.3 kv/m	10 kv/m	0.84 kv/m	2.00 kv/m	98.73 mG	200 mG
2.2-9	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.6 mG	200 mG
2.2-10	8.3 kv/m	10 kv/m	0.98 kv/m	2.00 kv/m	66.44 mG	200 mG
2.2-11	9.0 kv/m	10 kv/m	0.15 kv/m	2.00 kv/m	48.11 mG	200 mG
2.2-12	8.8 kv/m	10 kv/m	0.13 kv/m	2.00 kv/m	46.04 mG	200 mG
3.2-1	9.0 kv/m	10 kv/m	1.3 kv/m	2.00 kv/m	96.73 mG	200 mG
3.2-1	8.3 kv/m	10 kv/m	1.13 kv/m	2.00 kv/m	63.29 mG	200 mG
3.2-3	9.0 kv/m	10 kv/m	0.62 kv/m	2.00 kv/m	77.52 mG	200 mG
3.2-4	9.0 kv/m	10 kv/m	0.39 kv/m	2.00 kv/m	81.69 mG	200 mG

500KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
3.2-5	8.3 kv/m	10 kv/m	0.53 kv/m	2.00 kv/m	42.54 mG	200 mG
3.2-6	8.2 kv/m	10 kv/m	0.48 kv/m	2.00 kv/m	92.47 mG	200 mG
3.2-7	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.68 mG	200 mG
3.2-8	8.3 kv/m	10 kv/m	0.84 kv/m	2.00 kv/m	98.73 mG	200 mG
3.2-9	9.0 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	122.6 mG	200 mG
3.2-10	8.3 kv/m	10 kv/m	0.98 kv/m	2.00 kv/m	66.44 mG	200 mG
3.2-11	9.0 kv/m	10 kv/m	3.71 kv/m	3.71 kv/m	343.94 mG	351.22 mG
3.2-12	9.1 kv/m	10 kv/m	1.36 kv/m	2.00 kv/m	137.75 mG	200 mG
3.2-13	8.9 kv/m	10 kv/m	3.68 kv/m	3.71 kv/m	346.37 mG	351.22 mG
3.2-14	8.7 kv/m	10 kv/m	0.91 kv/m	2.00 kv/m	115.76 mG	200 mG
5.2-3	8.8 kv/m	10 kv/m	3.64 kv/m	3.65 kv/m	333.09 mG	335.61 mG
5.2-4	8.7 kv/m	10 kv/m	0.53 kv/m	2.00 kv/m	143.47 mG	200 mG
5.2-5	8.8 kv/m	10 kv/m	3.63 kv/m	3.65 kv/m	331.73 mG	335.61 mG
5.2-6	8.8 kv/m	10 kv/m	0.54 kv/m	2.00 kv/m	118.47 mG	200 mG
5.2-7	9.1 kv/m	10 kv/m	0.15 kv/m	2.00 kv/m	48.11 mG	200 mG
5.2-8	9.0 kv/m	10 kv/m	0.14 kv/m	2.00 kv/m	48.2 mG	200 mG
5.2-9	1.0 kv/m	10 kv/m	0.33 kv/m	2.00 kv/m	74.02 mG	200 mG

500KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
6.2-3	8.8 kv/m	10 kv/m	3.64 kv/m	3.65 kv/m	333.09 mG	335.61 mG
6.2-4	8.7 kv/m	10 kv/m	0.48 kv/m	2.00 kv/m	139.4 mG	200 mG
6.2-5	8.8 kv/m	10 kv/m	3.63 kv/m	3.65 kv/m	331.73 mG	335.61 mG
6.2-6	8.7 kv/m	10 kv/m	0.48 kv/m	2.00 kv/m	99.06 mG	200 mG
6.2-7	1.0 kv/m	10 kv/m	0.33 kv/m	2.00 kv/m	74.02 mG	200 mG
7.2-2	9.0 kv/m	10 kv/m	0.66 kv/m	2.00 kv/m	118.45 mG	200 mG

69KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
4.2-1	0.8 kv/m	8 kv/m	0.12 kv/m	2.00 kv/m	65 mG	150 mG
4.2-2	0.8 kv/m	8 kv/m	0.02 kv/m	2.00 kv/m	41.22 mG	150 mG

230KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
5.2-1	3.7 kv/m	8 kv/m	0.4 kv/m	2.00 kv/m	147.11 mG	150 mG
5.2-2	3.7 kv/m	8 kv/m	0.14 kv/m	2.00 kv/m	83.83 mG	150 mG
6.2-1	3.7 kv/m	8 kv/m	0.4 kv/m	2.00 kv/m	147.11 mG	150 mG
6.2-2	3.7 kv/m	8 kv/m	0.14 kv/m	2.00 kv/m	83.83 mG	150 mG

230KV Cross Section	Max EMF within ROW	RULE MAX	Max EMF Edge ROW	RULE MAX	Max MAG Edge ROW	RULE MAX
7.2-1	2.7 kv/m	8 kv/m	0.44 kv/m	2.00 kv/m	77.09 mG	150 mG
8.2-1	3.7 kv/m	8 kv/m	0.4 kv/m	2.00 kv/m	147.11 mG	150 mG
8.2-2	3.4 kv/m	8 kv/m	1.44 kv/m	2.00 kv/m	138.73 mG	150 mG
8.2-3	4.0 kv/m	8 kv/m	1.43 kv/m	2.00 kv/m	142.76 mG	150 mG

The Departments' agency comments from the Central and Southwest Districts are included in Appendix II-A. DEP's recommended conditions are included in Appendix I.

C. Department of Transportation

The Department of Transportation recommended certification of the proposed transmission line contingent upon PEF complying with the DOT's recommended conditions of certification contained in Section VI of their report (see Appendix II-B). DOT's recommended conditions are included in Appendix I.

D. Department of Community Affairs

The Department of Community Affairs (DCA) reviewed the completed corridor certification application and, as proposed, did not identify any issues of concern. DCA does not require the applicant to seek any variations, exceptions, forms of relief, or to satisfy other requirements with respect to conditions of certification. It is the DCA's recommendation that the proposed transmission line corridors be approved. The DCA's agency report is included in Appendix II-C.

E. Florida Fish and Wildlife Commission

The applicant will need to comply with the FWC listed species requirements prior to construction of the transmission lines. This may also include monetary requirements as specified in the Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines (Chapter 68-27, Florida Administrative Code (F.A.C.)).

The Florida Fish and Wildlife Commission (FWCC) recommends approval of the

transmission line portion of this application contingent upon compliance with their conditions. Proposed conditions of certification addressing their concerns are included in Appendix I. Their Agency report is included in Appendix II-D.

F. South West Florida Water Management District

Under the current operating agreement between the South West Florida Water Management District (SWFWMD) and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing SWFWMD substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way location for the proposed transmission line will not be determined until after a corridor is certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired right of way is determined. This allows for the SWFWMD to consult with DEP on the project's compliance with the conditions of certification related to ERP criteria as set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the SWFWMD's Environmental Resource Permitting Information Manual, and applicable provisions of 40D-9, F.A.C., relating to SWFWMD lands.

Staff recommends approval of the proposed transmission line, subject to the proposed conditions of certification, and recommends forwarding of this Agency Report (see Appendix II-E) to the DEP for inclusion in its project analysis and proposed conditions of certification.

The SWFWMD proposed conditions of certification are included in Appendix I.

G. St. Johns River Water Management District

The St. Johns River Water Management District (SJRWMD) reviewed the LNP application and indicated that none of the proposed electrical transmission corridors within the jurisdictional boundary of the District crosses District lands, however, there is a potential impact to a District owned parcel that abuts one of the proposed transmission corridors and is near the proposed Levy Central Florida South Substation. However, the specific location of this substation is unknown at this time.

The Welling Parcel is a 75-acre parcel located in Lake County that was donated to the District in 1993 for mitigation. The southwestern boundary of the parcel abuts the proposed LNP to the proposed Central Florida South Substation transmission line corridor (LCFS corridor). The SJRWMD included a map labeled 'Exhibit B' which is included in their agency report in Appendix II-F. The proposed LCFS corridor is 59 miles long and ranges from 1000 feet to a mile wide.

Although the proposed corridor and substation are not proposed to be located on District lands, their proximity presents a potential for impacts to District lands. The actual transmission corridors and associated rights-of-way locations will not be determined until after the corridors are certified. Proposed conditions have been included in Appendix I.

The District staff recommends approval of the proposed transmission line corridor portion of the power plant certification application with the inclusion of the proposed conditions.

H. Department of Agriculture and Consumer Services – Division of Forestry

The Division of Forestry (DOF) manages lands that are subject to be impacted by this project. Based on the general corridor maps reviewed to date, these lands include Goethe State Forest; the Two mile Prairie, Annuteliga Hammock and Lecanto Tracts of Withlacoochee State Forest; and, Ross Prairie State Forest. The DOF is not clear whether or not the Board of Trustees' Linear Facilities Policy test of avoidance has been addressed. This component of the process should be documented and included in a formal easement proposal at the time of actual submittal of associated documents. If this project is approved and moves forward, the DOF would like Progress Energy to consult with them on all details of design and location, and discuss probable impacts to state forests that will arise from the construction of these facilities. A Condition to that effect has been included in Appendix I. The letter from DOF is included in Appendix II-G.

I. Department of State

An agency report was not received from the Department of State however a Condition to ensure compliance with cultural and historical resources has been included in Appendix I.

J. East Central Florida Regional Planning Council

The East Central Florida Regional Planning Council (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) Secret Promise along the southern boundary of the corridor in Lake County. According to Map H of Secret Promise DRI, "Retail and Service" is planned along the southern boundary of CR 470. Progress Energy should work closely with the Secret Promise DRI to ensure the aesthetics of the transmission line and the ROW are consistent with the development occurring south of CR 470.

The proposed transmission line corridor also crosses some areas shown to be high in biodiversity, according to the ECFRPC Natural Areas of Regional Significance datasets. Council recommends that on-site verification of the actual extent of such natural

resources be conducted as part of the corridor selection. Pursuant to ECFRPC Strategic Regional Policy Plan Policy 4.31 *Planning and development approval shall avoid adverse impacts to listed species. Where suitable habitat on a project site is used by a listed species, a site plan and a management plan to minimize harm to the species and to maintain sufficient habitat to support a viable population of the species on-site should be required as a condition of development approval and Policy 4.32 All levels of government shall protect critical habitat for listed species, appropriate avoidance or mitigation should be part of the corridor plan.*

With consideration of the above conditions, the Council recommends approval of certification (see Appendix II-H). East Central Regional Planning Council conditions are included in Appendix I.

K. Withlacoochee Regional Planning Council

The Withlacoochee Regional Planning Council (WRPC) reviewed the LNP application based on the goals and policies of the *Strategic Regional Policy Plan for the Withlacoochee Region*. The WRPC notes that although there are areas of prospective adverse impact and these impacts are potentially balanced with the economic benefit of transmission line construction. WRPC Staff feels that proposed transmission line facilities are a necessary but accessory condition for the proper function of the proposed nuclear power plant.

Provided that the applicant satisfies or exceeds the conditions recommended by WRPC, WRPC staff does not object to approval to locate electrical transmission line facilities and appurtenant uses within rights-of-way located in corridors established through promulgation of the Florida Electrical Transmission Line Siting Act (see Appendix II-I).

L. Tampa Bay Regional Planning Council

Within the Tampa Bay region, the project (PHP) is limited to corridor certification for a 230 kilovolt electric transmission line to connect the existing Griffin and Lake Tarpon substations in westernmost Polk and easternmost Pinellas counties, respectively, within Pinellas and Hillsborough counties and the cities of Tampa, Plant City and Oldsmar. The TBRPC review was restricted to the portion of the project within the Tampa Bay region and those jurisdictions. The length of the corridor under consideration within the Tampa Bay region is approximately 39 miles, and the width of the proposed corridor varies from approximately 300 feet to 1,000 feet wide, centered on the existing transmission line rights of way.

Progress Energy Florida has stated that "PEF proposes to construct the PHP transmission line entirely within an existing transmission line right of way, replacing the existing Higgins-Griffin 115 kV transmission line, which has been in place for over 50 years. The only exceptions to placing the new line in the existing ROW would be in locations where physical or legal considerations required the use of additional ROW,

none of which are known at this time." Within this length it is likely that the existing lattice structures will be replaced by monopole structures 80 - 145-feet tall and 500 to 1,400 feet apart.

The project was reviewed for consistency with the Council's adopted Future of *The Region - A Strategic Regional Policy Plan for the Tampa Bay Region*. If the transmission line is constructed within existing, maintained transmission line rights-of-way as planned, impact to regionally significant natural resources will be prevented to the greatest degree possible.

TBRPC recommended that the application for certification of the 230 kV transmission line through Hillsborough and Pinellas counties, including the cities of Plant City, Tampa and Oldsmar, be approved, subject to the recommended conditions set forth in Appendix I. See Appendix II-J for TBRPC agency report.

M. Citrus County

Citrus County submitted its determination that the PEF Levy Nuclear Project's transmission line expansion and additions as proposed to be located in Citrus County, Florida are consistent with the County Land Development Code and recommends approval of the application as submitted. Citrus County's agency report is included in Appendix II-K. Their proposed Conditions are included in Appendix I.

N. Hernando County

Hernando County reviewed the application for the portion of the transmission lines that will affect their county. Preliminarily, Hernando County feels that the proposed PEF corridors will have a substantial impact on a number of county residents, citizens and businesses. The expansion of existing corridors and the addition of a new corridor in one part of the county may affect property values, add to existing aesthetic concerns, and raise numerous issues about safety, health, and welfare of those who have chosen to reside or operate a business in proximity to such corridors.

Hernando County recommends that the proposed PEF transmission line corridors through its jurisdiction be approved, provided that such approval includes the Conditions of Certification set forth in Appendix I to minimize the impacts referenced above.

Their agency report is included in Appendix II-L.

O. Hillsborough County

Hillsborough County recommends the approval of the proposed transmission line corridor for Progress Energy Florida, Inc.'s Polk-Hillsborough-Pinellas transmission line

as well as its subsequent construction subject to the conditions set forth in Appendix I being addressed and/or met. Their agency report is included in Appendix II-M.

P. Levy County

Levy County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed transmission line corridor to be certified. The County recommends the approval of the certification of the transmission line corridor proposed to be located in Levy County, subject to the conditions set forth in Appendix I being addressed and/or met. Their agency report is included in Appendix II-N.

Q. Pinellas County

Pinellas County indicated that impacts to Pinellas County are expected to be associated with the alignment from the Kathleen Substation in Polk County that terminates at the Lake Tarpon Substation in Pinellas County, located at the southeastern border of the Brooker Creek Preserve. Pinellas County's primary concerns are the need for coordination prior and during site development, adherence to Pinellas County Comprehensive Plan and land development regulation requirements, and compatibility with the Brooker Creek Preserve Management Plan.

The agency report for Pinellas County is included in Appendix II-O. Their proposed Conditions are included in Appendix I. Pinellas County did not recommend approval or denial of certification for this project.

R. Polk County

The Polk County Growth Management Department reviewed the Progress Energy Florida, Inc. (PEF) Transmission Line proposal as it relates to Polk County. According to the application, the proposed transmission line corridor within Polk County will be collocated with Progress Energy's existing transmission line rights-of-way. Transmission lines are considered *Utilities, Class I* per the Polk County Land Development Code. Since there are no proposed expansions to the existing PEF transmission line rights-of-way in Polk County (per page 9-A8-11 of the application), the referenced proposal will not be subject to review under the Land Development Code for the purpose of obtaining a permit.

Polk County recommends approval of the referenced transmission lines as consistent with the Polk County Land Development Code (see Appendix II-P).

S. Sumter County

Sumter County feels that the proposed PEF corridor will have an impact on numerous county residents, citizens, and property owners. The expansion of the existing corridors and addition of new corridors may affect property values, result in aesthetic concerns, impact development potential of some properties, and may result in concerns regarding the health, safety, and welfare of those who reside or own property within or adjacent to the PEF corridors.

Notwithstanding the foregoing concerns, Sumter County recommends the proposed transmission line corridors and proposed substation location within the County be approved subject to the conditions found in Appendix I to minimize impacts referenced above. Sumter County's agency report is found in Appendix II-Q.

T. Hillsborough County Environmental Protection Commission

The staff of the Environmental Protection Commission (EPC) of Hillsborough County completed its review of information submitted in support of the transmission lines portion of the Progress Energy Florida Levy Nuclear Project Site Certification Application. The EPC recommends approval contingent upon the Conditions set forth in Appendix I being complied with. Their agency report is included in Appendix II-R.

U. Public Comments

The Siting Coordination Office received five (5) letters and four (4) emails from the general public with concerns of the transmission line corridors in Hillsborough County and Pasco County. These were received after the application was filed. Responses to the letters are attached as Appendix II-S.

III. CONCLUSIONS AND RECOMMENDATIONS

Based on the recommendations of the agencies with jurisdiction over the Levy Nuclear transmission line portion of the Power Plant application, the Department of Environmental Protection concludes that the transmission line corridors filed by PEF are proper for certification and can be constructed and operated in compliance with the nonprocedural requirements of the reviewing agencies. The Department recommends that the Levy Nuclear Plant electrical transmission lines be certified subject to the Power Plant Siting Act and the conditions listed in Appendix I.

AGENCY	APPROVAL	DENIAL
DEP	√	
DOT	√	

FWCC	√	
DCA	√	
SWFWMD	√	
SJRWMD	√	
DACS – Division of Forestry	----	----
DOS – Historical Resources	----	----
ECFRPC	√	
TBRPC	√	
WRPC	√	
Citrus County		
Hernando County	√	
Hillsborough County	√	
Levy County	√	
Pinellas County	----	----
Polk County	√	
Sumter County	√	
Hillsborough County EPC	√	

DONE AND ISSUED this 25th day of September 2008 at Tallahassee

Michael P. Halpin, P.E.

Michael P. Halpin, P.E.
Administrator, Siting Coordination

Appendix I: Conditions of Certification

**STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL PROTECTION**



**Levy Nuclear Power Plant
Units 1 & 2
Progress Energy Florida**

CONDITIONS OF CERTIFICATION

Transmission Line Portion Only

Certified XX/XX/XX

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I. CERTIFICATION CONTROL

A. Under the control of these Conditions of Certification, Progress Energy Florida (PEF) will construct, operate and maintain the following transmission lines as part of the Levy Nuclear Power Plant Units 1 & 2 Application;

- Two 500-kilovolt (kV) transmission lines, approximately 9 miles (including approximately 2 miles on the plant site and 7 miles on the certified corridor), each connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard (LNP) in Levy County to the proposed Citrus Substation near US19 and CR488 in Citrus County, also known as the Citrus 1 and 2 transmission lines;
- One 500-kV transmission line, approximately 59 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the proposed Central Florida South Substation near the boundary between Sumter County and the City of Leesburg in Lake County, also known as the Sumter transmission line;
- One 500-kV transmission line, approximately 14 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the Crystal River Energy Complex (CREC) Switchyard in Citrus County, also known as the Crystal River transmission line;
- Two 230-kV transmission lines, approximately 0.75 miles each, connecting the proposed Citrus Substation near US19 and CR488 in Citrus County to the Crystal River East Substation in Citrus County, also known as the Crystal River East 1 and 2 transmission lines;
- One 230-kV transmission line, approximately 38 miles, connecting the Crystal River Energy Complex (CREC) Switchyard in Citrus County to the Brookridge Substation in Hernando County, also known as the Brookridge transmission line (existing 115kV line will be rebuilt and double-circuited onto single structure with new 230kV line);
- One 230-kV transmission line, approximately 3 miles, connecting the Brookridge Substation in Hernando County to the Brooksville West Substation in Hernando County, also known as the Brooksville West transmission line;
- One 230-kV transmission line, approximately 50 miles passing through Polk, Hillsborough and Pinellas Counties, connecting the Kathleen Substation to the Lake Tarpon Substation, also known as the Kathleen transmission line; and
- Two 69-kV construction/administration radial transmission lines, the North line of 375 ft in length and the South line of 4.5 miles in length, providing site and administration power for the proposed Levy Nuclear Plant Units 1 and 2, also known as the Levy North and Levy South transmission lines.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon PEF and shall apply to the construction, operation and maintenance of the transmission lines within the certified corridors. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

I. Citation: Section 403.531, F.S. (2008).

II. APPLICABLE RULES

The construction and operation of the certified transmission line shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification: Chapter 403 (Environmental Control), Florida Statutes (F.S.), and Chapters 40D-4 (Individual Environmental Resource Permits), 40D-9 (District Land Use Rules), 62-4 (Permits), 62-17 Part I (Electrical Power Plant Siting Act), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-343 (Environmental Resource Permit Procedures), 62-345 (Uniform Mitigation Assessment Method) and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

II. Citation: Section 403.511, F.S. (2008)

III. DEFINITIONS

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. In addition, the following shall apply:

- A. "Application" shall mean the Application for Corridor Certification for the Progress Energy Florida Levy Nuclear Plant including Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen transmission lines.
- B. "Complete" shall mean the post-certification filing provides the data required by the relevant Condition of Certification.
- C. "DCA" shall mean the Florida Department of Community Affairs.
- D. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.
- E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.
- F. "District-owned lands" shall mean lands owned by the Water Management District at the time of certification.
- G. "DOT" shall mean the Florida Department of Transportation.

H. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement transmission line components or access facilities.

I. "Facility" or "Project" shall mean the Levy PEF Levy Nuclear Plant including Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen electrical "transmission lines" as defined in Section 403.522(21), F.S.

J. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

K. "FWC" shall mean the Florida Fish and Wildlife Conservation Commission.

L. "Licensee" shall mean PEF, which has obtained a certification order for the subject electrical transmission line.

M. "Listed species" shall mean the species listed in Table 2.3-3 or Table 2.3-2 of the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

N. "PEF" shall mean Progress Energy Florida, the Applicant/Licensee.

O. "Post-certification submittal" shall mean a submittal made by PEF pursuant to a Condition of Certification.

P. "ROW" shall mean the transmission line right-of-way to be selected by PEF within the certified corridor in accordance with the Conditions of Certification.

Q. "SJRWMD" shall mean the St. Johns River Water Management District.

R. "SWFWMD" shall mean the Southwest Florida Water Management District.

S. "State water quality standards" shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C., as revised through December 7, 2006.

T. "Transmission line" as defined in Section 403.522(21), F.S., shall mean one or more of the transmission lines included in the PEF Application, including the Citrus 1 and 2, Crystal River, Sumter, Levy North and South, Brookridge, Brooksville West, Crystal River East 1 and 2, and Kathleen transmission lines.

U. "Wetlands" shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

III. Citation: Section 403.511, F.S. (2008).

IV. DESIGN AND PERFORMANCE CRITERIA

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the range described in the Application and explained at the certification hearing. Conformance to those criteria, unless specifically modified in accordance with Section 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon PEF in the design, construction, operation and maintenance of the certified transmission line. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

IV. Citation: Section 403.531, F.S. (2008).

V. RIGHT OF ENTRY/MONITORING

A. Upon presentation of credentials or other documents as may be required by law, PEF shall allow authorized representatives of DEP or other agencies with jurisdiction over a portion of the ROW:

1. At reasonable times, to enter upon the ROW in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or
2. During business hours, to enter PEF's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by DEP, on its own behalf or on behalf of another agency with regulatory jurisdiction, PEF shall within 10 working days or such longer period as may be mutually agreed upon by DEP and the Licensee furnish any information required by law, which is needed to determine compliance with the certification. If PEF becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be corrected promptly.

V. Citation: Section 403.531, F.S. (2008).

VI. EMERGENCY REPORTING

Replacement of ROW access roads or transmission lines constructed under this certification necessitated by emergency conditions shall not be considered a modification pursuant to Section 403.516, F.S. (2008). An oral report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency, which would require PEF to perform an activity not in accordance with the Conditions of Certification, a report to DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being

utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

VI. Citation: Section 403.511, F.S. (2008).

VII. CERTIFIED CORRIDORS

A map of the certified corridors is attached hereto in Attachment 1.

VII. Citation: Section 403.511, F.S. (2008).

VIII. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS

A. Purpose of Submittals

Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by PEF are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the ROW and the construction and maintenance of the transmission line. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without any further agency action.

B. Filings

1. All post-certification submittals of information by PEF are to be filed with the DEP Siting Coordination Office, the DEP Southwest and Northeast District Offices, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

2. The Licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

C. Completeness

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency(ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP's finding of completeness shall specify the area of the right-of-way affected, and shall not delay further processing of the post-certification submittal for non-affected areas. PEF may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. PEF may continue to supplement the submittal with additional information through the 25th day.

If any portion of a post-certification submittal is found to be incomplete, PEF shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

D. Interagency Meetings

DEP may conduct an interagency meeting with other agencies, which received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the Conditions of Certification has been provided. Failure of DEP to conduct an interagency meeting or any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, PEF shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

E. Reasonable Assurances of Compliance

DEP shall give written notification on an expedited and priority basis, but in any event within no more than 90 days, to PEF and the other agency(ies) to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, PEF shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify PEF in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

F. Commencement of Construction

If DEP does not object within the time period specified in paragraph E. above, PEF may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

G. Water Quality Certification

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341. This letter shall be sent concurrently with a determination of compliance pursuant to paragraph E. above, or immediately upon request by PEF more than 90 days after the filing of a complete post-certification submittal addressing matters within DEP's environmental resource permitting jurisdiction.

H. Coastal Zone Consistency

Pursuant to Section 380.23, F.S., DEP's letter to the USCOE under paragraph G above constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

I. Revisions to Design Previously Reviewed for Compliance

The Licensee shall submit to DEP, for its review, any proposed revisions to the project's site specific design that were previously reviewed for compliance with these Conditions during the post-certification review process. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

J. Variation to Submittal Requirements

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and PEF may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

K. Disputes

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

VIII. Citations: Sections 403.511, 373.413, 373.416, 120.569, and 380.23, F.S. (2008); Rules 62-17.191, 62-17.201, and 62-17.205, F.A.C.

IX. DISPUTE RESOLUTION

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and PEF regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. PEF or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

IX. Citations: Sections 403.511, and 120.57, F.S. (2008).

X. SEVERABILITY

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application or such provision to other circumstances shall not be affected thereby.

X. Citation: Section 403.511, F.S. (2008).

XI. ENFORCEMENT

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, and 403.514, F.S. Any noncompliance by PEF with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of these certified transmission lines which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified facilities arising under the Florida Statutes or Department rules, except that such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

XI. Citations: Section 403.141, 403.161 and 403.514, F.S. (2008).

XII. REVOCATION OR SUSPENSION

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes.

XII. Citation: Section 403.512, F.S. (2008).

XIII. PROPERTY RIGHTS

A. The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The Licensee shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged or other state-owned lands occupied by the right-of-way for the transmission lines.

B. The Licensee shall provide an application for 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 lands, state-owned lands, or within an aquatic preserve. If any portion of the project is located on sovereign submerged lands, state-owned lands, or within an aquatic preserve then the project must comply with the applicable portions of Chapters 18-20 and 18-21, F.A.C., and Chapters 253 and 258, F.S., and PEF must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction.

C. If a portion of the project is located on sovereign submerged lands or state-owned lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the activity requires a proprietary authorization. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C.

D. The licensee is hereby advised that Florida law states: “No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of the required lease or easement shall be met. Construction of this activity shall not commence on sovereign submerged lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

F. In the event an easement over forest property becomes necessary, PEF will provide, as a post-certification submittal to the Florida Department of Environmental Protection, Division of State Lands, the applicable information required by the Board of Trustees of the Internal Improvement Trust Fund for an upland easement.

XIII. Citation: Section 403.511, F.S. (2008); Chapter 3.1.1. of the B.O.R.; Chapters 18-14, 18-20, 18-21, 62-343.900(1), Section G and 62-340, F.A.C.

XIV. PROCEDURAL RIGHTS

No term or Condition of Certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

XIV. Citation: Chapter 120, F.S. (2008).

XV. MODIFICATION OF CERTIFICATION

A. Pursuant to Section 403.516(1)(a), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection to modify these Conditions of Certification, after notice and receipt of no objection by a party or other substantially affected person. In addition, the Secretary of the Department is delegated the authority to modify conditions as follows:

1. The Secretary of the Department may modify any condition of this certification after notice and opportunity for hearing.

2. The Secretary of the Department may grant modifications necessary to meet licensing conditions or requirements imposed on PEF by any federal regulatory agency. PEF shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies PEF.

3. The Secretary of the Department may authorize the reconstruction of the ROW or transmission line necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

B. DEP shall give written notice to the parties to the original certification, at their last address of record, of any requests for modification filed by PEF.

XV. Citations: Sections 120.569(2)(n) and 403.516, F.S. (2008); 62-17.211, F.A.C.

XVI. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these Conditions at the following addresses, unless PEF and DEP are notified in writing of an agency's change in address for such submittals and notices:

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

Florida Department of Environmental Protection
Southwest District Office
13051 N Telecom Parkway
Temple Terrace, FL 33637-0926

Florida Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7577

Florida Department of Community Affairs
Office of the Secretary
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission
Office of Policy and Stakeholder Coordination
620 South Meridian Street
Tallahassee, FL 32399-1600

Florida Department of Transportation
District Administration
605 Suwannee Street
Tallahassee, Florida 32399-0450

Florida Department of Agriculture and Consumer Services
Division of Forestry
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

East Central Florida Regional Planning Council
Office of the Executive Director
631 North Wymore Rd., Ste 100
Maitland, FL 32751

Withlacoochee Regional Planning Council
Office of the Executive Director
1241 S.W. 10th Street
Ocala, FL 34471-0323

Tampa Bay Regional Planning Council
Office of the Executive Director
4000 Gateway Centre Blvd., Ste. 100
Pinellas Park, FL 33782

St. Johns River Water Management District
Office of General Counsel
4049 Reid Street
Palatka, FL 32178-1429

Southwest Florida Water Management District
Office of General Counsel
2379 Broad Street
Brooksville, FL 34604-6899

Florida Department of State,
Division of Historical Resources
500 S. Bronough Street
Tallahassee, FL 32399-0250

Levy County
Planning Department
P.O. Box 1373
Bronson, FL 32621

Citrus County
Planning Department
Citrus County Courthouse
110 N. Apopka Ave.
Inverness, Florida 34450

Sumter County
Planning Department
910 North Main Street, Suite 301
Bushnell, FL 33513

Hernando County
Planning Department
20 North Main Street, Room 363
Brooksville, FL 34601-2849

Hillsborough County
Planning Department
County Center, 26th Floor
601 E. Kennedy Blvd.,
Tampa, FL 33602

Hillsborough County Environmental Protection Commission
Director Office
Roger P. Stewart Center
3629 Queen Palm Dr
Tampa, FL 33619-1309

Polk County
Planning Department
330 W. Church Street
Bartow, FL 33830

Pinellas County
Planning Department
600 Cleveland Street, Suite 750
Clearwater, FL 33755

Marion County
Planning Department
601 SE 25th Avenue
Ocala, FL 34471-9109

XVI. Citation: Section 403.511, F.S. (2008).

XVII. TRANSFER OF CERTIFICATION

This certification is transferable, upon Department approval, to an entity determined to be competent to construct, operate and maintain the transmission line in accordance with these Conditions of Certification. A transfer of certification of all or part of a certified facility shall be initiated by the Licensee's filing with the Department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. The provisions of Chapter 120, F.S., will apply to the Department's approval or denial of the transfer.

XVII. Citations: Section 403.511, F.S. (2008); Chapter 120, F.S.; Rules 62-17.211 and 40D-4.351, F.A.C.

XVIII. ROW LOCATION

A. PEF shall co-locate the transmission lines' ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, PEF's design shall reflect that new widened right-of-way.

B. To the extent feasible PEF shall locate the transmission lines' ROW so as to avoid the taking of homes.

C. PEF will locate the transmission lines' ROW so as to avoid Outstanding Florida Waterbodies (OFW) to the extent feasible and practicable, and locate the ROW within an OFW only upon a showing that the ROW alignment is clearly in the public interest.

D. Unless the underground facility owner is responsible for resolving the conflict, to the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

XVIII. Citations: Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S. (2008).

XIX. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest and Northeast District Office, State Forest, Office of Greenways & Trails (OGT), DOT, DCA, SWFWMD, SJRWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, and Hillsborough Counties, and the Hillsborough County EPC, delineating the certified corridors and the selected transmission lines' ROW for the areas within each agency's jurisdiction. In addition, PEF shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. PEF shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments and on a line-by-line basis. The agencies receiving the aerial photographs from PEF shall have an opportunity to review the photographs and to notify DEP, within 12 days of PEF's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or requirements of the Conditions of Certification.. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission line, access roads or pads within PEF's designated ROW cannot be accomplished in compliance with the Conditions of Certification, PEF shall be so notified in writing, with copies

to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of PEF's submittal of the aerial photographs to the agencies, PEF may proceed with design of the transmission line on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at PEF's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission line or access road within the ROW in accordance with these Conditions of Certification.

D. After PEF has acquired interest in the entire length of the transmission lines' ROW, PEF shall:

1. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. PEF shall also file with the appropriate county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, PEF shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined PEF will submit information to each county, as appropriate, that is consistent with information typically submitted for appropriate County ROW permits.

XIX. Citations: Sections 403.511, F.S. (2008); Rule 62-17.191, F.A.C.

XX. DRAINAGE AND EROSION CONTROL

A. Maintenance of Drainage/Hydroperiod

1. PEF shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the transmission line ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude PEF from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's

Environmental Resource Permitting Information Manual, including but not limited to Section 4.4, or if appropriate, the SJRWMD's Environmental Resource Permitting Information Manual.

XX. Citations: Sections 373.416 and 403.511, F.S. (2008); Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.

B. Erosion/Runoff Control

1. PEF shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.
2. Grass seed and mulch or sod must be installed and maintained on exposed slopes prior to finalization of construction, and at all times measures must be taken to prevent erosion, sedimentation or turbid discharges into wetlands and or waters of the state, where the soils have been disturbed during construction.
3. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings, and must be maintained in effective condition at all locations where sediment has the potential to reach nearby wetlands until construction in the area is completed and disturbed soil areas are stabilized. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of the applicable nonprocedural requirements in Rule 40D-4, F.A.C.
4. PEF shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C., by taking appropriate measures to stabilize affected areas.

XX.B. Citations: Section 403.511, F.S. (2008); Rules 40D-4.381, and 62-296.320, F.A.C.

XXI. CONSTRUCTION PRACTICES

A. Open Burning

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., PEF shall seek approval from the DEP Southwest and Northeast District Offices whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by PEF relating to open burning shall be submitted to Levy County, for any open burning that

will take place in Levy County, for informational purposes. No open burning will take place in Hillsborough County.

XXI.A. Citations: Section 403.511, F. S. (2008); Chapters 51-2 and 62-256, F.A.C.

B. Solid Wastes

Solid wastes resulting from construction shall be disposed of in accordance with the non-procedural requirements of applicable regulations of Chapter 62-701, F.A.C.

XXI.B. Citations: Section 403.511, F.S. (2008); Chapter 62-701, F.A.C.

C. Hazardous Substances and Spills

1. If hazardous substances are used in the construction or maintenance of the transmission line, PEF shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies.

2. Fuel and other petroleum product spills that enter stormwater drains or waterbodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to the appropriate DEP District Water Resources Office (NED - ph: 904-807-3302; SWD - ph: (813) 632-7600). Smaller ground surface spills shall be cleaned up as soon as practical.

XXI.C. Citations: Sections 403.511 and 403.414, F.S. (2008); Chapter 40D-4, F.A.C.;

XXII. ELECTRIC AND MAGNETIC FIELD EFFECTS

A. Bee Hives

PEF shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the transmission line on bee hives.

XXII.A. Citation: Section 403.511, F.S. (2008).

B. Radio and Television Interference

PEF shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the proposed transmission line.

XXII.B. Citation: Section 403.511, F.S. (2008).

C. Electric and Magnetic Fields

The Levy transmission lines shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with

any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

XXII.C. Citations: Section 403.523(10), F.S. (2008); Chapter 62-814, F.A.C.

XXIII. HERBICIDES

Herbicides applied in the ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used in the ROW unless effects on non-targeted vegetation are minimized.

XXIII. Citations: Sections 403.061, 403.088, 487.031 and 487.041, F.S. (2008).

XXIV. OPERATION AND MAINTENANCE OF FACILITIES

PEF shall properly operate and maintain the transmission line to achieve compliance with the Conditions of Certification.

XXIV. Citation: Section 403.511, F.S. (2008).

XXV. DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Submittals for Activities Within Wetlands or Other Surface Waters

1. Prior to the projected commencement of construction of any portion of the transmission lines in wetlands or other surface waters, PEF shall provide to DEP's Southwest and Northeast Districts' Environmental Resource Permitting Sections all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-343.900(1), with copies to SWFWMD, SJRWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, and Hillsborough Counties, and the Hillsborough County EPC for informational purposes for the portions of the transmission lines in each agency's jurisdiction. Information may be submitted by discrete sections of the ROW and/or on a line-by-line basis; PEF shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed form for each section shall be reviewed pursuant to Condition VIII. "Construction" in this context shall include land clearing, excavation, the placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

2. PEF shall provide reasonable assurance that the construction, operation and maintenance of the proposed facilities, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD, or if applicable SJRWMD.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-approved or SJRWMD-approved wetland and surface water verifications within the boundaries of the PEF ROW may be used and reproduced for this delineation consideration.

4. The Licensee shall provide to the Department's District Office and Water Management District, as appropriate, 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 Licensee shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

XXV.A. Citations: Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S. (2008); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 62-17.665(7)(d), F.A.C.; and Chapter 62-340, Chapter 62-343.900(1)(Section E and C) F.A.C.;

B. Consultation with Wetland Agencies

At the request of PEF, DEP Siting Coordination Office may conduct an interagency meeting for PEF to consult with the wetlands resource permitting staffs of DEP, SWFWMD or SJRWMD as appropriate, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, PEF shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

XXV.B. Citation: Section 403.523, F.S. (2008).

C. Reduction and Elimination of Impacts

1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, PEF shall utilize adjacent existing PEF access roads and public roads for access to the transmission line ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the

extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the certified corridor except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, or the SJRWMD's ERP Manual, as appropriate. For example, where practicable, the length of the span between transmission line structures shall be varied and other design changes made, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

d. In the event temporary fill is used to facilitate construction of the transmission line, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

2. Wetland Clearing

a. PEF shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and Levy County (for portions of the lines located in Levy County) in the post-certification review process. Restrictive clearing includes the removal of vegetation from areas extending from the transmission line centerline to 31 feet on each side of the outer conductors, along new access roads, and in the structure pad areas (approximately 60 feet by 50 feet). Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas, beyond 31 feet on either side of the outer conductors and the structure pads, shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors, within access roads and in the structure pads may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the area beyond 20 feet on either side of the outer conductors shall be left in place to preserve the root mat.

XXV.C. Citations: Sections 373.414 and 373.416, F.S. (2008); Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.

D. Mitigation

1. For each transmission line certified as part of the Project, mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

- a) All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and
- b) The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and
- c) Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and
- d) Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and
- e) The proposed construction and clearing shall not adversely affect threatened and endangered species; and
- f) The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.
- g) Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.
- h) Clearing or fill must not occur within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Waterbody (OFW).

2. If a line does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, PEF shall propose a mitigation plan as a post-certification submittal under Condition VIII. The following information shall be provided to the DEP Southwest and

Northeast Districts Environmental Resource Permitting Section for review and to other affected counties, for portions of the line located in those counties, for informational purposes:

- a) detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;
- b) acreage of the type and quality of wetland being impacted at each such site;
- c) narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;
- d) detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;
- e) acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;
- f) if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and
- g) an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.
- h) To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

3. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with PEF in the development of acceptable mitigation plans for the impact areas using UMAM. The mitigation plans proposed by PEF shall be submitted for review and compliance monitoring to DEP under Condition VIII. Provide the supporting UMAM information required in Chapter 62-345, F.A.C. A restoration plan will be provided for the impact areas by PEF.

4. If DEP, upon review of the proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from this project, PEF may propose additional or alternative mitigation or dispute the determination pursuant to Condition IX.

5. If the proposed mitigation plan is deemed acceptable by DEP and does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions as an Attachment.

6. No construction within wetlands subject to the regulatory jurisdiction of DEP that does not comply with the non-procedural limitations of Rule 62-341.620(2)(b)-(i), F.A.C., or paragraph A above, shall commence until DEP approves a mitigation plan, and, if a bank is not used, mitigation construction conditions, success criteria and a monitoring plan are incorporated into the certification conditions.

7. PEF shall be deemed to have met the requirements of this condition if PEF satisfies the criteria of either Section 3.3 or Appendix 4(3) of the SWFWMD's Basis of Review for Environmental Resource Permit Applications (February 2007) or SJRWMD's ERP Basis of Review as appropriate, and Chapter 62-345, F.A.C., if applicable.

XXV.D. Citations: Sections 373.414, 403.511, and 403.814(6), F.S. (2008); Rules 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and Chapter 62-345, F.A.C.

E. Greenways and Trails

Within 90 days following Certification by the Siting Board, PEF will provide a perpetual easement to the Office of Greenways and Trails (OGT) for a future trail on the PEF owned corridor from Dunnellon, north to Chiefland and south to the extension of the Suncoast Parkway II connection in Citrus County as a condition for the use of Cross Florida Greenway Lands.

XXVI. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

A. Listed Species Occurring or Potentially Occurring in the Corridors

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	<i>Rana capito</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	SSC	
White ibis	<i>Euodocimusa lbus</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Florida sandhill crane	<i>Grus canadensis vratisensis</i>	T	
Whooping crane	<i>Grus americana</i>	SSC	E*(federal lands)
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC	E
Snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E	E
Florida mouse	<i>Peromyscus floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	

Florida black bear	<i>Ursus americanus floridanus</i>	T*	
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SSC = Species of Special Concern; E= Endangered; T= Threatened

*except in Baker and Columbia Counties or in Apalachicola National Forest

B. General Listed Species Survey

1. The Licensee will coordinate with the FWC to obtain the current survey protocols for all listed species that may occur within the transmission lines' corridor or could be affected by the transmission corridor prior to conducting detailed surveys for the selected transmission line right-of-way (ROW) once access has been obtained.

2. The results of those detailed surveys will be provided to FWC, as well as any local governments for informational purposes, and coordination will occur with the FWC on appropriate impact mitigation methodologies.

C. Gopher Tortoise

1. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and Gopher Tortoise Permitting Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

2. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

3. The Licensee will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.

4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

D. Bald Eagle

1. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS Bald Eagle Monitoring Guidelines, dated 2007, or subsequent versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, conservation and mitigative measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

E. Red-Cockaded Woodpecker

1. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to ensure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS Red-Cockaded Woodpecker Recovery Plan.

2. The Licensee will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

F. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan for the certified facilities that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of

reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>. A copy of the Avian Protection Plan for transmission lines in Levy County will be submitted to Levy County for informational purposes.

XXVI. Citations: Article IV, Sec. 9, Fla. Constitution; 403.5113(2), F.S.; Rule 62- 17.191, F.A.C.; 379.2291, F.S.; Rule 68A-27, and 68A-16.001 F.A.C.

XXVII. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES

After the ROW has been selected, PEF shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR and the Counties, upon the County's request for such consultation. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR and the Counties. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR and/or the Counties, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action.

XXVII. Citations: Sections 267.061 and 403.531, F.S. (2008)

XXVIII. FLORIDA DEPARTMENT OF TRANSPORTATION

A. Post-Certification Reviews of FDOT Matters

1. Access Management to the State Highway System:

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C.

2. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by PEF on State transportation facilities during construction and operation of the transmission line will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

3. Use of State of Florida Right-of-Way or Transportation Facilities:

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line should take into consideration the planned widening of these facilities, to the extent practicable. If future widening is required, the cost of relocating or reconstructing the transmission line and pipeline will be borne by the Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

4. Standards:

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

5. Drainage:

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

6. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographic center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department of

Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

7. Level of Service on State Roadway Facilities

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

B. Best Management Practices

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

2. It is recommended that PEF encourage transportation demand management techniques by doing the following:

- a. Placing a bulletin board on site at staging and show-up areas for car pooling advertisements.
- b. Requiring that heavy construction vehicles remain onsite or at staging areas for the duration of construction to the extent practicable.

3. If PEF uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, PEF should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

XXVIII. Citations: Chapters 14-26, 14-46, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapter 316, F.S. (2008); Sections 337.401-404, F.S. (2008); 14 C.F.R. Part 77.

XXIX. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

A. The proposed transmission lines will be co-located within existing rights-of-way (ROWS) and other impacted areas wherever feasible.

B. Progress Energy Florida (PEF) shall provide to SWFWMD a copy of all postcertification filings for finalization of the ROW locations and the construction and operation of the transmission line facilities, including any access roads or surface water management system facilities, for those portions located within the SWFWMD.

C. A copy of the aerial photographs provided to DEP to show the boundaries of the acquired ROW within the SWFWMD will also be provided to SWFWMD. SWFWMD shall have an opportunity to review the photographs and notify DEP of any apparent conflicts with the requirements of the Conditions of Certification.

D. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.

E. To the extent practicable, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.

F. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

G. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

H. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect SWFWMD lands, PEF shall provide a survey of the transmission line ROW and footprint of the substation. The survey shall be prepared using procedures acceptable to the SWFWMD and signed and sealed by a registered surveyor pursuant to Chapter 472, F.S.

I. In the event PEF seeks to use SWFWMD lands outside of the transmission line ROW for access during construction of the transmission line and/or for inspection and maintenance after construction, PEF shall submit to the SWFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All SJ SWFWMD WMD lands outside of the transmission line ROW shall be in accordance with Chapter 40D-9, F.A.C.

XXIX Citations: Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4; Chapter 40D-9, F.A.C.

XXX. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

A. PEF shall provide the St. Johns River Water Management District (SJRWMD) a copy of all post-certification filings finalizing the locations of right-of-ways and substations on or adjacent to District Lands.

B. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect SJRWMD lands, PEF shall provide a survey of the transmission line ROW and footprint of the substation. The survey shall be prepared using procedures acceptable to the SJRWMD and signed and sealed by a registered surveyor pursuant to Chapter 472, F.S.

C. PEF shall provide an analysis of any affect of the construction or operation of the transmission line corridor and/or substation on SJRWMD lands and shall minimize any adverse affect pursuant to a SJRWMD approved plan.

D. In the event PEF seeks to use SJRWMD lands outside of the transmission line ROW for access during construction of the transmission line and/or for inspection and maintenance after construction, PEF shall submit to the SJRWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All SJRWMD lands outside of the transmission line ROW shall be in accordance with Section 40C-9.360, F.A.C.

XXX Citation: Sections 373.085 and 472, F.S.; Rules 40C-9.360 and 40C-9.380 F.A.C.

XXXI. EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

A. Development of Regional Impact Secret Promise

PEF will work with the Secret Promise Development of Regional Impact (DRI) to ensure the aesthetics of the transmission line and the ROW are consistent with the development occurring south of CR 470.

B. ROW Survey

PEF shall submit, for informational purposes, to ECFRPC information collected as a result of Condition XXVI.

XXXI. Citations: 380.06, F.S.

XXXII. WITHLACOOCHEE REGIONAL PLANNING COUNCIL

A. Emergency Preparedness

1) PEF will work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes to maintain consistency with the SRPP's emergency preparedness content.

2) Electrical transmission line facilities will be integrated into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the certification.

XXXII. Citations: 186.505-507, F.S.

XXXIII. TAMPA BAY REGIONAL PLANNING COUNCIL

Where feasible and applicable, PEF will consult with TBRPC to maintain consistency with the Council's strategic regional policy plan for the Tampa Bay region.

XXXIII. Citations: 186.507, F.S.

XXXIV. HERNANDO COUNTY

A. Final Design Submittal

1. A post-certification submittal of PEF's final design plan including pole locations throughout the entire right-of-way within Hernando County shall be provided to Hernando County showing:

- a. All protected trees over 4" dbh to be removed outside the PEF ROW for the transmission line, access road and drainage installation. Protection measure for trees proposed for preservation shall be detailed.
- b. Contractor information, including a twenty-four hour, seven-day contact and phone numbers.
- c. Show the location of any proposed school or park sites within one-quarter mile of the transmission line location on the final design plan.
- d. Proposed locations and dimensions of all access roads.

2. Show as existing site conditions within the PEF ROW on the final design plan the following:

- a. The name, location and width of existing or platted street public right-of-way within or contiguous to the right-of-way.
- b. Approximate location, size and depth of sewers, water mains and storm drains, and approximate location of power and phone lines; within the right-of-way.
- c. Location and size of easements for all the above ground utilities, such as electric power lines, within the right-of-way.
- d. Topographic contours on one-foot intervals based on mean sea-level datum.

B. Existing Infrastructure

PEF, where feasible and practicable, will use existing infrastructure rights of way within Hernando County to provide for aesthetic protection of the corridors from adjacent uses, and to be consistent with the requirements applicable to Public Service Facility overlay zoning in Hernando County.

C. Consultation with the U.S. Army Corp of Engineers (ACOE)

PEF shall confer with ACOE, for portions of the transmission line that are within the Brooksville Turret Gunnery Range prior to construction.

D. Noise

PEF shall comply with Hernando County's noise ordinance.

E. Landscaping

PEF, where feasible and practicable, will retain existing vegetation and practice "best management practices" to be consistent with Hernando County landscaping regulations.

F. Crossing of Hernando County ROW or Other County Property

All lines crossing Hernando County ROW or other county property will be designed for compliance with applicable county standards.

G. Natural Gas Pipelines

PEF will comply with setbacks and all other requirements as stated in the PEF Pipeline Collocation Guideline

XXXIV. Citations: Hernando County Code; Chapters 10, Art. II, Ch. 21, Art. VII

XXXV. LEVY COUNTY

A. Submittals

Concurrent with submittal to the applicable state agencies, the Applicant will provide copies of the following documents to the County for informational purposes (if not already previously submitted with the Application):

1. documents submitted for review and approval of the ERP;
2. final ERP when approved;
3. documents submitted for approval of plans for proposed clearing and/or burning of transmission line corridors;
4. final approval document, including final plans, for clearing and/or burning submitted in connection with item 3;
5. documents relating to compliance with any condition relating to post-construction reclamation activities, including plans for proper removal and disposal of debris, dismantling of temporary facilities, and erosion control measures including any mulching, reseeding, or resodding;
6. final approval document, including final plans, for items referred to in item 5;
7. documents required for development and approval of an avian protection plan, including proposed plan and any other submittals made to Florida Fish and Wildlife Conservation Commission in connection therewith;
8. final approval document, including final plan, for avian protection submitted in connection with item 7.

XXXV.A. Citations: Levy County Comprehensive Plan

B. Noise

Prior to construction of the transmission lines, the Applicant will provide studies or other analysis of potential noise anticipated from construction activities for transmission lines. In addition, the Applicant will provide studies or analysis of potential noise from operation of the transmission lines. Noise levels from construction or operation of the transmission lines shall not exceed the requirements of the provisions of Division 2, Article VIII, Chapter 50, Levy County Code, as the same may be amended.

XXXV.B. Citations: Article VIII, Chapter 50, Levy County Code

C. County Road 40

1. In the event the Applicant proposes any access to CR 40 for access to the transmission line corridor or the Applicant's adjacent property for any purpose, and such access will not concurrently or later act as the heavy haul road (herein "driveway access"), at least thirty (30) days prior to any construction activities related to such driveway access, the Applicant shall provide the following items to the County:

- a) a completed County driveway permit form;

b) a detailed description of the proposed uses for such driveway access, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access;

c) engineering and construction plans for such driveway access;

d) maintenance of traffic plans for maintenance of traffic during construction of such driveway access;

e) and any other documentation or information required by the County Road Department for its review of the use and construction of the driveway access.

2. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department.

3. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department and County Engineer, the Applicant may construct the driveway access in accordance with such approved plans.

4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access, as provided in Levy County Resolution 2007-24.

6. No use of the driveway access for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

7. After final inspection approval, the use of the driveway access shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access previously submitted for review.

8. Unless the driveway access is proposed to also act as the heavy haul road, and the provisions for the heavy haul road have been met, the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR 40 as posted or that were not contemplated or addressed in the description of the proposed uses of the driveway access previously submitted for review.

9. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

10. The Applicant shall maintain the driveway access in good condition and shall make any repairs to CR 40 caused by use of such driveway access.

XXXV.C. Citations: Sections 50-381 and 50-715, Levy County Code; Transportation Element of Levy County Comprehensive Plan; Levy County Resolution 2007-24.

D. Heavy Haul Road

1. At least sixty (60) days prior to any activities in the transmission line corridor, the power plant site, or any of the Applicant's adjacent property, that may utilize the heavy haul road, or any other use of the heavy haul road across CR 40, the Applicant shall provide the following to the County for its review and approval:

a) a completed County driveway permit form;

- b) a detailed description of the proposed uses for such heavy haul road across CR 40 and adjacent right-of-way, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the heavy haul road;
- c) engineering and construction plans providing for the design and construction of the heavy haul road within County right-of-way;
- d) engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Applicant's proposed use of the heavy haul road;
- e) engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 Applicant proposes to use for the heavy haul road;
- f) maintenance of traffic plans for use during construction of both the heavy haul road and any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40;
- g) maintenance of traffic plans for use during the Applicant's proposed use of the heavy haul road for construction of the transmission lines and the power plant site; and
- h) any other documentation or information required by the County Road Department, Development Department, or County Engineer for review of the Applicant's use and construction of the heavy haul road and any related improvements to CR 40.

2. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department, Development Department and County Engineer.

3. After review and approval of the engineering and construction plans and maintenance of traffic plans by the County through its Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Applicant may construct the heavy haul road, any structural improvements required to maintain the integrity of CR 40 and the adjacent right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with the approved plans.

4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the heavy haul road, as provided in Levy County Resolution 2007-24.

6. No use of the heavy haul road for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

7. After final inspection approval, the use of the heavy haul road shall be limited to the uses contemplated and addressed in the engineering plans submitted for prior review.

8. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

9. Prior to use of the heavy haul road, the Applicant also shall provide a schedule for the loads that Applicant proposes to transport across CR 40 using the heavy haul road that will exceed the weight capacity of CR 40 as posted.

10. The Applicant may amend such schedule upon 48 hours notice to the County of any such amendment.

11. Throughout the Applicant's use of the heavy haul road, the Applicant shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*.

12. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision.

13. The Applicant shall pay all of the County's costs for staff time and other costs incurred in connection with any such inspections upon request for payment by the County.

14. In the event that the rolling straight edge requirements are not being met on that portion of CR 40 traversed by the heavy haul road at any time, the County shall have the ability to suspend the Applicant's use of the heavy haul road until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

15. After the completion of the use of the heavy haul road for construction or maintenance activities related to the transmission lines and the power plant site, the Applicant shall make any repairs to CR 40 and the adjacent right-of-way in the area of the heavy haul road that have been caused by the Applicant's use of CR 40 and the adjacent right-of-way.

NOTE: As an alternative to compliance with this Condition XXXVI.D., the Applicant may enter into a development agreement with the County to provide for the provision of plans, construction and operation of the heavy haul road. Any such agreement shall be entered into and fully executed by both the Applicant and the County prior to any use of the heavy haul road.

XXXV.D. Citations: Sections 50-381 and 50-715, Levy County Code; Transportation Element of Levy County Comprehensive Plan; Levy County Resolution 2007-24.

XXXVI. HILLSBOROUGH COUNTY

A. Final Design Submittal

A post-certification submittal of PEF's final design plan including pole locations throughout the entire right-of-way within Hillsborough County shall be provided to Hillsborough County showing:

1. PEF-owned right-of-way, existing transmission and distribution easements and road rights-of-way and the location of any facilities on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.

2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction.

3. All flood zone and floodway delineations along the route of the transmission line and, where applicable and practicable, the flood plain management plan.

4. The location of any proposed school or park sites within one-quarter mile of the transmission line location.

5. Location of fire hydrants and exterior fire suppression systems supplied by potable and non-potable water sources.

6. Location, size, and type of all proposed stormwater management facilities.

B. Large Facilities Ordinance

1. Transmission poles that exceed seventy-five (75) feet in height when installed or poles that are greater than twenty-four (24) inches in diameter at the ground line are subject to the provisions of the County's Large Facilities Ordinance; therefore, since PEF's transmission poles are expected to range between 80 feet to 145 feet in height and 6 feet to 9 feet in diameter, PEF is required to adhere to the substantive provisions of said ordinance.

2. In order to keep the residents of the County informed of the status of the transmission line project within the County and to address the concerns of the various citizens, groups, and organizations affected by the construction of the transmission line, PEF has agreed to work with the County and conduct regular public meetings during the design and construction phases of the project.

C. Planning and Growth Management

1. PEF must comply with the requirements of the County Tree Protection should additional property be required for the transmission line.

2. PEF shall comply with the County's Land Development Code in the preservation of any Grand Oaks located on property where the transmission line will be placed. Failure to demonstrate the preservation of a Grand Oak(s) shall require replacement as specified in Section 4.01.06.A.7 of the Land Development Code.

3. PEF shall ensure that any newly-disturbed areas in the selected route for the transmission line shall be re-vegetated in accordance with the applicable provisions of the County's Land Development Code; therefore, PEF shall submit its right-of-way specific vegetation management plan to the County, if applicable.

4. During the construction of the proposed transmission line, all construction truck traffic going to the construction site shall 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 Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 20th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33601.

5. Construction vehicles shall adhere to weight requirements provided in the applicable County ordinance.

6. PEF will comply with all applicable non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction.

7. PEF shall work with the communities in the County to consider techniques that can be used to maximize compatibility with adjacent uses, including both existing and planned development, such as screening and buffering.

8. PEF shall comply with the County's noise restrictions during construction.

9. PEF shall work with the County in providing periodic updates as to the construction progress as well as identifying the possible collocation of trails and other compatible opportunities within the transmission line-right-of-way.

10. PEF, during the design of the transmission line, will consult with the County and will make best efforts to minimize conflicts with the County's existing infrastructure and utilities, proposed and future utilities and infrastructure work, capital improvement projects, etc., to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

11. PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the County's right-of-way and coordinate the subject permit application issues as well as the design and construction of the proposed transmission lines with such entities. PEF shall provide the County's Right-of-Way Management office with dates of attendance to the GTUG meetings and coordination efforts with GTUG.

12. Upon the determination of the final route for the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the existing underground utilities within the route. PEF shall provide the County with a copy of the utility companies with facilities located within the County's right-of-way along the transmission route. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

13. During post-certification, PEF shall submit to the County the names of public roadways that it plans to use for the transportation of the transmission poles, the type of carriers and wheel pressures that will be utilized, and the times of day for the transport of said transmission poles. PEF will be subject to safety and permitting requirements of Chapter 316, Florida Statutes.

14. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if

other construction activities require temporary lane closures, PEF shall contact the County's Right-of-Way Management office to coordinate the work, and, if applicable, PEF shall obtain a Temporary Traffic Control Permit (TTC) whenever PEF plans to impede traffic in any manner whatsoever and/or when PEF is working within 15 feet of the edge of the pavement. PEF may also need to submit a signed, sealed, site specific Maintenance of Traffic (MOT) plan to the County for review and approval. Additionally, PEF shall provide the County with a MOT plan for the construction of entrances and exits. This process shall also apply to all lane or road closures requests from PEF. Notwithstanding the foregoing, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations.

15. PEF will locate the transmission line poles longitudinally along the right-of-way outside of the ultimate configuration for all currently designed and acquired future traffic infrastructure projects to the extent practicable.

16. In the event that PEF needs to acquire property from the County in order to complete the corridor for the Polk-Hillsborough-Pinellas transmission line, PEF shall provide legal descriptions and sketches of the property to the County as a post-certification submittal.

17. 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.

XXXVI. Citations: Hillsborough County; Ordinance 3-29, Section 4.01, L.D.C.

XXXVII.SUMTER COUNTY

- A. PEF shall use existing infrastructure right-of-ways wherever possible and feasible.
- B. PEF shall provide for aesthetic protection of adjacent uses from the corridors. The aesthetic protection may be accomplished through screening, buffering, and fencing of the corridors.
- C. PEF shall consider placing transmission lines underground, where feasible, and/or make maximum use of monopole towers for overhead lines.
- D. PEF shall minimize construction impacts related to type of equipment used, clearing and grubbing, dust control, soil stabilization, erosion control, drainage control, noise, and traffic disruption.
- E. Where feasible, PEF should retain existing vegetation within the corridor.
- F. PEF shall obtain appropriate permits from Sumter County for all applicable County right-of-way crossings.

G. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.

H. PEF shall provide a post-certification submittal of the final design plan for the new transmission lines throughout Sumter County to the Sumter County Division of Planning & Development.

I. PEF shall commit to allow for the co-location of public utilities, pedestrian/trail facilities, or other public uses within the transmission line corridors, to the extent compatible and feasible based on engineering and design constraints.

J. PEF shall coordinate final transmission line plans with the County and Lake-Sumter Metropolitan Planning Organization to assure that the new transmission line locations will not hinder future transportation planning for the county.

K. If the proposed Central Florida Substation is located within unincorporated Sumter County, then PEF is required to obtain Special Use approval from the Sumter County Board of County Commissioners.

L. PEF shall coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

XXXVII. Citations. Sumter County Ordinance

XXXVIII.CITRUS COUNTY

A. Upon final selection of the site for, and design of any proposed, Citrus Substation in Citrus County, PEF is required to submit to Citrus County information concerning proposed Citrus Substations necessary to demonstrate compliance with Citrus County's LDC, Chapter Two, Level One Review criteria and the substantive requirements of Section 4671, Transportation, Communication, and Utility Facility Standards.

B. The County shall review the information submitted by the Applicant in accordance with the procedures for post-certification reviews under any final certification of the PEF Levy Project. The County may require such additional information for the applicant that is necessary for the County to conduct its review of this information and the proposed substation site and design under these provisions of the County LDC.

C. All line crossing Citrus County Right of Way or other County property will be designed for compliance with applicable county standards.

D. All earthwork and land clearing shall comply with *The Florida Stormwater, Erosion and Sedimentation Control Inspector's* manual.

E. All work conducted will be required to comply with the County's Noise limitation regulations as to volume and hours of operation.

XXXVIII. Citations: Citrus County Land Development Code; Chapter 2; Citrus County Code Noise Ordinance.

XXXIX. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

A. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule "Exceptions" exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.

B. Particulate Matter (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

1. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling.
2. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:
 - a) Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.
 - b) Curtail operations during high wind conditions
 - c) Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.
 - d) Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.
 - e) Seeding and mulching access road surfaces

C. Open Burning

Pursuant to Chapter 1-4, Rules of the Hillsborough County Environmental Protection Commission (EPC), all open burning within Hillsborough County is prohibited unless approved or permitted by EPC.

1. The EPC issues temporary authorizations for all land clearing operations prior to commercial development, including the initial clearing of land for agricultural or construction purposes. Under these temporary authorizations, applicants are permitted to burn for up to six months at the same location. Authorizations are issued after the submission of an application, along with a fee payable to the EPC.

2. Open burning that is expected to last for more than six months at the same location will require an air pollution permit, and must comply with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules that regulate open burning with a permanent air curtain incinerator. In Hillsborough County, EPC has been delegated authority to permit and enforce these State regulations. All applications, along with permit fees should be submitted to EPC.

D. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA - Enforced by the State of Florida Department of Environmental Protection and delegated to the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

1. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.

2. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003 Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

E. Waste Management

PEF will ensure that all historic landfills within the boundaries of the project in Hillsborough County are properly managed. Development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County will require a Director's Authorization from the EPC.

XXXIX. Citations: Rules of the Hillsborough County Environmental Protection Commission (EPC)

XL. PINELLAS COUNTY

A. Brooker Creek Preserve

PEF will coordinate efforts with Pinellas County's Environmental Management Office to ensure that the management strategies of the Brooker Creek Management Plan are adhered to where applicable and feasible. The Management plan is located at <http://www.pinellascounty.org/Environment/pagesHTML/BCPmngmtWeb/bcpm500.html>

B. Coordination

Coordination with Pinellas County staff, inclusive of Environmental Management staff as well as Building and Development Review staff, is required prior to any final decisions on a specific corridor alignment and development of a specific plan for site development and maintenance.

C. Site Plan

Submittal of a site plan, or other agreed-upon data, is requested to be provided to Pinellas County Building and Development Review Services prior to initiation of any site disturbance activity.

D. Safety and Protection

To ensure public safety and protection of natural resources within Pinellas County, the applicable regulatory sections of the Pinellas County Land Development Code shall be adhered to during and after site construction.

XL. Citations: Pinellas County Board Brooker Creek Preserve Management Plan; Pinellas County Comprehensive Plan; Pinellas County Land Development Code.

XLI. CITY OF TAMPA (Reserved)

XLII. MARION COUNTY (Reserved)

Attachment 1: Certified Corridors Location Map

DRAFT

Appendix II: Agency Reports

- A Department of Environmental Protection
- B Department of Transportation
- C Department of Community Affairs
- D Florida Fish and Wildlife Commission
- E Southwest Florida Water Management District
- F St. Johns River Water Management District
- G Department of Agriculture and Consumer Affairs – Division of Forestry
- H East Central Florida Regional Planning Council
- I Withlacoochee Regional Planning Council
- J Tampa Bay Regional Planning Council
- K Citrus County
- L Hernando County
- M Hillsborough County
- N Levy County
- O Pinellas County
- P Polk County
- Q Sumter County
- R Hillsborough County Environmental Protection Commission
- S Public Comments

Appendix II–A: Department of Environmental Protection

From: Nieboer, Greg
Sent: Tuesday, September 02, 2008 4:37 PM
To: Seiler, Ann; Gagne, Albert; Stubbs, Danny
Subject: RE: Transmission Line Specific Condition LNP

Hi Ann,

I did not make any changes to the specific conditions that you sent me. However, will you please add the following specific conditions to the list:

1. 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.

(Instead of adding this whole condition you can just add “Refer to Chapter 62.345, F.A.C.” under **Mitigation**, C so the applicant knows that we need to use UMAM to ensure the mitigation offsets the impacts)

2. 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.
3. 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.
4. All wetlands within the proposed right of way must be identified and the wetland jurisdictional line must be approved by Department staff. Once the wetlands are delineated and the boundaries are approved by Department staff, provide a table that shows the 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. Refer to Chapter 62-340, F.A.C.

Greg Nieboer
Environmental Specialist II
Environmental Resources Management
Department of Environmental Protection
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
phone- 813-632-7600, ext 360
fax- 813-632-7672

From: Bradner, James
Sent: Thursday, August 28, 2008 9:37 AM
To: Seiler, Ann
Cc: Herbster, Dave; Laisure, Debra; Prather, Lisa; Watkins, Aaron
Subject: Agency Report - PEF Levy Nuclear Plant Site Certification Application - Transmission Line Portion

Agency Report - PEF Levy Nuclear Plant Site Certification Application - Transmission Line Portion
Submitted by:
James N. Bradner, P.E.
Air Program Administrator
FDEP Central District

Progress Energy Florida (PEF) acknowledges that a definitive response is not possible until the final location for the Central South electrical substation and the final alignment for the transmission line corridor have been determined, and has agreed to conditions of certification that would require post-certification submittal of all information requested by the Central District. The Central District accepts this agreement, and recommends certification, with the understanding that the required post-certification submittal would include, at a minimum, the following Conditions of Certification:

1. 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 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. 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 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.).
2. 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.
3. 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.

4. 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.
5. 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.
6. 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, and will adequately address cumulative impacts within the subject basin, in accordance to Chapter 62-345 F.A.C., and Chapter 12.2.1.1, 12.2.8, and 12.3 of the St. Johns River Water Management District (SJRWMD) Applicant's Handbook, or corresponding chapters of the SFWMD B.O.R., if applicable.
7. 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.
8. 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, and proprietary authorization must be obtained prior to construction. Refer to Chapter 62-343.900(1), Section G.

9. A minimum of 90 days prior to the commencement of construction please provide reasonable assurance that the construction of the transmission line 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 4.1.1 of the SFWMD B.O.R.

Appendix II-B: Department of Transportation



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

September 2, 2008

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

Re: Progress Energy Florida Levy Nuclear Project Units 1 & 2
Power Plant Siting Application No. PA08-51
DOAH Case No. 08-2727EPP
DEP Case No. 08-1621

Dear Mr. Halpin:

Enclosed is the Florida Department of Transportation's Agency Report for the Progress Energy Florida Levy Nuclear Project Units 1 & 2 Power Plant Siting Application.

If there are any questions, please call either me at (850) 414-5293 or Connie Mitchell, Siting Coordinator, at (850) 414-4572. Thank you.

Sincerely,

Kimberly C. Menchion
Assistant General Counsel

Enclosure

cc: All Parties of Record
Connie Mitchell

**FLORIDA DEPARTMENT OF TRANSPORTATION
LEVY COUNTY NUCLEAR POWER PLANT
TRANSMISSION LINE
AUGUST 2008**

SECTION I. CORRIDOR LOCATION ISSUES

No outstanding issues.

SECTION II. OUTSTANDING SUFFICIENCY ISSUES

No outstanding issues.

SECTION III. VARIANCES TO STANDARDS

No variances requested.

SECTION IV. SPECIAL USE PERMISSIONS

No special use permissions requested.

SECTION V. RECOMMENDATION FOR CERTIFICATION

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

SECTION VI. PROPOSED CONDITIONS OF CERTIFICATION

6.1 REQUEST FOR RESTRICTED AREAS

No requests for restricted areas are necessary.

6.2 POST CERTIFICATION REVIEW ITEMS

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

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

14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

Use of State of Florida Right of Way or Transportation Facilities: All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of the transmission line and pipeline should take into consideration the planned widening of these facilities. The cost of relocating or reconstructing the transmission line and pipeline will be borne by the applicant to the extent required by Section 337.403, Florida Statutes, and Rule Chapter 14-46, Florida Administrative Code.

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

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

Use of Air Space: Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

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

Railroad Spur: Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC). The following criteria must be considered in opening a new public highway-rail grade crossing on any state, county, or city roadway:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-grade crossings to offset opening a new crossing.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

The installation of a new public highway-rail grade crossing must have as a minimum roadside flashing lights and gates on all roadway approaches to the crossing. The installation of the crossing surface and signals must be in accordance with current Manual of Uniform Traffic Control Devices (MUTCD), Federal Railroad Administration Rules and Regulations, American Association of State Highway and Transportation Officials (AASHTO) Policy, and the Department's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida's Green Book).

Areas of concern to be considered in determining the rail crossing location are as follows:

- Roads crossing the tracks at a skewed angle or where the track is curved or superelevated;
- Impaired sight distance for motorists and rail engineers;
- Highway intersections within 75 feet of the crossing which create a greater potential for accidents and create minimal vehicle storage distance;
- Crossings that are blocked for long periods of time;
- Switching movements or turnouts;
- Different elevations of tracks.

SECTION VII BEST MANAGEMENT PRACTICES

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide

Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

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

Placing a bulletin board on site for car pooling advertisements.

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

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

Appendix II-C: Department of Community Affairs



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 22, 2008

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

Re: Agency Report: Progress Energy Levy Nuclear Power Plant Transmission Lines

Dear Mr. Halpin:

This letter serves as the Agency Report submitted by the Department of Community Affairs (Department) as required by the Florida Electric Transmission Line Siting Act, Sections 403.522 - .539, Florida Statutes, (F.S.) in response to the application for certification filed by Progress Energy Florida, Inc. on June 2, 2008, for the applicable transmission line corridors associated with the proposed Levy County Nuclear Power Plant. The proposed corridors will consist of:

Levy Plant – Central Florida South Substation: one 500 kV circuit in one corridor
Levy Plant – Citrus Substation: two 500 kV circuits in one corridor
Crystal River Plant – Brookridge Substation: one 230 kV circuit in one corridor
Brookridge – Brooksville West Substation: one 230 kV circuit in one corridor
Polk to Hillsborough to Kathleen Substation: one 230 kV circuit in one corridor

The Levy Plant – Citrus Substation corridor is a new siting. The area surrounding the proposed Central Florida South Substation consists of an expanded right of way siting through an existing transmission line corridor. All other routes are utilizing existing corridors.

The land included within the Levy Plant – Citrus Substation proposed corridor is designated in the Levy County Comprehensive Plan, as Public, Natural Reservation, and Agriculture - Rural Residential Future Land Use. The Citrus County Comprehensive Plan identifies Low Residential and Conservation Future Land Use within the proposed corridor. The Conservation

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

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

Mr. Mike Halpin
September 22, 2008
Page 2

Land Use includes a Florida Forever project, the "Etoniah-Cross Florida Greenway," of which a portion has been purchased.

Department staff has reviewed the completed corridor certification application and, as proposed, has not identified any issues of concern. The Department does not require the applicant to seek any variations, exceptions, forms of relief, or to satisfy other requirements with respect to conditions of certification. It is the Department's recommendation that the proposed transmission line corridors be approved.

If you have any questions regarding this report, please contact Dr. Barbara Lenczewski at (850) 922-1786, or you may contact her by email at: barbara.lenczewski@dca.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Gauthier".

Charles Gauthier, AICP, Director
Division of Community Planning

CG/kd

Appendix II-D: Florida Fish and Wildlife Commission



**Florida Fish
and Wildlife
Conservation
Commission**

Commissioners

Rodney Barreto
Chair
Miami

Brian S. Yablonski
Vice-Chair
Tallahassee

Kathy Barco
Jacksonville

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Dwight Stephenson
Delray Beach

Kenneth W. Wright
Winter Park

Executive Staff

Kenneth D. Haddad
Executive Director

Nick Wiley
Assistant Executive
Director

Karen Ventimiglia
Deputy Chief of Staff

**Office of Policy and
Stakeholder
Coordination**

Mary Ann Poole
Director

(850) 410-5272
(850) 922-5679 FAX

*Managing fish and wildlife
resources for their long-
term well-being and the
benefit of people.*

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

August 27, 2008

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

RE: Site Certification Application, Progress Energy Florida Levy Nuclear Plant
Powerline Transmission corridor, Levy County, Florida; Agency Report and
Recommended Conditions

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 our agency's review of Progress Energy's Levy Nuclear Plant Powerline Transmission Line Project and provides the enclosed Agency Report and recommendations for conditions to be included in the project certification.

The applicant will need to comply with the FWC listed species requirements prior to construction of the transmission lines. This may also include monetary requirements as specified in the Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines (Chapter 68-27, Florida Administrative Code (F.A.C.)). We recommend approval of the Progress Energy Florida Levy Nuclear Plant Powerline Transmission corridor certification with the inclusion of recommended conditions related to listed species and their habitats.

If you or your staff would like to coordinate further on the recommendations contained in this report, please contact me at 850-410-5272, or email me at maryann.poole@MyFWC.com, and I will be glad to help make the necessary arrangements. If your staff has any specific questions regarding our comments, I encourage them to contact Mr. Theodore Hoehn (850-488-3831); email ted.hoehn@myFWC.com.

Sincerely,

Mary Ann Poole

Mary Ann Poole, Director
Office of Policy and Stakeholder Coordination

map/tsh

ENV 1-3-2

Progress Levy Nuclear_1452_Agency Report Letter

Enclosures: 2

cc: Mr. Jamie Hunter, Progress Energy
Mr. Bruce Day, WRPC

Enclosure 1: FWC's Agency Report and Recommendations for Conditions to be included in the State Certification, Progress Energy Florida Levy Nuclear Plant Powerline Transmission corridor, Levy County, Florida.

Coordinated and submitted by Ted Hoehn, August 2008

Project Description

The project consists of the proposed construction of transmission lines between the proposed Levy Nuclear Plant and the following substations: Central Florida, located west of Wildwood adjacent to SR 44; the proposed Citrus substation located west of U.S. Highway 19 (US 19) along the existing Crystal River transmission line right-of-way (ROW); and the Brookridge substation, located between State Road (SR) 589 (Suncoast Parkway) and US 19, north of SR 50. An additional transmission line will be required to connect the proposed Citrus substation to the existing Crystal River Energy Complex.

Affected Resources

A listing of all the state and federally listed species and their status is enclosed (Enclosure 2).

The majority of the proposed corridors intersect the red-cockaded woodpecker (RCW) (*Picoides borealis*, FL-Species of Special Concern [SSC]) federal consultation areas. In addition, the proposed transmission corridor from the proposed Levy Nuclear facility to the Brookridge substation intersects known RCW nesting locations and is within 1000 meters of additional nesting locations in the Withlacoochee State Forest. Also, the proposed transmission corridor from the proposed Levy Nuclear facility to the proposed Central Florida South substation intersects known RCW nesting locations and is within 1000 meters of additional nesting locations in the Withlacoochee State Forest, Halpata Tastanaki Preserve, the Lake Panasoffkee Management Area, and the Flat Island Preserve. In addition, the corridors for the relocation of transmission lines, from the Brookridge substation with the Lake Tarpon Substation, intersect known RCW nesting locations and are within 1000 meters of additional nesting locations in the Starkey Wilderness Park and Brooker Creek Buffer Preserve.

The entire project is within the Florida scrub jay (*Aphelocoma coerulescens*, FL-Threatened [T]) federal consultation area. There are known occurrences of the Florida scrub jay within 1000 meters of the proposed Levy Nuclear Plant and the proposed transmission corridor from the proposed Levy Nuclear facility to the proposed Central Florida South substation. There are also known occurrences of the Florida scrub jay within 1000 meters of transmission corridor from the Brookridge substation with the Lake Tarpon Substation.

The transmission corridor from the proposed Ross Prairie substation to the proposed Central Florida South substation intersects the snail kite (*Rostrhamus sociabilis plumbeus*, FL-Endangered [E]) federal consultation areas.

The area around the proposed Levy Nuclear Power plant also is known to contain bald eagle (*Haliaeetus leucocephalus*, no longer listed as threatened, but addressed by a Florida management plan), gopher tortoise (*Gopherus polyphemus*, FL-T), gopher frog (*Rana capito*, FL-SSC), and little blue heron (*Egretta caerulea*, FL-SSC). In addition, there is the potential for the eastern indigo snake (*Drymarchon couperi*, FL-T), short-tailed snake (*Stilosoma extenuatum*, FL-T), Florida mouse (*Peromyscus floridanus*, FL-SSC), and Sherman's fox squirrel (*Sciurus niger shermani*, FL-SSC) to be present.

The proposed transmission corridors from the proposed Levy Nuclear Plant to the Brookridge substation, re-location of the Citrus River E transmission line to Brookridge Substation, and the Brookridge substation to Lake Tarpon transmission corridor are likely to affect the gopher tortoise, gopher frog, little blue heron, white ibis (*Eudocimus albus*, FL-SSC) southeastern American kestrel (*Falco sparverius paulus*, FL-T), Florida sandhill crane (*Grus canadensis pratensis*, FL-T), whooping crane (*Grus americana*, FL-SSC), eastern indigo snake, short-tailed snake, Florida pine snake (*Pituophis melanoleucus mugitus*, FL-SSC), Florida mouse, and Sherman's fox squirrel.

The proposed transmission corridors from the proposed Levy Nuclear Plant to the proposed Central Florida South substation are also likely to affect gopher tortoise, gopher frog, little blue heron, white ibis, southeastern American kestrel, Florida sandhill crane, whooping crane, eastern indigo snake, short-tailed snake, Florida pine snake, Florida mouse, and Sherman's fox squirrel.

The following are conditions that we recommended be included in special conditions as part of the certification process to address wildlife species.

General Listed Species Surveys

1. The applicant will coordinate with the FWC to obtain the current survey protocols for all listed species that may occur within the transmission line corridor or could be affected by the transmission corridor prior to conducting detailed surveys for the selected transmission line right-of-way (ROW) once access has been obtained.
2. The results of those detailed surveys will be provided to FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies, as authorized by Article IV, Sec. 9, Fla. Constitution; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; and 68A-27, F.A.C.

Gopher Tortoise

1. The applicant will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and Gopher Tortoise Permitting Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to

subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

2. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.
3. The applicant will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.
4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.

Bald Eagle

1. The applicant will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 – May 15), or when eagles are present before October 1 or after May 15.
2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 – September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS Bald Eagle Monitoring Guidelines, dated 2007, or subsequent versions.
3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be

obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.
Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27 F.A.C; and Rule 68A-16.002, F.A.C.

Red-cockaded Woodpeckers

1. The applicant will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to insure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS Red-Cockaded Woodpecker Recovery Plan.
2. The applicant will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.
3. The applicant will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27, F.A.C.; and Rule 68A-16.001, F.A.C..

Avian Protection Plan

1. The applicant will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:
<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>

Citations: Article IV, Sec. 9, Fla. Const.; Section 403.5113(2), Florida Statute (F.S.); Rule 62-17.191, Florida Administrative Code (F.A.C.); Section 379.2291, F.S.; Rule 68A-27, F.A.C.; and Rule 68A-16.001, F.A.C..

Enclosure 2: State- and federally listed species potentially occurring or known to occur on the project area

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	<i>Rana capito</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Florida scrub jay	<i>Apelocoma coerulescens</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Whooping crane	<i>Grus americana</i>	SSC	E* (federal lands)
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC	E
Snail kite	<i>Rostrhamus sociabilis plumbeus</i>	E	E
Florida mouse	<i>Peromyscus floridanus</i>	SSC	
Sherman's fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida black bear	<i>Ursus americanus floridanus</i>	T	

Appendix II-E: Southwest Florida Water Management District



An Equal
Opportunity
Employer

Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

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

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Neil Combee
Chair, Polk

Todd Pressman
Vice Chair, Pinellas

Jennifer E. Closshey
Secretary, Hillsborough

Ronald E. Oakley
Treasurer, Pasco

Bryan K. Beswick
DeSoto

Patricia M. Glass
Manatee

Hugh M. Gramling
Hillsborough

Albert G. Joerger
Sarasota

Sallie Parks
Pinellas

Maritza Rovira-Forino
Hillsborough

H. Paul Senft, Jr.
Polk

Judith C. Whitehead
Hernando

David L. Moore
Executive Director

William S. Bilenky
General Counsel

August 27, 2008

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

Subject: Progress Energy Florida, Inc.
Levy County Nuclear Power Plant
Transmission Line Facilities
Power Plant Siting Application No. PA 08-51
SWFWMD OGC Case No. 2008048

Dear Mr. Halpin:

On August 26, 2008, the Governing Board approved the Southwest Florida Water Management District's Agency Report on the transmission line corridor portion of Progress Energy Florida's Levy County Nuclear Power Plant Units 1 and 2 certification application. A copy of the District's Agency Report with recommended conditions for certification is enclosed with this letter.

If you have any questions concerning this matter, you may contact me at the District's Brooksville headquarters at extension 4660.

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

Laura Kammerer
Bureau of Historic Preservation
R. A. Gray Building
500 South Bronough
Tallahassee, FL 32399-0250
lkammerer@dos.state.fl.us

Barton Bibler, P.E.
Department of Health
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**Progress Energy Florida, Inc. Levy County Nuclear Power Plant
Units 1 & 2 Transmission Line Facilities
Siting Application No. PA08-51
DOAH Case No. 08-2727
SWFWMD OGC Case No. 2008048**

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT – AGENCY REPORT

STAFF RECOMMENDATION – APPROVAL WITH CONDITIONS

Procedural Overview

Effective July 1, 2008, the Florida Electrical Power Plant Siting Act, 403.501-518, Florida Statutes (F.S.), and the Florida Electric Transmission Line Siting Act, 403.52 - 5365, F.S., were amended as part of the comprehensive package of "Energy Bill" amendments intended to improve energy efficiency and reliability, promote cleaner energy production and reduce carbon emissions that may cause climate change. The amendments streamline the certification process for electrical power plants. Amendments also allow for alternate electric transmission line corridors to be considered as part of this process in lieu of a separate transmission line certification process. The process for agency review of certification applications accordingly has been revised.

Progress Energy Florida, Inc. seeks site certification for its proposed Levy Nuclear Power Plant, Units 1 & 2 (LNP) to be located on a 3,100-acre site in southern Levy County. The proposed LNP will generate 2,200 megawatts of power that will be transmitted through power lines spanning Levy, Citrus, Marion, Sumter, Hernando, Hillsborough, Pinellas and Polk Counties. Approximately 178 miles of proposed transmission line corridors necessary for distributing electricity generated from the LNP are included in this site certification application. Approval of the transmission line portion of the application is proceeding under a more compressed schedule than the main power plant and associated facilities component of the application.

On July 2, 2008, District staff submitted its comments on the completeness of the transmission line portions of the application to the Department of Environmental Protection (DEP). District staff found the application incomplete regarding the potential impacts to District land resources included within the proposed corridors. On July 9, 2008, DEP issued its determination that the application was incomplete. Progress Energy responded sufficiently to all reviewing agency comments by the deadline of July 23, 2008. On August 6, 2008, the District filed its Preliminary Statement of Issues on the specified transmission lines. On August 13, 2008, DEP issued its determination that the application was complete for purposes of review and issuance of the required agency reports on the transmission line corridors. Agency reports and recommended conditions must be submitted to DEP by September 2, 2008; however, agencies with collegial

bodies as heads are allowed until September 17, 2008 to file their agency reports. DEP must file its project analysis on the transmission line corridors by September 25, 2008.

The site certification process allows interested persons to propose alternate corridors for the planned transmission lines. Alternate corridors must be filed by September 11, 2008, and be accepted or rejected for consideration by DEP and Progress Energy by September 18, 2008. If alternate corridors are accepted for consideration, the District will have until October 24, 2008 to advise DEP of the completeness of the alternate proposals. If incomplete, proponents of alternate corridors have until November 14, 2008 to submit additional information. Reviewing agencies must issue a completeness determination by November 24, 2008 and if complete, agency reports will be due December 26, 2008.

The District's agency report on the main site and associated facilities other than specified transmission lines is also due to DEP by December 26, 2008. Staff anticipates seeking approval of this agency report at the December Governing Board meeting. The Division of Administrative Hearings certification hearing is currently scheduled to occur February 23 – March 20, 2009 in Levy County. The anticipated date for Siting Board approval of the LNP is July 14, 2009.

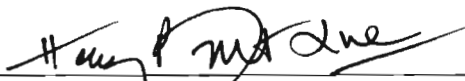
Proposed Transmission Line Corridors

Progress Energy's proposed transmission line corridors are co-located with existing transmission line rights of way where possible and generally follow road rights of way or similar disturbed areas. The proposed transmission line corridors cross and thus potentially impact seven District land resources: Halpata Tastanaki Preserve, Two Mile Prairie, Lake Panasoffkee, Annutteliga Hammock, Upper Hillsborough FDA, Lower Hillsborough FDA and Brooker Creek Preserve. District staff has met with representatives for Progress Energy to resolve concerns. If there remain any unavoidable impacts to District land resources, and rights-of-way or access routes are necessary through District lands, it is proposed that the District will be compensated for fair-market value in addition to the loss of intended use of lands. Rights-of-way will not be determined until after the transmission line corridors, which can be a mile wide, are certified. Progress Energy will consult with the District on the location of the rights of way and design of the transmission lines, to maximize compatibility of the transmission lines with District land uses as needed. District staff has proposed conditions of certification that require post-certification information submittals necessary to assure impacts to District land resources are minimized and that any environmental or construction-related impacts to surface water management features are appropriately addressed.

Staff Recommendation

This report contains the District's recommendations to DEP regarding conditions for certification of the proposed transmission line corridors for Progress Energy's proposed

Levy County Nuclear Power Plant. Under the current operating agreement between the District and DEP, DEP is responsible for conducting the Environmental Resource Permitting-related review of the project area, employing District substantive ERP rules as adopted by DEP. Due to the fact that the actual right-of-way locations for the proposed transmission lines will not be determined until after the corridors are certified, additional detailed information and review procedures are proposed as post-certification submittals once the acquired rights-of-way are determined. This allows for District verification of compliance with the substantive conditions set forth in Chapter 40D-4, F.A.C., Part B, Basis of Review of the District's ERP Information Manual. Staff recommends approval of the proposed transmission line corridors portion of this power plant certification application, subject to the recommended conditions of certification attached hereto and incorporated herein as Exhibit "A," and recommends forwarding of this Agency Report to DEP for inclusion in its project analysis and proposed conditions of certification for the transmission line component of this power plant certification.



Bobby Lue, Director
Brooksville Regulation Department

Date: 8/27/08



Fritz Musselmann, Director
Land Resources Department

Date: 8/27/08

EXHIBIT A

**SWFWMD PROPOSED CONDITIONS OF CERTIFICATION
PROGRESS ENERGY FLORIDA, INC.
LEVY NUCLEAR POWER PLANT UNITS 1 & 2
Siting Application No. PA08-51
DOAH Case No. 08-2727
SWFWMD OGC Case No. 2008048**

Transmission Line Facilities

1. The proposed transmission lines will be co-located within existing rights-of-way (ROWs) and other impacted areas wherever feasible.
2. Progress Energy Florida (PEF) shall provide to SWFWMD a copy of all post-certification filings for finalization of the ROW locations and the construction and operation of the transmission line facilities, including any access roads or surface water management system facilities, for those portions located within the SWFWMD.
3. A copy of the aerial photographs provided to DEP to show the boundaries of the acquired ROW within the SWFWMD will also be provided to SWFWMD. SWFWMD shall have an opportunity to review the photographs and notify DEP of any apparent conflicts with the requirements of the Conditions of Certification.
4. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.
5. To the extent practicable, access roads, culverts and structures shall be located to avoid conflict with existing or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.
6. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the

compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

7. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

Citation: Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4; Chapter 40D-9, F.A.C.

Appendix II-F: St. Johns River Water Management District



St. Johns River Water Management District

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September 9, 2008

Mike Halpin, Program Administrator
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 48
Tallahassee, FL 3299-2400

Re: Progress Energy Florida – Levy Nuclear Power Plant Units 1 & 2
Site Certification Application – COAH Case No. 08-2727

Mr. Halpin:

Pursuant to Section 403.526(2)(a)2 of the Florida Statutes the St. Johns River Water Management District submits its Agency report for the transmission line corridor portion of the above referenced application.

Regards,

Kealey A. West
Assistant General Counsel

Enclosure

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ST JOHNS RIVER WATER MANAGEMENT DISTRICT
AGENCY REPORT
SEPTEMBER 9, 2008

Applicant: Florida Power Company
d/b/a Progress Energy Florida, Inc.
299 First Avenue North
St. Petersburg, FL 33733

Project: Progress Energy Florida, Inc. –
Levy County Nuclear Power Plant Units 1&2
DOAH Case No. 08-002727 / F.O.R. 2008-56

Background

Progress Energy Florida, Inc. (PEF) has applied to the Florida Department of Environmental Protection (DEP) seeking Site Certification for its proposed Levy Nuclear Power Plant, Units 1 & 2 (LNP) to be located on a 3,100-acre site in Levy County. The proposed LNP will generate power and transmit it through power lines in Citrus, Hernando, Hillsborough, Lake, Levy, Marion, Pinellas, Polk, and Sumter Counties. PEF proposes eight electrical transmission corridors, comprising approximately 178 miles of transmission lines.

Procedural Overview

Effective July 1, 2008, the Florida Electrical Power Plant Siting Act, 403.501-518, Florida statutes (Fla. Stat.), and the Florida Electric Transmission Line Siting Act, 403.522-5365, Fla. Stat., were amended as part of the comprehensive package of "Energy Bill" amendments. The amendments streamline the certification process for electrical power plants. Typically, transmission lines are processed through the Electric Transmission Line Siting Act and power plants are processed through the Electrical Power Plant Siting Act (PPSA). However, PEF has elected to include all new transmission lines associated with this nuclear power plant in the Site Certification Application as "associated facilities" to the plant. Therefore, the power plant and all associated transmission lines are being processed as a single application. However, the transmission line portion of the application is processing under a more compressed schedule than the main power plant and associated facilities.

The District's agency report and recommended conditions for the transmission line portion of the application must be submitted to DEP by September 17, 2008. DEP must file its project analysis on the transmission line corridors by September 25, 2008. The District's agency report on the main site and associated facilities other than specified transmission lines is due to DEP by December 26, 2008. The Division of Administrative Hearings certification hearing is scheduled to occur February 23 – March 2009.

Discussion

None of the proposed electrical transmission corridors within the jurisdictional boundary of the District crosses District lands, however, there is a potential impact to a District owned parcel that abuts one of the proposed transmission corridors and is near the proposed Levy Central Florida South Substation. However, the specific location of this substation is unknown at this time.

The Welling Parcel is a 75-acre parcel located in Lake County that was donated to the District in 1993 for mitigation. The southwestern boundary of the parcel abuts the proposed LNP to the proposed Central Florida South Substation transmission line corridor ("LCFS" corridor). See Exhibit "B". The proposed LCFS corridor is 59 miles long and ranges in width from 1000 feet to a mile wide.

Although the proposed corridor and substation are not proposed to be located on District lands, their proximity presents a potential for impacts to District lands. The actual transmission corridors and associated right-of-way locations will not be determined until after the corridors are certified. District staff has proposed conditions of certification and post-certification submittals to assure impacts to District lands are minimized.

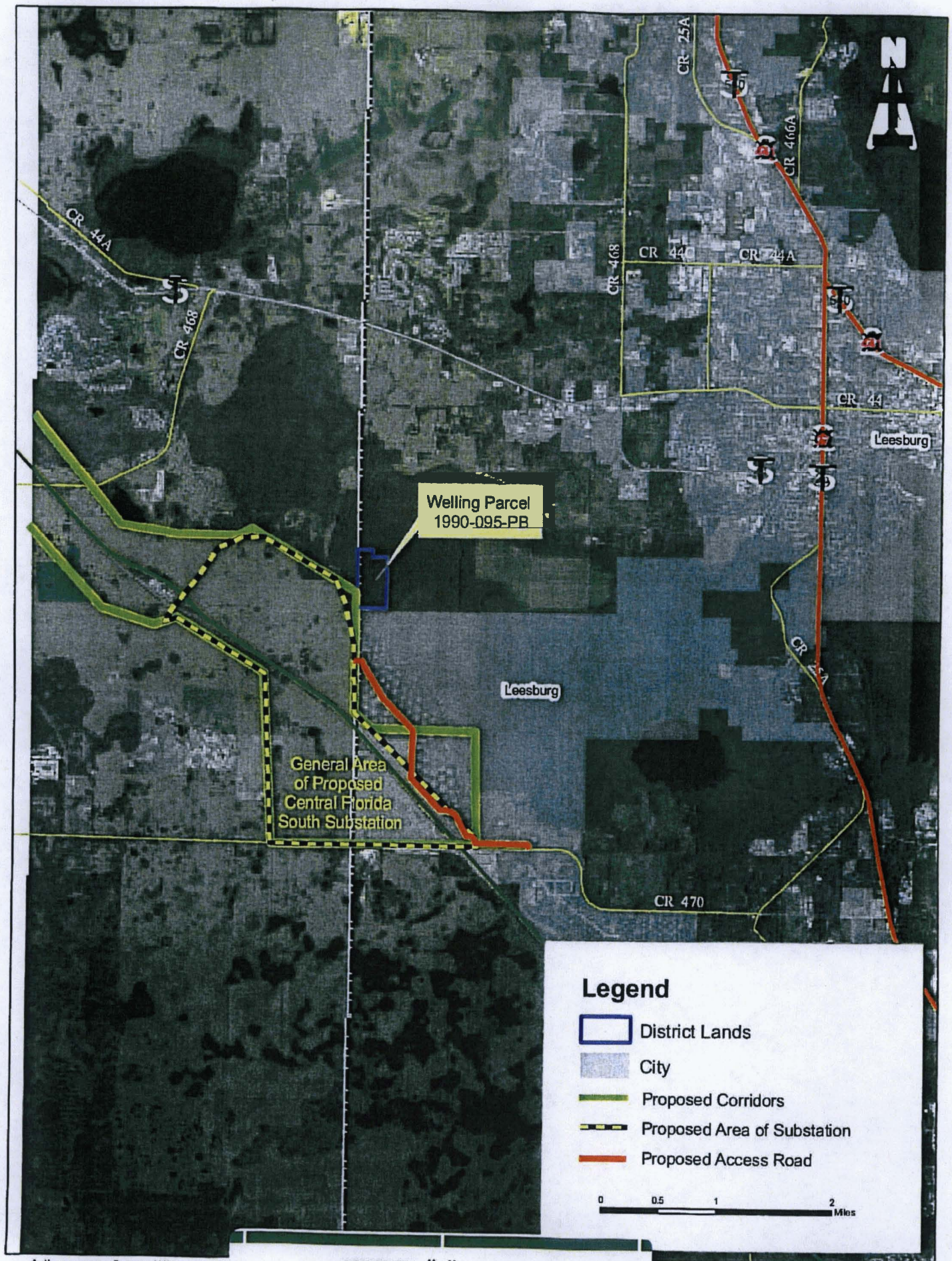
Staff Recommendation

District staff recommends approval of the proposed transmission line corridor portion of the power plant certification application with the inclusion of the attached recommended conditions of certification and recommends forwarding this Agency Report to DEP.

Exhibit A

St. Johns River Water Management District
Conditions of Certification
Progress Energy Florida, Inc.
Levy County Nuclear Plants Units 1&2
DOAH Case No. 08-002727/ F.O.R. 2008-56

1. Progress Energy Florida, Inc. shall provide the St. Johns River Water Management District ("District") a copy of all post-certification filings finalizing the locations of right-of-ways and substations on or adjacent to District lands.
[Section 373.085, Fla. Stat.; Section 40C-9.380, F.A.C.]
2. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect District lands, Progress Energy Florida, Inc. shall provide a survey of the transmission line right-of-way ("Right-of-Way Survey") and footprint of the substation. The survey shall be prepared using procedures acceptable to the District and signed and sealed by a registered surveyor pursuant to Chapter 472, Fla. Stat.
3. Progress Energy Florida, Inc., shall provide an analysis of any affect of the construction or operation of the transmission line corridor or substation on District lands and shall minimize any adverse affect pursuant to a District approved plan.
[Section 40C-9.380, F.A.C.]
4. In the event Progress Energy Florida, Inc. seeks to use District lands outside of the transmission line right-of-way for access during construction of the transmission line and/or for inspection and maintenance after construction, Progress Energy Florida, Inc. shall submit to the District a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of District lands outside of the transmission line right-of-way shall be in accordance with Section 40C-9.360, F.A.C.
[Section 40C-9.360, F.A.C.]



Appendix II-G: Department of Agriculture and Consumer Affairs – Division of Forestry



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

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Tallahassee, FL 32399-1650

September 2, 2008

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

Subject: Progress Energy Florida, Inc., Levy County Nuclear Power Plant
Transmission Line Facilities, Power Plant Siting Application No., PA 08-51

Dear Mr. Halpin:

This correspondence constitutes the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF), Agency Report on the project application referenced above. To that end, please reference our letter of August 5, 2008, on the same subject (attached).

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

A handwritten signature in black ink, appearing to read "James R. Karels".

James R. Karels
Director, Division of Forestry

JRK/edh

Cc: Winnie Schreiber, Withlacoochee Center Manager
Don West, Waccasassa Center Manager
Dennis Hardin, Forest Ecologist
Forrest Watson, Planner



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to:
Florida Division of Forestry
3125 Conner Boulevard
Tallahassee, FL 32399-1650

August 5, 2008

Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road
Tallahassee, Florida 32399

RE: Proposed Progress Energy Nuclear Plant Associated Transmission Lines
(PA 08-51)

The Division of Forestry (DOF) manages lands that are subject to be impacted by this project. Based on the general corridor maps reviewed to date, these lands include Goethe State Forest; the Two-mile Prairie, Annutelig Hammock and Lecanto Tracts of Withlacoochee State Forest; and, Ross Prairie State Forest.

Evaluating the potential impacts of the project based on the general corridors and without knowing the specific rights-of-way is difficult. Qualitatively, these impacts include disruption of areas of high quality native groundcover and forest, loss of wildlife habitat, loss of forest acreage that can be used to generate timber revenue, creation of addition opportunities for unregulated off-road vehicle access, interference with such essential land management activities as prescribed burning, and decreasing the aesthetics of recreational activities.

It is not clear from the contents of the Site Certification Application whether or not the Board of Trustees' Linear Facilities Policy test of avoidance has been addressed. This component of the process should be documented and included in a formal easement proposal at the time of actual submittal of associated documents. If this project is approved and moves forward, the DOF would like Progress Energy to consult with us on all details of design and location, and discuss probable impacts to state forests that will arise from the construction of these facilities.

Sincerely

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

J. R. Karels FOR: J. Karels

James R. Karels
Director, Division of Forestry

JRK/fw



Florida Agriculture and Forest Products
\$97 Billion for Florida's Economy

Appendix II-H: East Central Florida Regional Planning Council



East Central Florida Regional Planning Council

631 North Wymore Road, Suite 100 • Maitland, FL 32751
Phone 407.623.1075 • Fax 407.623.1084 • www.ecfrpc.org

Philip Laurien, AICP
Executive Director

August 28, 2008

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

RE: Agency Report, Levy Nuclear Power Plant Transmission Line Site Certification Application

Dear Ms. Seiler,

The East Central Florida Regional Planning Council has completed the Agency Report for the Levy Nuclear Power Plant Transmission Line Site Certification pursuant to 62-17.590, F.A.C. 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) Secret Promise along the southern boundary of the corridor in Lake County. According to Map H of Secret Promise DRI, "Retail and Service" is planned along the southern boundary of CR 470. Progress Energy should work closely with the Secret Promise DRI to ensure the aesthetics of the transmission line and the ROW are consistent with the development occurring south of CR 470.

The proposed transmission line corridor also crosses some areas shown to be high in biodiversity, according to the ECFRPC Natural Areas of Regional Significance datasets. Council recommends that on-site verification of the actual extent of such natural resources be conducted as part of the corridor selection.

Pursuant to ECFRPC Strategic Regional Policy Plan *Policy 4.31 Planning and development approval shall avoid adverse impacts to listed species. Where suitable habitat on a project site is used by a listed species, a site plan and a management plan to minimize harm to the species and to maintain sufficient habitat to support a viable population of the species on-site should be required as a condition of development approval* and *Policy 4.32 All levels of government shall protect critical habitat for listed species*, appropriate avoidance or mitigation should be part of the corridor plan.

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With consideration of the above conditions, the Council recommends approval of certification.

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

Sincerely,

Phil Laurien
Executive Director

Appendix II-I: Withlacoochee Regional Planning Council

MICHAEL R. MOEHLMAN
EXECUTIVE DIRECTOR

1241 S.W. 10th Street
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August 28, 2008

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

SUBJECT: Final Agency Report for Progress Energy Florida's Levy Nuclear Plant Units 1 and 2
Site Certification Application

Dear Mr. Halpin:

Pursuant to Section 403.526 of the Florida Statutes, Withlacoochee Regional Planning Council (WRPC) staff has written a final agency report for the transmission line portion of the above-referenced application. This statement seeks to identify the goals and policies of the WRPC's Strategic Regional Policy Plan (SRPP) that will be affected by this proposal. Council staff writes its report for the benefit of the public, the applicant and all interested parties to define anticipated impacts of the proposed project on the region's SRPP.

PROJECT OVERVIEW

Progress Energy Florida, Inc. proposes construction of a new nuclear power plant in unincorporated Levy County, Florida. A series of high-voltage electrical transmission lines and appurtenant facilities will be required for the bulk transfer of energy from the plant to market. The applicant seeks approval of eight electrical transmission facility corridors under the *Florida Electrical Transmission Line Siting Act*. Seven of the eight proposed electrical transmission lines corridors run through or are within the Withlacoochee Region of Citrus, Hernando, Levy, Marion, and Sumter counties. The applicant likewise proposes construction a new electrical substation in Citrus County and may opt to pursue construction of a new substation in Sumter County.

The applicant would designate a common route for the co-location of four 500-kV electrical transmission lines originating from the Levy Nuclear Plant. This area of co-location is referred to as the Levy Citrus Common Corridor (LCCC), and it would span a width of one mile and reach a distance of approximately 5.5 miles south of the proposed nuclear plant. The applicant anticipates final utility right-of-way requirements to vary between 700 to 1000 feet within the LCCC. In addition, two 69-kV transmission facilities would be required to supply electrical power for construction on the subject property. One 69-kV transmission line would be located

within the LCCC, while a separate facility will be located against the northwestern quadrant of the site, abutting US 19/98 and entirely within Levy County.

Although co-located within the LCCC, discrete transmission facilities would travel independent routes outside of the joint area. The Citrus 1 and Citrus 2 transmission lines (500-kV) would travel the length of the LCCC before turning west in the vicinity of CR 488 to terminate shortly at the Citrus County substation. The Crystal River transmission line (500-kV) would follow a separate but overlapping corridor route past the Citrus County substation, where it continues further west to its termination at the Crystal River Energy Complex.

By contrast the Sumter line would follow the LCCC but diverges east through Citrus, Marion and Sumter counties; after which it may terminate outside of the region if the associated new substation is constructed at all within the boundaries of Lake County. To detail, south of the LCCC, the Sumter line meets existing utility right-of-way as it travels east to the existing Holder substation. The Sumter line continues through the Ross Prairie and Andersen substations along a corridor centered on existing transmission facility right-of-way. The line then crosses SR 44, I-75 and Florida's Turnpike, and CR 468 to reach the proposed Central Florida South substation, located in the vicinity of the Sumter and Lake County line.

A number of 230-kV transmission lines are proposed. The Brookridge transmission line (230-kV) would travel from the Crystal River Energy Complex in Citrus County to the existing Brookridge substation in Hernando County. The Brooksville west line would travel within a corridor location between the Brookridge and Brooksville West substations. The Crystal River East transmission lines would consist of twin (230-kV) lines spanning the distance from the proposed Citrus County substation to the Crystal River East Substation.

ANALYSIS

1. Emergency Preparedness—Preparation, Response and Recovery

Proposed electrical transmission facilities may impact emergency preparedness, response and recovery from local to regional scales. Hazards may also exist due to the specific nature of high voltage electrical transmission. The SRPP preferences all hurricane evacuation routes as regionally significant facilities and systems. Moreover, proposed electrical transmission facilities constitute vital infrastructure, making corridor safety and security issues of interest to all localities within and surrounding designated corridors.

Reference the following SRPP goals and policies:

- | | |
|--------------|--|
| Goal 3.1 | All counties in the region will be prepared to respond to and recover from the impacts of all hazards. |
| Policy 3.1.2 | Periodically conduct a self-assessment of emergency preparedness, response and recovery capabilities. |

- Policy 3.6.1 Limit industrial and public utility land use activities where extremely hazardous substances would routinely be used near large populations and/or public facilities.
- Goal 3.7 Hurricane evacuation clearance times for the region shall be reduced by requiring that new developments not degrade the existing evacuation level of service as identified in the Withlacoochee Hurricane Evacuation Study.
- Goal 5.8 Maintain adequate capacity on evacuation routes to complete movement of vulnerable populations prior to the onset of pre-landfall hazards.

Conditions:

- 1) To maintain consistency with the SRPP's emergency preparedness content, the applicant should work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes.
- 2) Electrical transmission line facilities should be integrated into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the site certification application process.
- 3) Establishment of utility rights-of-way traversing areas likely to be inundated by floodwaters is discouraged. Floodplains, coastal high hazard areas and hurricane storm surge zones, inland bodies of water, and other flood-prone areas are to be avoided. The applicant should recognize that adverse and unintended consequences could result when essential infrastructure serving a region fails due to area specific hazards.

2. Transportation

The efficient and economical transport of people and goods directly impacts regional quality of life and well-being. Consequently, the SRPP designates many roads, rail lines, and multi-purpose trails as having regionally significant status. Some regionally significant transportation facilities exist within transmission line corridors. These facilities include but are not necessarily limited to Interstate 75 and the Florida Turnpike, SR 44, the Suncoast Parkway, SR 50, SR 200, US 41, US 301, CR 484 (Marion), and CSX's rail freight main line.

The impact of transmission corridors on the land use/transportation relationship is relevant. Generally, designation of any utility right-of-way through the region's ground transportation system should not constrain the development of existing or planned roadways. To avoid unnecessary negative system impact, staff recommends the applicant coordinate the decision to place transmission lines near defined transportation routes, especially regionally significant high volume roads, with appropriate transportation planning entities. As applicable, this may include local planning agencies, Metropolitan Planning Organizations, FDOT, and others.

In addition, all of the region's airports are regionally significant. Transmission corridors should not be sited in such a way as to impede the development of the region's general aviation facilities now or in the future. Although the applicant's corridor selection and evaluation methodology seeks to "...maintain distance from registered public and private airports consistent with Federal Aviation Administration (FAA) and other applicable state and county regulations," staff notes proposed transmission corridors in the general vicinity of the Dunnellon, Crystal River and Hernando County Airports. WRPC staff emphasizes the importance of locating proposed transmission facilities pursuant to all operative airport safety and land use compatibility planning controls. Reference the following SRPP goals and policies:

- Goal 5.1 Access to a general aviation system and, reservation of future lands needed for aviation service expansion through the designation of future land uses that are compatible with future airport development and operations.
- Policy 5.1.3 Designate land uses that do not cause impediments or hazards to aviation, and acquire lands or easements that provide adequate buffers.
- Goal 5.4 Protect future right-of-way for regional transportation facilities from building encroachment and incompatible land uses through the designation of regional corridors.
- Goal 5.9 Plan for land use patterns that provide better opportunities for non-automotive trips.

Conditions:

- 1) Establishment of utility rights-of-way within transmission corridors should not constrain, impede or otherwise limit future development of the region's transportation system.

3. Economic Development

The SRPP identifies the Withlacoochee Region's abundance and quality of natural resources as positive locational aspects conducive to development of an eco-tourism industry. In particular, the plan names the region's forests, rivers, lakes, springs and rural character as primary economic assets. Increased regional incomes and employment are cited by the SRPP as principal regional benefits of eco-tourism. Accordingly, the SRPP prioritizes development of the region's eco-tourism industry as necessary for regional economic prosperity.

Transmission lines have the capacity to negatively impact the region's eco-tourism industry. Due to scale and material construction, transmission facilities will appear as noticeably unnatural, having a negative effect on the appearance and desired character of the region's landform. Thus, wherever possible, the visual impact of transmission facilities should be limited by effective mitigation. For transmission lines that are visible from regionally significant roadways and locations, the SRPP would require utilization of monopole design and other proven strategies to mitigate visual impact.

Equally important are those forms of mitigation that reinforce the positive image of the region as an eco-tourism destination. The SRPP explicitly supports co-location of trails in open space produced through utility rights-of-way, when that action promotes the health, welfare and safety of the public. Whereas some facility placement could visually detract, regional trail capacity enhancement and connectivity improvement will mitigate through offset of localized visible effects by adding and upgrading regional eco-tourism opportunities for the region as a whole. Therefore, staff encourages the applicant to work with existing regional stakeholders and the public to forward a process of coordinated planning to examine new trail development opportunities resulting from project certification. The clear starting point in this effort would be exchange of ideas with the Office of Greenways and Trails over possible cooperation in facility development.

However, the SRPP also names electrical transmission lines of 500kV and all multi-county electrical transmission lines as regionally significant facilities, having positive economic impact. On the whole, the region continues to experience population increase—albeit at a decreased rate—insomuch, construction of transmission line facilities should play a positive role in future development of the regional economy. Assessment of the cumulative effects of facility construction requires accounting of all beneficial and adverse impacts. Overall, the SRPP holds the net economic impact of this proposal to construct electrical transmission line facilities to be mixed, consisting of individual positive and negative effects. Because these impacts differ in type, strict comparison is not possible. Reference the following SRPP goals and policies:

- | | |
|--------------|--|
| Goal 2.3 | Cultivate an economic climate that provides economic stability, maximizes job opportunities and increases per capita income for the region's residents. |
| Goal 2.9 | Tourism directed primarily towards eco-tourism. |
| Goal 2.11 | To promote efficiency and economic productivity from economic development by ensuring that future economic development and transportation projects are properly sited to avoid and/or mitigate adverse impacts to incompatible adjacent land uses. |
| Goal 2.12 | To provide for the development and maintenance of adequate infrastructure and resources to support continued economic development in areas identified for growth in the local government comprehensive plans. |
| Policy 2.7.2 | Maintain land adjacent to agricultural areas in uses that are compatible with agricultural activities through comprehensive plans and land development regulations. |

Conditions:

- 1) Wherever practical, utilize co-location of proposed electrical transmission lines with existing facilities to minimize adverse impacts to the appearance and character of the region's landform caused by the construction of new facilities.

- 2) Implement proven mitigation strategies—such as mono-pole design and materials choice—to effectively reduce to the lowest possible levels adverse visual impacts. As needed, other specific mitigation options could include limitation of pole structure height or control of span length for segments adjacent to roadways to reduce cumulatively the total visual impact of facility construction.
- 3) Co-location with agricultural use may represent a best case economic outcome. To the extent possible, staff urges the applicant to investigate how co-location with agricultural and other utility uses could forward renewable energy or bioenergy resource development potential. One simple application of this strategy would be to utilize transmission line right-of-way land area to supply biomass input for fuel or power generation, which constitutes a productive alternative to the maintenance costs associated with herbicide application and mechanical mowing of right-of-way.
- 4) To the greatest degree, present system design choices should facilitate co-location of future transmission facilities within established right-of-way; in all cases, flexibility should be pursued as a goal of project development to accommodate those needs along existing routes.
- 5) Any Environmental Resource Permit (ERP) issued should be conditioned on the creation of a trail development plan coordinated with the Office of Greenways and Trails, local governments, other stakeholders and involving public comment and participation.

4. Natural Resources

Staff expects a number of project impacts will relate to regionally significant natural resources and systems. The SRPP names a wide variety of natural resources including water bodies, certain wetlands, known habitat areas, ecological communities, and public lands as regionally significant. Of particular concern is where proposed corridor locations traverse areas having designated conservation or other protected status. Such areas serve vital natural system functions, where true mitigation of adverse impacts may or may not be possible.

Final review indicates that the following regionally significant public lands may be located within or around proposed transmission corridors: The Marjorie Harris Carr Cross Florida Greenway, Crystal River State Preserve, Withlacoochee State Forest, Halpata Tastanaki Preserve, Ross Prairie State Forest, Potts Preserve, Chassahowitzka National Wildlife Refuge, and Annutteliga Hammock. Likewise, proposed corridor routes may also directly or indirectly impact the following bodies of water: the Withlacoochee River, Lake Rousseau, Crystal River, and Lake Panasoffkee. Both the Withlacoochee and Crystal Rivers are designated as Outstanding Florida Waters (OFW). Staff has concern wherever proposed transmission line corridors cross natural resources of regional significance and advocates for in-corridor siting of utility rights-of-way that avoid such features or else minimize total scope of crossing.

Construction of electrical transmission facilities would require clearing of areas in preparation for construction. Maintenance of right-of-way would impose additional limitations and conditions on natural systems. Electrical transmission facilities would require the construction of new substations and other associated infrastructure. In all cases, the Region's SRPP can only support changes to regionally significant natural features and systems in proportion to the degree that restoration of original conditions remains possible.

Active development will disturb existing landform conditions. For construction activities near wetlands and surface water bodies, appropriate turbidity, erosion and sedimentation control measures should be implemented and maintained until such activities are completed and side slopes have been stabilized. These techniques could include the use of anchored silt fences, turbidity curtains, stacked hay bales, mulch, and sod along unstable slopes and embankments, and reduced construction vehicle activity. Permitting should require construction activities minimize disturbance, especially to sensitive areas including wetlands, hydric soils and slopes as well as disturbance to rivers, lakes and streams. Given the scale and magnitude of potential disturbance to wetlands, staff would ask that ERP review define mitigation obligations through a controlling Wetland Mitigation Plan (WMP).

In particular, staff has concern over the amount of impervious surface area that could accompany development of new electrical substations and some appurtenant facilities. The amount of impervious surface created by development equals a key measure of land use intensity. Impervious surface area necessarily limits infiltration of precipitation, groundwater recharge, may contribute to a reduction in the water table and potable water supplies, and reduces base flow to wetlands and surface water bodies. It also increases runoff and may present other unintended consequences. The applicant proposes to locate substations within generalized vicinities only, meaning exact impervious surface area coverage is not known at this time. Creation of a new impervious surface area is an independent variable adversely impacting regionally significant rivers, lakes and springs.

The Levy Citrus Common Corridor would cross the Marjorie Harris Carr Cross Florida Greenway and would be near the Crystal River State Park Preserve. The Brookridge corridor would traverse the Withlacoochee State Forest, Annutteliga Hammock, and the Chassahowitzka National Wildlife Refuge. The Sumter County line's proposed corridor route would cross the Withlacoochee State Forest, the Halpata Tasthanaki Preserve, and Ross Prairie State Forest. Furthermore, the Sumter line would be located in the vicinity of Lake Panasoffkee, the Withlacoochee River, Potts Preserve, the Half Moon Wildlife Management Area and the Gum Slough Conservation Easement.

Thus, proposed transmission lines may create adverse impact through removal of existing habitat, change to vicinity conditions, and the introduction of new hazards to wildlife. The applicant has used data sources and observation to inventory occurrences of listed species within study area counties. But the scale and location of the project requires that the process of establishing impact to listed species, which has already been initiated, should be concluded by active wildlife management planning to address comprehensively questions of habitat loss and species interface.

From the SRPP's perspective, natural resource impacts of most concern are those which are unavoidable and cannot be mitigated. The applicant identifies soil disturbance, grading, construction of appurtenant facilities, surface water quality impacts, addition of impervious surface, wetland impacts, floodplain impacts, and loss of species habitat as potentially unavoidable impacts resulting from project development. To achieve any consistency with the SRPP, the applicant must demonstrate that mitigation actions go beyond the minimum level necessary for permit approval

Reference following SRPP goals and policies:

- | | |
|---------------|---|
| Goal 4.3 | Prevent further degradation and restore ground- and surface-water quality. |
| Policy 4.3.3 | Require new development to locate and construct impervious surfaces, buildings, lawns, and sewage facilities so that they do not adversely affect the quality of nearby surface waters. |
| Policy 4.3.4 | Require all development activities that create stormwater runoff to treat the water to meet state water quality standards before discharge. |
| Goal 4.4 | Maintain the integrity and natural value of floodplains, and manage floodplains through non-structural means. |
| Policy 4.4.9 | Make structural alterations to natural bodies of water only where necessary to restore natural system functions. |
| Goal 4.8 | Avoid adverse impacts to the natural functions of the region's wetlands or surface water systems from development and redevelopment. |
| Policy 4.8.5 | Prohibit new interference to the functions of coastal and riverain wetlands as integrated natural systems. Restore ecological functions of wetland systems where they have been degraded or destroyed. |
| Policy 4.8.6 | Design new transportation and utility facilities to avoid interference with the natural operation of wetlands, and in a sufficient size and height to accommodate the movement and migration of wildlife through the area. |
| Policy 4.8.11 | Reserve an upland buffer zone adjacent to wetlands, lakes, rivers, streams, springs and sinks as a water quality, quantity, and habitat protection buffer within which primary and secondary impacts to the wetland from activities such as drainage, filling, pesticide application, excavation, and construction are restricted. Define these buffer zones and the limits of all impacts to each feature's and buffer's function in a coordinated effort lead by local governments with assistance from the water management districts and the Departments of Environmental Protection and Community Affairs. |
| Goal 4.9 | Maintain and enhance the habitat and populations of native species of plants and animals. |

- Policy 4.9.4 Encourage the use of native plants for landscaping.
- Goal 4.10 Reduce or mitigate the loss of habitat for endangered or threatened species in the region.
- Goal 4.11 Reduce the number of new development and redevelopments which adversely affect the environmental quality, physical character, or natural function of the region's exceptional geographic features and environmentally sensitive areas.
- Policy 4.11.5 Development adjacent to preservation and conservation areas should be compatible with the purposes of those areas. Where needed, the more recent development should provide buffers for previously existing land uses.
- Policy 4.12.5 Maintain reasonable public access at major lakes and rivers; choose new boat ramp locations that will minimize environmental disturbance.
- Policy 4.12.8 Consider utility line rights-of-way and abandoned railroad rights-of-way for nature trails, bicycle paths, and wildlife passageways.
- Policy 4.12.9 Retain public ownership and control of the Cross-Florida Greenway and use it for recreation, wildlife habitat, and for public purposes compatible with the foregoing.
- Policy 4.12.10 Cooperate with other local governments, regional, and state agencies, and non-profit trail organizations to develop a region-wide hiking and bike path system that connects urban areas with rural recreational areas.
- Policy 4.13.2 Cooperate with farmers and ranchers to encourage the use of best management practices in silviculture and agriculture to enhance wildlife habitat, conserve water, reduce erosion, and reduce the amount of pollutants entering the environment.

Conditions:

- 1) The applicant should engage the site design process to still further reduce the amount of impervious surface area created by the construction of electrical substations and appurtenant facilities serving transmission lines. Action beyond minimum standards necessary for permit approvals is meaningful.
- 2) Any Environmental Resource Permit (ERP) should include conditions to safeguard regionally significant resources by requiring disturbance of the landform's natural grade or vegetative cover during construction be restored as quickly as possible.

- 3) Environmental resource permitting conditions should require all types of wetland mitigation to be comprehensively examined as part of a Wetland Mitigation Plan (WMP) accompanying development. Off-site action, including wetland mitigation banking, should be evaluated as one appropriate response to a range of impacts.
- 4) Utility corridors provide options for the routing of transmission facilities. Siting of transmission facilities through lands with known conservation status, identified ecological communities and wildlife habitat, or endangered species is suboptimal and will result in adverse impact to the region's natural resources. In sum, utility rights-of-way should avoid crossing natural resources of regional significance. Adverse impact to regionally significant natural resources caused by crossing needs to be balanced through required mitigation action sufficient to equalize for no net decrease in regional environmental quality. Where this is infeasible, impact should not occur.
- 5) Water quality impacts may include change in surface drainage patterns, introduction of potential contaminants that have not been present in substantial volume with prior land uses, erosion and sedimentation impacts, and increased usage (with consequent potential discharge) of chemical contaminants. The applicant should recognize potential for impact and cooperate with all other public and private stakeholders. Mitigation of regional water quality impacts should be coordinated between regulatory agencies and all interested public entities. Such action should be mandated through permitting to include general stakeholder participation in the watershed management process as much as specific actions to meet the requirements of local government codes and planning initiatives like springs protection.
- 6) Environmental resource permitting conditions should guide subsurface explorations adequate to ensure that sinkhole formation will not stem from changes in drainage conditions owing to project development.
- 7) Environmental resource permitting should require wildlife management planning sufficient to coordinate interface between regionally significant listed species and proposed facilities, to identify where impacts to listed species or habitat areas will occur, how monitoring of impact will happen, and to implement effective mitigation. Specifically, Florida Fish and Wildlife Conservation Commission (FWC) mitigation findings related to impacted species should be mandated by permitting. Wildlife management planning could also integrate utility rights-of-way into existing green infrastructure as wildlife corridors or foster naturalized habitat areas as alternative best management practice for utility right-of-way area.

Mr. Mike Halpin, P.E.
August 28, 2008
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FINAL RECOMMENDATION

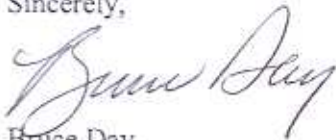
The goals and policies given above have organized final agency review for this portion of the application pursuant to the *Strategic Regional Policy Plan for the Withlacoochee Region*. The object of final agency review has been to determine if the site certification application for electrical transmission facilities is consistent with the requirements of the SRPP. Having noted areas of prospective adverse impact and the economic benefit of transmission line construction, a final recommendation on the transmission line portion of this site certification application may be given.

WRPC Staff note that proposed transmission line facilities are a necessary but accessory condition for the proper function of the proposed nuclear power plant. Therefore, provided the applicant satisfies or exceeds the conditions given herein to maintain consistency with the SRPP, WRPC staff does not object to approval to locate electrical transmission line facilities and appurtenant uses within rights-of-way located in corridors established through promulgation of the *Florida Electrical Transmission Line Siting Act*. Additionally, the applicant requires no variance, exemption, exception, or other relief from this agency to proceed further in the certification process.

Staff very much appreciates the opportunity to participate in the process.

Thank you.

Sincerely,



Bruce Day
Planning Director
Withlacoochee Regional Planning Council

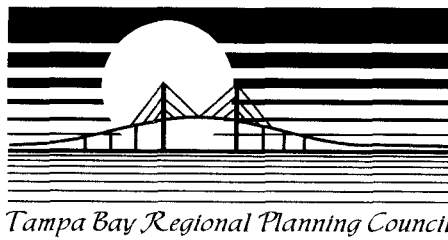
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Mr. Mike Halpin, P.E.
August 28, 2008
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Distribution

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Ann Seiler, Siting Coordination Office

Appendix II-J: Tampa Bay Regional Planning Council



Tampa Bay Regional Planning Council

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Vice-Mayor Deborah Kynes

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Commissioner Bill Dodson

Secretary/Treasurer
Commissioner Jack Mariano

Executive Director
Manny Pumariega

August 29, 2008

Mr. Mike Halpin, P.E.
Siting Coordinator
FL Department of Environmental Protection
2600 Blair Stone Road
Mail Stop 48
Tallahassee, FL 32399-3000

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

SEP 2 2008

SITING COORDINATION

Re: Progress Energy, Levy Nuclear Project Site Certification Application - Transmission Lines; DOAH
No. 08-2727, DEP OGC No. 08-1621

Dear Mr. Halpin:

Attached is the preliminary Agency Report of the Tampa Bay Regional Planning Council for the above-referenced project, as required in Subsection 403.526(2)(a), Florida Statutes. The Tampa Bay Regional Planning Council will formally consider this report at its meeting on September 8, 2008. The agenda for that meeting is attached. At that time an adopted report will be provided to you.

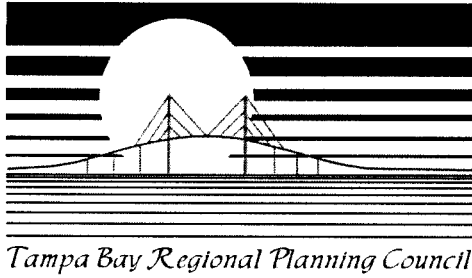
If there are any questions, please call Suzanne Cooper, TBRPC Principal Planner, at (727) 570-5151 x 32.

Sincerely,

Manny Pumariega
TBRPC Executive Director

Attachments

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Ms. Jewel White Cole	R. Alex Glenn, Esquire
Mr. Ken Buchman	Ms. Patricia Steed
Thomas Trask, Esquire	Mr. Philip Laurien
Suzanne Ennis, Esquire	Mr. Mike Moehlman



Tampa Bay Regional Planning Council

Agency Report

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PROGRESS ENERGY FLORIDA, INC., LEVY NUCLEAR PLANT TRANSMISSION LINE SITING APPLICATION

Progress Energy Florida, Inc. (PEF), has submitted to the FL Department of Environmental Protection an application for Site Certification for a 2200 megawatt nuclear facility to be located in Levy County, as well as for associated transmission lines, substations, access roads, a rail line, and water pipelines. Affected jurisdictions besides those in the Tampa Bay region include Withlacoochee, East Central and Central Florida regional planning councils; Levy, Citrus, Marion, Hernando, Sumter, Lake and Polk counties; and various cities and towns therein.

Within the Tampa Bay region, the project (PHP) is limited to corridor certification for a 230 kilovolt electric transmission line to connect the existing Griffin and Lake Tarpon substations in westernmost Polk and easternmost Pinellas counties, respectively, within Pinellas and Hillsborough counties and the cities of Tampa, Plant City and Oldsmar. The TBRPC review was restricted to the portion of the project within the Tampa Bay region and those jurisdictions. The length of the corridor under consideration within the Tampa Bay region is approximately 39 miles, and the width of the proposed corridor varies from approximately 300 feet to 1,000 feet wide, centered on the existing transmission line rights of way.

Progress Energy Florida has stated that "PEF proposes to construct the PHP transmission line entirely within an existing transmission line right of way, replacing the existing Higgins-Griffin 115 kV transmission line, which has been in place for over 50 years. The only exceptions to placing the new line in the existing ROW would be in locations where physical or legal considerations required the use of additional ROW, none of which are known at this time." Within this length it is likely that the existing lattice structures will be replaced by monopole structures 80 - 145-feet tall and 500 to 1,400 feet apart.

The project was reviewed for consistency with the Council's adopted *Future of The Region - A Strategic Regional Policy Plan for the Tampa Bay Region*.

- A. Consistency with the *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region* (2005).

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) (Maps previously provided). If the transmission line is constructed within existing, maintained transmission line rights-of-way as planned, impact to regionally-significant natural resources will be prevented to the greatest degree possible. Transmission line construction and operation within natural habitats and wetlands would adversely affect habitat

values and hydroperiods, result in invasion by nuisance or exotic species; and create additional “edge,” changing the species composition to those adapted to the cleared condition and further reducing natural community values.

- B. It is recommended that the application for certification of the 230 kV transmission line through Hillsborough and Pinellas counties, including the cities of Plant City, Tampa and Oldsmar, be approved, subject to the recommended conditions set forth below.

Recommended Conditions of Certification, with accompanying relevant policies from *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*:

1. The transmission line corridor which is certified should only cross Natural Resources of Regional Significance within existing transmission line right-of-way.

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

2. Unavoidable impacts to Natural Resources of Regional Significance should be mitigated pursuant to adopted Council policies.

Policy 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:

- LULC Habitat Dry 2:1
- LULC Habitat Wet 3:1

Policy 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.

Policy 4.47: Recognize that mitigation efforts shall be:

- Performed within the same drainage basin where the unavoidable impacts 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.

Policy 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.

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

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

Policy 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.

3. The certified corridor should have minimal impact on public and semi-public facilities and on the quality of life of adjacent residential neighborhoods.

Policy 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).

These comments and recommendations were approved by majority vote of the Tampa Bay Regional Planning Council on this 8th day of September, 2008.

Deborah Kynes, Chair

Appendix II-K: Citrus County

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: PROGRESS ENERGY FLORIDA)
 LEVY NUCLEAR PROJECT)
)
) Case No. 08-002727EPP

LAND USE AND ZONING DETERMINATION BY CITRUS COUNTY, FLORIDA
FOR PROGRESS ENERGY FLORIDA'S LEVY NUCLEAR PROJECT

Pursuant to Section 403.50665, Florida Statutes (F.S.), Citrus County, Florida, by and through its Director of Development Services, files the County's determination that the transmission line portion for the proposed Progress Energy Florida (PEF) Levy Nuclear Project substation in Citrus County is consistent with the existing land use plans and zoning ordinances of Citrus County, Florida.

1. On June 2, 2008, PEF filed its application for site certification for the Levy Nuclear Project under the Florida Power Plan Siting Act, Chapter 403, Part II, F.S. Citrus County has received a copy of the application. The project includes transmission line expansions and additions which are located in the unincorporated area of Citrus County.
2. Citrus County has reviewed that application as it relates to the proposed transmission lines to the County's land use plan and zoning regulations, and is otherwise familiar with the project.
3. Pursuant to Section 403.50665(2), F.S., Citrus County is required to issue its determination on the consistency of the project's transmission line expansions and additions with the existing land use plans and zoning ordinances of Citrus County. Citrus County hereby makes that determination.
4. The transmission lines are to be located in Citrus County for the project may be located on sites that are designated any of the following land use districts

Low Intensity Coastal and Lakes District (CL)
Rural Residential District (RUR)
Coastal and Lakes Residential District (CLR)
Central Ridge Residential District (CRR)
Low Density Residential District (LDR)
Medium Density Residential District (MDR)
High Density Residential District (HDR)
Planned Residential Development District (PDR)
Professional Service/Office District (PSO)
Coastal and Lakes Commercial District (CLC)
Neighborhood Commercial District (NEC)
General Commercial District (GNC)
Light Industrial District (LIND)
Industrial District (IND)
Extractive District (EXT)

Public/Semi-Public, Institutional District (PSI)
Transportation/Communication/Utilities District (TCU)
Recreation District (REC)
Agriculture District (AGR)
Conservation District (CON)
Mobile Home Park (MHP)
Recreational Vehicle Park/Campground (RVP)

on the Generalized Future Land Use Map of the adopted Citrus County Comprehensive Plan, Ord. No. 89-04, as amended. The proposed project's transmission line corridors in Citrus County, as reflected in Site Certification Application, appear consistent with the future land use designations.

5. The project's transmission line corridors may be located in

Low Intensity Coastal and Lakes District (CL)
Rural Residential District (RUR)
Coastal and Lakes Residential District (CLR)
Central Ridge Residential District (CRR)
Low Density Residential District (LDR)
Medium Density Residential District (MDR)
High Density Residential District (HDR)
Planned Residential Development District (PDR)
Professional Service/Office District (PSO)
Coastal and Lakes Commercial District (CLC)
Neighborhood Commercial District (NEC)
General Commercial District (GNC)
Light Industrial District (LIND)
Industrial District (IND)
Extractive District (EXT)
Public/Semi-Public, Institutional District (PSI)
Transportation/Communication/Utilities District (TCU)
Recreation District (REC)
Agriculture District (AGR)
Conservation District (CON)
Mobile Home Park (MHP)
Recreational Vehicle Park/Campground (RVP)

under the County's land development regulations. Electric transmission corridors are an essential service which is an allowed use in all zoning districts pursuant to Section 2030 F of the county's land development code..

6. Accordingly, Citrus County submits its determination that the PEF Levy Nuclear Project's transmission line expansion and additions as proposed to be located in Citrus County, Florida is consistent with the County Land Development Code and recommends approval of the application as submitted.

7. Citrus County's Land Development Code (LDC) requires review of new electrical substations associated with transmission line expansions or additions as an administrative Level One Review by the County's Technical Review Team when located in these land use and zoning districts. To provide for this review, Citrus County believes that this information can be submitted at a later date, pursuant to the Power Plant Siting Act and an appropriate condition of certification for the PEF Levy Project. Upon final selection of the site for, and design of any proposed, Citrus Substation in Citrus County, PEF is required to submit to Citrus County information concerning proposed Citrus Substations necessary to demonstrate compliance with Citrus County's LDC, Chapter Two, Level One Review criteria and the substantive requirements of Section 4671, Transportation, Communication, and Utility Facility Standards. The County shall review the information submitted by the Applicant in accordance with the procedures for post-certification reviews under any final certification of the PEF Levy Project. The County may require such additional information for the applicant that is necessary for the County to conduct its review of this information and the proposed substation site and design under these provisions of the County LDC.
8. All line crossing Citrus County Right of Way or other County property will be designed for compliance with applicable county standards. All earthwork and land clearing shall comply with The Florida Stormwater, Erosion and Sedimentation Control Inspector's manual. All work conducted will be required to comply with the County's Noise limitation regulations as to volume and hours of operation.

Respectfully submitted this September 17th day of 2008.

Citrus County, Florida, a political
Subdivision of the State of Florida

Gary W. Maidhof, Director
Department of Development Services

Appendix II-L: Hernando County

**PROGRESS ENERGY FLORIDA, INC., LEVY COUNTY NUCLEAR
PLANT UNITS 1 & 2 TRANSMISSION LINE FACILITIES**

**SITING APPLICATION NO. PA08-51
DOAH CASE NO. 08-2727**

**HERNANDO COUNTY'S REPORT AS TO THE IMPACT
OF THE PROPOSED TRANSMISSION LINE CORRIDORS AND
RECOMMENDED CONDITIONS OF CERTIFICATION**

Pursuant to s. 403.526(2)(a)5., Hernando County through counsel submits the following report as to the impact of the proposed Progress Energy Florida (PEF) transmission line corridors through Hernando County, recommendation for action, and Conditions of Certification to be attached to any administrative approval of such corridors. This report by counsel in consultation with staff should be considered Hernando County's Final Report on the matter, subject to any revisions directed by the Board of County Commissioners as may be evidenced by a supplemental report to be filed at a later date as permitted by statute.

1. Preliminarily, Hernando County notes that the proposed PEF corridors will have a substantial impact on a number of county residents, citizens and businesses. The expansion of existing corridors and the addition of a new corridor in one part of the county may affect property values, add to existing aesthetic concerns, and raise numerous issues about safety, health and welfare of those who have chosen to reside or operate a business in proximity to such corridors.
2. Based on the foregoing concerns, Hernando County recommends that the proposed PEF transmission line corridors through its jurisdiction be **APPROVED**, provided that such approval includes the Conditions of Certification set forth below in order to minimize the impacts referenced in 1. above.
3. Hernando County proposes the following Conditions of Certification as the minimum necessary to comply with applicable provisions of the Hernando County Comprehensive Plan and otherwise applicable ordinances, regulations and internal PEF standards, in the interest of protecting the health, safety and welfare of residents, citizens and businesses, with citation to authority:
 - a. PEF should be required to use existing infrastructure rights of way where possible and feasible, to provide for aesthetic protection of the corridors from adjacent uses, and to comply with the requirements applicable to Public Service Facility overlay zoning in Hernando County. At a minimum, Conditions should be imposed to maximize property values for and minimize permanent impacts to existing homes and neighborhoods through screening, buffering, fencing, drainage control and/or other feasible, appropriate means, specifically including the setback requirements in the County's land development regulations. See Hernando County Code of Ordinances (HCC). App. A. Art. IV, s. 11 (Public Service Facility zoning, applicable in absence of state preemption of home rule).

See Exhibit A, attached. Comprehensive Plan (Comp Plan), Objective 1.01S and implementing policies. See Exhibit B attached.

b. PEF should be required to place transmission lines underground where feasible and/or to make maximum use of monopole towers for overhead lines. Comp Plan, Objective 1.01U and implementing policies.

c. No construction should take place in any Hernando County transmission line corridor until such corridor has been checked for ordnance and cleared by the U.S. Army Corps of Engineers (ACOE). The corridors are proposed in an area of Hernando County which has been the subject of several ACOE searches for World War II era ordnance, as the entire area was part of the Brooksville Turret Gunnery Range. See Exhibit C attached (August 13, 2008, letter from ACOE to a property owner immediately adjacent to the existing PEF transmission corridor in the Brookridge to Brooksville West segment of the proposed new corridor).

d. Conditions should be imposed requiring PEF to minimize the impact of construction, with respect to the type of equipment used, clearing and grubbing, dust control, soil stabilization, erosion control, drainage control, noise, burning, timing, and traffic disruption (including Maintenance of Traffic plans where required under County standards), all based on the nature of land uses adjacent to an approved corridor or specific right-of-way. Comp Plan, objective 1.01S and implementing policies. A specific Condition should be provided requiring compliance with Hernando County's Noise Ordinance. HCC Ch. 21, Art. VIII relating to noise regulation, as noted by PEF in its application (available online at <http://www.municode.com>).

e. PEF should be required to make provision for long-term aesthetics in the appearance of rights of way, including retention of existing vegetation where feasible and restrictions on the use of herbicides and other "best management practices," by compliance to the maximum extent possible with Hernando County landscaping regulations. HCC, Ch. 10, Art. II (available online at <http://www.municode.com>)

f. PEF should be mandated by a specific Condition to minimize impact to wetlands and ecosystems. Comp Plan, Objective 1.01U.

g. PEF should be required to give all appropriate assurances that electro-magnetic effects, the "induced or conducted ground currents," and other post-construction effects which PEF's own application acknowledges, will not be allowed to pose a threat of physical harm to occupants of adjoining uses. PEF application, ss. 9A5.5.5 and 9A6.5.5.

h. Provision of assurances that construction and operation of transmission lines will not affect the co-located natural gas lines in existing right-of-way so as to pose an unreasonable threat of harm to occupants of adjoining uses, and that construction of lines in the designated corridor will comply with setbacks and all other requirements as stated in the PEF Pipeline Collocation Guidelines, Exhibit D (<http://www.prgnprojectsolutions.com/landuseguide/collocation2003.htm>)

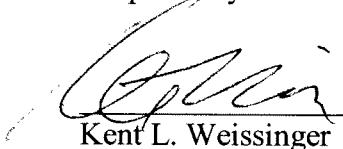
i. As recognized in the PEF application, a Condition of Certification should require compliance with right-of-way permitting as necessary for any crossings of Hernando County rights-of-way, including compliance with applicable County standards. HCC, s. 24-3.

j. PEF should be required to make post-certification submittals of its final design plan for new lines throughout the entire right-of-way within Hernando County to the County Development Department and to the County Public Works Department, Engineering Division, HCC Ch. 8; HCC App. A, Art. V, such submittal to include:

- (1) All protected trees over 4" dbh to be removed outside the right-of-way for all transmission lines or other associated PEF facilities, and protection methods for trees proposed for preservation. HCC Ch. 10, Art. II.
- (2) Contractor information, including 24/7 contact information and phone numbers. HCC Ch. 8; HCC App. A, Art. IV, s. 11.
- (3) Proposed locations and dimensions of all access roads. HCC Ch. 8; HCC App. A, Art. IV, s. 11; HCC 24-3.
- (4) Effect of transmission lines and construction on existing roads and other utilities in or crossing any certificated transmission line corridor. HCC, s. 24-3, PEF Collocation Policy.

k. PEF shall commit to co-location of Hernando County utilities, pedestrian facilities, or other public uses within certificated or other existing PEF transmission line corridors, to the extent compatible and feasible under present or future engineering and design constraints, at fair market value. PEF Collocation Policy.

Respectfully submitted,

 8/27/08

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Section 11. PSF Public Service Facility Overlay District.

A. *Permitted uses:*

- (1) Any use permitted in the underlying zoning district.
- (2) Governmental uses and structures consistent with zoning amendment plat approval.
- (3) Public service uses and structures consistent with zoning amendment plat approval.

B. *Special regulations:*

(1) No building, structure or use within a public service facility overlay district shall be located closer than fifty (50) feet to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel.

(2) No odor- or dust-producing substance or use, except in connection with the cultivation of permitted uses, shall be permitted within one hundred (100) feet of a property line if the adjoining property is being used for residential purposes.

(3) The following siting criteria must be met prior to the approval of a public service facility overlay district for a construction and demolition debris landfill facility:

(a) Have access to a roadway with a classification of no less than a two-lane collector which is designed to handle heavy truck traffic;

(b) Not be located within one thousand (1,000) feet of residentially zoned properties and schools;

(c) Be compatible with the surrounding land uses:

(1) Shall not have a negative material impact on surrounding land uses,

(2) Shall not have a negative material impact on infrastructure, or

(3) Shall not have negative material environmental impacts;

(d) Not be located within any area containing hydric soils, as specified in the Soil Survey of Hernando County;

(e) Not to be located within two hundred fifty (250) feet of the property line of any property zoned as one of the rural zoning districts not under control of the owner/operator of the construction and demolition debris landfill;

(f) Not be located within the 100-year floodplain; and,

(g) Not create a vulnerable feature.

(4) The following design criteria must be met prior to the approval of a public service facility overlay district for a construction and demolition debris landfill facility:

(a) The site shall have a minimum setback of seventy-five (75) feet from all adjacent property lines;

(b) Access roads must be paved or stabilized with limerock or some other surface and be dust controlled;

(c) The site shall be completely fenced with a minimum six-foot-high security fence which must be locked during all hours when the construction and demolition debris landfill is closed;

(d) Have only one entrance;

(e) The site shall be buffered from adjacent properties with a fifteen-foot landscaped buffer of no less than eight (8) feet in height; and reach eighty (80) percent opacity within twelve (12) months;

(f) Must comply with the provisions of the Groundwater Protection Ordinance; and,

(g) Meet all other local, state and federal rules.

(5) A construction and demolition (C&D) debris landfill facility shall meet the following operational standards:

~~_____~~
— **EX. A**

- (a) The owner/operator of a construction and demolition debris landfill shall be responsible for compensating the appropriate fire department for all expenses in the extinguishing or containing of a fire above the cost of an average fire call as determined by the Florida State Fire Marshal's *Output Report*:
- (b) The owner/operator of a construction and demolition debris landfill shall provide the county with financial assurance, easily accessible to the county, in the amount needed for closure and care of the facility once closed not to be less than five (5) years. This financial assurance shall be in one of the following methods: a bond, insurance, irrevocable letter of credit, or cash. The financial assurance may be of co-obligation between the county and the Florida Department of Environmental Protection.
- (c) The owner/operator of a proposed construction and demolition debris landfill shall provide to the county a copy of their Florida Department of Environmental Protection permit and/or any other such permits as required by the law, rule or regulation by any successor agency. If an owner/operator of a proposed construction and demolition debris landfill is unable to attain or is exempt from the Florida Department of Environmental Protection rules, the proposed landfill does not meet the requirements of this ordinance, and shall not be allowed to operate.
- (d) All facilities receiving more than one hundred (100) tons per day, shall install scales to weigh incoming C&D debris. Facilities receiving less than one hundred (100) tons per day shall submit an alternate procedure for calculating daily waste, subject to approval by the county.
- (e) Initial cover of six (6) inches of soil shall be applied and maintained in order to minimize adverse environmental, safety or health effects such as those resulting from birds, blowing litter, disease vectors, odors, or fires. The minimum frequency for applying cover is every two (2) weeks.
- (f) A minimum of one C&D spotter (per FDEP standards) shall be present on site for each one hundred (100) tons, or part thereof, of C&D debris disposed per day.
- (g) The Hernando County Waste Management Division will perform inspections at each privately owned C&D disposal facility no less than once per week. The purpose of these inspections will be to assess compliance with this ordinance and the Florida Department of Environmental Protection's rules and regulations, and to enforce the Hernando County Zoning Regulations.
- (h) Inspection frequency by county employees shall be as follows:
TABLE INSET:

Facility	Frequency
Accept less than 50 tons per day	Once a week
Accept 50--100 tons per day	Three times per week
Accept 100 tons or more per day	Five times per week

- (i) Owners/operators shall provide unrestricted access to their C&D disposal facilities for other county departments and personnel (code enforcement, sheriff's department, fire department) for compliance inspections.
- (j) Owner/operators shall maintain all records on-site for a minimum of three (3) years from the date of waste receipt. The following records shall be required:

Daily tons of C&D debris received.

Daily tons of C&D debris recycled and type (i.e., cardboard, concrete, wood, ferrous metal, etc.)

Name and address of the recycler or receiver of the recycled materials.

Daily tons of C&D debris disposed at the site.

Daily tons of rejected waste, type of waste, and the disposal location of the rejected waste.

(k) Owner/operators shall submit a quarterly report summarizing the above information to the Hernando County Waste Management Division on the fifteenth of the next month following each quarter (April 15th, July 15th, October 15th, and January 15th).

(l) Owner/operators shall submit a copy of the FDEP-required ground water monitoring well analyses to the Hernando County Waste Management Division after each sampling event.

(m) Owners/operators shall pay a regulatory fee to the county for each ton of C&D debris received, except for tons that are recycled and rejected. The fee shall be deposited into the Construction and Demolition Debris Revenue Account. The revenue generated by this regulatory fee will fund the cost of county inspections, and the remainder will help pay for any future cleanup costs resulting from C&D disposal facilities or illegal dumping sites.

(n) C&D disposal facility owners/operators shall pay the total regulatory fee due each month to the county no later than thirty (30) days following the end of each calendar month.

(o) The amount of the regulatory fee shall be established by resolution of the board.

(6) The following criteria must be met prior to the approval of a Public Service Facility Overlay District (PSFOD) for a communication tower site:

(a) The minimum setbacks provided for in this ordinance must be met, and the PSF Overlay shall apply to a defined compound area for that tower and associated facilities only.

(b) As part of the procedure when applying for a PSF, an applicant shall provide proof that a provider is connected with the application if the provider is not the applicant by the provision of a lease agreement or other documentation that commits a provider to locate on the proposed tower and submit to the County for inclusion in the record of any subsequent public hearing on the application the following materials:

(1) A map showing the search ring utilized by the applicant in determining the appropriate location; and, in the case of a PSF in a residential area, a depiction of how the proposed location permits provision of service that cannot reasonably be provided from outside the residential area;

(2) An inventory and a map showing all existing structures and towers within the search ring that are available for collocation;

(3) A map showing all existing Public Service Facility Overlay Districts (PSFOD) and towers or existing structures of an appropriate height, within the search ring. The map shall also indicate all PSFODs which have been approved for the placement of communication towers.

(4) An analysis by an engineer licensed by the State of Florida, demonstrating how the tower location enhances the provision of service to areas not served or underserved by existing facilities and attesting that he/she has reviewed the propagation maps and radio

frequency data, and that the submitted search ring is an accurate representation of the location and height requirements for the antenna array. The applicant shall also attest that coverage can not be provided from an existing structure or tower site.

(5) Provide evidence that the applicant has pursued collocation, use of approved sites, and use of existing structures of an appropriate height. Evidence shall consist of copies of all correspondence between the petitioner and the owner, operator, or manager of other structures, towers or land which can be utilized for collocation or the construction of a communication tower. Evidence shall also be provided as to the following matters, to the extent applicable to the application:

- i. No existing towers or structures are located within the geographic area required to meet the provider's engineering requirements;
- ii. Existing towers and structures are not of a sufficient height to meet the provider's engineering requirements;
- iii. Existing towers or structures do not have sufficient structural strength to support the provider's proposed antenna requirements;
- iv. Existing towers or structures would cause electromagnetic interference;
- v. The costs to add to an existing tower or structure exceed the development costs for a new tower; and/or
- vi. The applicant demonstrates other limiting factors that render existing towers or structures unsuitable.

(6) A visual line of sight analysis, including photo-simulated post construction renderings, to enable the County to assess the visual impact upon surrounding properties. Photo simulations shall depict the tower and antenna arrays for all potential collocated users.

(7) A description of viable alternatives for utilizing camouflage techniques.

(8) Proper access and parking for service vehicles must be demonstrated.

(c) For residential areas or districts the applicant must demonstrate to the satisfaction of the County that service cannot be provided from outside the residential area and that no alternative locations are available.

(d) Be compatible with the surrounding land uses:

- (1) Shall not have a negative material impact on surrounding land uses;
- (2) Shall not have a negative material impact on infrastructure; or
- (3) Shall not have negative material environmental impacts as allowed to be reviewed by applicable laws.

(4) Shall have minimal visual and functional conflict between the proposed use and nearby neighborhood uses.

(e) Submit a balloon test, which will allow the Board of County Commissioners to evaluate the impact of the communication tower on the surrounding land uses and the compatibility of the communication tower. This test shall consist of:

- (1) A balloon colored red, orange, or yellow and be no less than four feet in diameter;
- (2) The balloon is to be flown at the height of the proposed tower or a maximum of 199 feet if the tower is greater than 199 feet;
- (3) The balloon is to be flown for three consecutive days; except in the event of inclement weather, with the petitioner notifying the County of the delay. Nothing in this requirement should be construed as not having to fly the balloon for three days.

- (4) The balloon is to be flown for a period of at least three hours per day between the hours of 7:00 am and 10:00 am;
 - (5) The balloon test can not commence until after the posting and mailing of notice to the public;
 - (6) The applicant shall provide the Planning Department with 24-hour notice prior to the commencement of the balloon test; and,
 - (7) The applicant shall provide the Planning Department a signed affidavit, prior to the Planning and Zoning Commission meeting, attesting to the applicant having conducted the balloon test.
 - (f) All other requirements of this ordinance.
 - C. All activities shall be in conformance with standards established by the county, state and/or federal government.
 - D. All development must meet, at a minimum, the dimension and area regulations of the underlying zoning district. The board of county commissioners may increase the minimum dimension and area regulations for the proposed use if it is deemed necessary to protect the health, safety and welfare of the citizens of Hernando County. Any reduction of the minimum dimension and area regulations would require issuance of a variance.
 - E. An impact statement describing the current condition of adjacent natural resources and land uses to the proposed subject site, the projected impacts on these areas and mitigation plans if appropriate shall be submitted for review as part of the public facility overlay district application.
- (Ord. No. 93-30, § 9, 12-21-93; Ord. No. 97-3, §§ 4--6, 3-4-97; Ord. No. 97-08, § 9, 5-20-97; Ord. No. 98-18, § 8, 6-23-98; Ord. No. 98-24, § 5, 8-25-98; Ord. No. 99-18, § 2, 8-10-99; Ord. No. 2007-11, § 2, 7-24-07)

- g. minimization of air pollution.

POLICY 1.01R(4): The Land Development Regulations shall establish a list of allowable uses for each zoning district, with standards provided for the issuance of special exceptions.

POLICY 1.01R(5): Procedures shall be placed in the Land Development Regulations to provide for conditional plats, variances and conditional use permits, with appropriate standards established.

POLICY 1.01R(6): Any land use approval application process should require sufficient information from the applicant to allow the County to address the issues required under this Comprehensive Plan.

POLICY 1.01R(7): The Land Development Regulations shall include standards for controlling light pollution throughout the County for both residential and nonresidential uses. The purpose of the standards is to minimize artificial light escaping from developed premises, while allowing adequate illumination for security, and encouraging energy conservation.

BUFFERS

OBJECTIVE 1.01S: ESTABLISH BUFFERS BETWEEN ADJACENT LAND USES, AND BETWEEN LAND USES AND CONSERVATION AREAS, SENSITIVE ENVIRONMENTAL AREAS, OR ARCHAEOLOGICAL FEATURES.

POLICY 1.01S(1): Incorporate within Land Development Regulations the requirement for buffers as part of the review and approval process.

POLICY 1.01S(2): Promulgate guidelines to be utilized in the establishment of buffers. The guidelines shall allow some flexibility in application, but will address criteria for the following:

- a. degree of opacity;
- b. type of buffers (open space, hedges, walls, trees, etc.);
- c. differing purpose of buffers (visual, noise, etc.);
- d. lists of acceptable plants and trees;
- e. model standard buffers between land uses.

POLICY 1.01S(3): Vegetative buffers shall consist of appropriate species acceptable for the purpose of the buffer, using native species whenever practical.

- POLICY 1.01S(4):** Buffers shall be greater (height, width, or opacity) as the extent of incompatibility between land uses increases.
- POLICY 1.01S(5):** Buffers shall be provided by the encroaching land use, and may be required in the case of a planned land use on adjacent property as designated on the Future Land Use Map or by other land use approvals.
- POLICY 1.01S(6):** Buffers may be reduced between different land uses within a Planned Development Project.
- POLICY 1.01S(7):** The County shall establish the types of buffers which may be utilized.
- POLICY 1.01S(8):** In order to reduce the impact of encroaching land uses, buffers may be required between proposed development and lakes, rivers, wetlands, conservation lands, historical or archaeological sites, eagles' nests, sinkholes or similar significant natural features.
- POLICY 1.01S(9):** Buffers shall be shown on all conditional plats and construction plans.
- POLICY 1.01S(10):** Buffers shall be required between proposed development and conservation areas, with particular emphasis on minimizing noise impacts of development on wildlife species and communities which are intolerant of manmade noise.

LOCATION OF PUBLIC FACILITIES

- OBJECTIVE 1.01T:** **PROVIDE FOR EFFICIENT USE AND PROVISION OF PUBLIC FACILITIES/SERVICES IN A COST-EFFICIENT MANNER.**
- POLICY 1.01T(1):** Limit the potential for urban sprawl by establishing services in areas adjacent to concentrated growth.
- POLICY 1.01T(2):** Provide infrastructure for future development within areas of facility availability and investment in accordance with long range plans by the County for providing potable water, sanitary sewer, transportation and other facilities at planned levels of service and timing. Infrastructure for future development will be provided within the Residential, Commercial, Industrial, and Planned Development District Category areas indicated on the Future Land Use Map. The County may manage the timing of infrastructure availability within these areas to influence the timing and location of development.

- POLICY 1.01T(3):** Provide attractive, functionally related mixed use projects which permit a variety of compatible uses to be located in close proximity to each other.
- POLICY 1.01T(4):** Hernando County shall discourage the urban sprawl development pattern characterized as functionally unrelated to or integrated with other surrounding development. The following are representative characteristics of the urban sprawl development pattern:
- a. Leap frog development which is not contiguous to, or in close proximity to, existing urban infrastructure which requires costly public investments to provide such urban services for development.
 - b. Linear or strip development that expands along major roadways beyond urban infrastructure causing the degradation of roadway capacity and incompatibility of adjoining land uses.
 - c. Single dimensional development lacking supportive services.
- POLICY 1.01T(5):** New infrastructure shall not be constructed to support new development in floodplains, flood prone areas and coastal high hazard areas, except as listed in the Coastal Management Element.
- POLICY 1.01T(6):** Water and sewer planning conducted by the County will utilize a public participation process.
- POLICY 1.01T(7):** The County may enter into agreements with private parties to develop water and sewer facilities within the planned service areas. While the County will utilize water and sewer planning and the timely provision of such services and infrastructure to influence the timing of development, the County is not precluded from entering into agreements with private parties to construct such infrastructure before it would otherwise be constructed based on adopted water and sewer plans.
- POLICY 1.01T(8):** Planning for water and sewer facilities will be consistent with the areas planned for urban development and designated on the Future Land Use Map.
- POLICY 1.01T(9):** The County may enter into agreements with private parties to develop transportation facilities within planned growth areas. While the County will utilize the long range transportation plan and the timely

provision of transportation facilities and infrastructure to influence the timing of development, the County is not precluded from entering into agreements with private parties to construct such infrastructure before it would otherwise be constructed based on the adopted long range transportation plan.

PUBLIC FACILITY REGULATIONS

OBJECTIVE 1.01U: **PROVIDE FOR THE DEVELOPMENT OF MECHANISMS TO LOCATE PUBLIC FACILITIES IN SUCH A MANNER AS TO EFFECTIVELY AND EFFICIENTLY SERVE EXISTING AND PROJECTED DEVELOPMENT AND MINIMIZE THE FACILITIES' IMPACT ON NEARBY NATURAL RESOURCES AND EXISTING LAND USES.**

POLICY 1.01U(1): The location of major public facilities shall be approved only after adequate opportunity has been provided for public review and comment.

POLICY 1.01U(2): As part of the major public facility locational review process, a statement of impact shall be prepared for new facilities describing the current condition of adjacent natural resources and land uses, the projected impact of the proposed facility on these adjacent areas and how the projected impact will be mitigated or minimized.

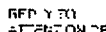
POLICY 1.01U(3): Conditions imposed by the public facility locational review process shall be binding for purposes of issuance of development orders and other development permits.

POLICY 1.01U(4): Major public facilities shall be within a separate zoning district which is allowed in any future land use category with performance standards.

RURAL CLUSTER OVERLAY

OBJECTIVE 1.01V: **ESTABLISH STANDARDS FOR CLUSTERED DEVELOPMENT OF PROPERTY AT A MAXIMUM DENSITY OF 0.425 DWELLING UNITS PER ACRE WHERE SUCH PROJECTS MEET IDENTIFIED PUBLIC INTEREST CRITERIA.**

POLICY 1.01V(1): Parcels of property or assemblages of parcels to be considered must be a total 150 acres or greater, located within the Rural Land Use Category, with proposed residential units clustered on 50% or less of



August 13, 2008

[illegible]

Silberman Leon
or Current Resident
9605 Southern Charm Cir
Brynckville FL 34613-6818

Dear Property Owner:

As the owner of the property listed above, you may be unaware of the property's history, including the previous uses of the property. Over the years, the Department of Defense (DoD) leased or purchased land for military use, and in many cases a record of that use was not passed on by the previous owners. The U.S. Army Corps of Engineers is formally notifying current owners in your area of prior property use by the DoD. The referenced property is on the former Brooksville Turret Gunnery Range, in Hernando County, Florida, site number 104FL0778.

Since the U.S. Army Corps of Engineers, Jacksonville District manages the environmental restoration of these sites under the Defense Environmental Restoration Program for Formerly Used Defense Sites, any environmental hazards which may contain explosives that are a direct result of the DoD activities at former installations are identified, investigated, and responded to by the Corps. We are sending this letter to keep you as informed as possible about this situation.

Investigations have confirmed the presence of ordnance still remaining within the boundaries of the former gunnery range. In June 2006, the Corps completed a Phase I munitions removal on 188 acres of residential property and pasture. Some explosives were found and removed. The Phase II portion of the project consisted of additional munitions removals on another 52.9 acres and was completed this summer. The areas of highest concern have been investigated, but additional investigations will be undertaken over the next couple years. A right-of-entry will be requested if your property needs to be investigated.

The enclosed newsletter provides additional information. If you have questions, please call our Corporate Communication Office at 904-232-1576 or toll-free at 800-291-9413.

Sincerely,

David S. Hobbie
Deputy District Engineer
for Project Management

EX. C



Brooksville, Florida

BROOKSVILLE TURRET GUNNERY RANGE

Removal Action Update

July 2008

The Site

The Brooksville Turret Gunnery Range, located 3.6 miles west of Brooksville, Fla., consisted of approximately 10,200 acres of land. The site was used by the Department of Defense for infantry and turret gunnery training, and was officially closed at the end of World War II. Since then the property has been heavily developed for residential, commercial and agricultural use. In some places munitions and explosives of concern remain buried. Although most of the recovered items are inert, many items may still contain explosives and are dangerous.



Map of Brooksville TGR.

What We Are Doing

The U.S. Army Corps of Engineers manages the Formerly Used Defense Sites Program to remediate properties once used for Department of Defense activities. The Corps investigates to determine if munitions or contamination is present, and prioritizes work based on the potential risk to public safety. Each project is unique, with most taking several years to complete.

Investigations to Date

Phase I was completed in 2006. Under Phase I, the project site was divided into two areas totaling 188 acres (Area D1 and Area D3). Over 5,500 anomalies, or irregularities, were investigated and removed. Of these, 313 were inert munitions and 54 contained high explosives. Approximately 284 rockets and over 12,000 pieces of scrap were removed.

Phase II was a continuation of the previous work and was just completed. The work covered approximately 53 acres and resulted in the removal of 2 rockets containing high explosives and munitions debris.



2.36" Rocket found at Brooksville TGR

Future Investigations

The areas of highest concern have been investigated, but additional investigations may be undertaken in Areas D1 and D3 as shown in the map above. Rights-of-entry will be requested from the owner if a property needs to be investigated.

Safety First!

Remembering three simple rules, the **3 Rs**, can prevent injury or death.



First, **Recognize** that what you may have found is munitions and don't touch it. Munitions can injure or kill. Don't take any chances. **Retreat** (move away) and take note of where the item is. Finally, **Report** what you have found by calling 911 immediately. Your local law enforcement officials will know the appropriate action to take to safely recover and dispose of the munitions.

FOR MORE INFORMATION

**Documents are located in the
Information Repository:**

Hernando County Public Library
238 Howell Avenue
Brooksville, FL 34601
352-754-4043

Public involvement is an important component of the
Formerly Used Defense Site program.

U.S. Army Corps of Engineers
Jacksonville District, Corporate Communication Office
toll-free 1-800-291-9413 or (904) 232-1576
www.saj.usace.army.mil



Brooksville, Florida

BROOKSVILLE TURRET GUNNERY RANGE

You Are Invited to a Community Meeting

The U.S. Army Corps of Engineers will host a community meeting to share information about results of an investigation and future plans for the Brooksville Turret Gunnery Range. The site, located 3.6 miles from Brooksville, Fla., was used for training Soldiers during World War II.

Following a brief presentation, Corps representatives will answer questions and listen to comments from the community.

Thursday, September 11, 2008

6:30 PM to 7:30 PM

Central High School

14075 Ken Austin Parkway

Brooksville, FL 34613

For More Information

For more information, contact:

U.S. Army Corps of Engineers

Jacksonville District

Corporate Communication Office

toll-free 1-800-291-9413

or (904) 232-1576

www.saj.usace.army.mil

PROGRESS ENERGY FLORIDA, INC.
PIPELINE COLLOCATION GUIDELINES
July 28, 2003

1. **OBJECTIVE**

The purpose of these guidelines is to identify minimum safety requirements for potential collocation of pipeline facilities within Progress Energy Florida, Inc.'s right-of-way. The National Standard of Canada CAN/CSA-C22.3 No. 6-M91 (under part III of the Canadian Electrical Code) principles and practices of electrical coordination between pipelines and electric supply lines, September, 1991 has been adopted by Progress Energy Florida, Inc. as the governing reference for the collocation of pipeline facilities and electrical transmission facilities. NACE Standard RP0177-95 has been adopted as a complementary reference. All design and construction approval must be secured through Progress Energy Florida, Inc.'s Transmission Right of Way Use Program.

- A. APPLICANT shall hereinafter be referred to as Pipeline Company.
- B. PROGRESS ENERGY FLORIDA, INC. shall hereinafter be referred to as PEF.

2. **LOCATION GUIDELINES**

A. No excavation is allowed within fifty (50) feet of transmission structures or foundations including all guy wires, anchors and other attachments. Exceptions are possible with prior written approval from PEF if proper support of the structures is maintained through use of sheet piling or other appropriate support methods. PEF requires that the Canadian Electrical Code be met in all cases including the requirement for ten (10) meters separation between pipeline structures. Exceptions are possible with prior written approval, if an appropriate mitigation study has been performed and submitted to PEF for review and approval. Chapter 3 of the Canadian Electrical Association report entitled "Powerline Ground Fault Effects on Pipelines", Report No. 239 T 817, dated December 1994, provides graphs and tables indicating distances over which power arcs can be sustained as a function of tower/pole GPR during fault conditions for sample soils. Minimum clearances of pipeline structures from electric transmission structures shall not be less than the distances indicated in this report for the worst case soil types studied.

B. Parallel installation of pipelines directly under the conductors is prohibited. A minimum of twenty feet (20') of separation must be maintained from the pipeline to the nearest conductor.

C. On transmission rights-of-way where there are two (2) or more circuits, no pipelines shall be permitted to be located between the transmission lines (circuits) and structures.

D. Pipelines shall not conflict with PEF's future expansion plans on the right-of-way.

E. No above ground appurtenances, including manholes, are permitted within fifty feet (50') of PEF's structures without prior written approval. Peak induced voltages are likely to occur at transmission line phase transposition locations, at transmission line or pipeline deviation locations, at power line/pipeline crossings, and at taps or loops to substations.

EX. D —

Accordingly, above ground appurtenances should be located as far away as practical from these locations.

F. Transitions of the pipeline within the right-of-way from one side to the other are prohibited without prior review and written approval by PEF.

G. The centerline of the pipeline must be installed five feet (5') from the outer edge of the right-of-way. Exceptions are possible with prior review and written approval by PEF.

H. Venting valves and blow off valves shall be placed outside the easement area and be vented away from any potential ignition sources.

I. Pipeline Company shall furnish and install permanent markers showing the location of the underground pipeline(s). Any and all piping installed by Pipeline Company shall have sufficient earth cover to prevent breakage due to PEF's trucks and heavy equipment. PEF's trucks and heavy equipment commonly exceed gross vehicle weights of 200,000 pounds or 100 tons.

J. Pipeline Company shall provide a clear, level and easily passable thirty foot (30') wide maintenance road along the entire length of the Pipeline Utilization Area. Fences within the Pipeline Utilization Area are prohibited without prior written approval by PEF.

3. **DESIGN GUIDELINES**

Pipeline Company shall furnish PEF studies showing that they meet certain criteria prior to construction. These studies must account for existing facilities as well as future facilities. Future facilities will be studied per today's design criteria and must be re-studied when the system design is finalized.

A. Cathodic protection and interference mitigation system designs must account for all facilities in the right-of-way. In general, it is desirable to avoid over design of the mitigation system, as this results in greater line losses (due to the flow of magnetically induced currents) and higher DC stray currents from the pipeline's Cathodic Protection System (and therefore, corrosion of electric supply line structure foundations), particularly if it is an impressed current system. On the other hand, under design of the mitigation system results in safety concerns with respect to electric shocks, an increased risk of damage to the pipeline (or even failure), and therefore a possible increase in maintenance activity in the right-of-way with an accompanying increased risk of accidents.

1. The study shall include stray DC current analysis of all existing and future structures, foundations and anchors on right-of-way (including pipelines and powerline structure foundations and guy wire anchors, etc.). Sacrificial anodes are the preferred means of cathodic protection to minimize stray currents.

2. The study shall include AC corrosion analysis of the pipe.

B. Above ground appurtenances such as valves, pig launchers, receivers, etc., shall have appropriate gradient control grids designed for each site.

1. Dead front construction of test stations will be required.

2. Measurements must be made at every exposed pipeline appurtenances at regular

intervals.

3. At above ground appurtenances during worst case fault conditions, touch and step voltages shall not exceed the safety limits determined in accordance with ANSI/IEEE Standard 80-2000. The safety calculations shall be based on a 50-kg body weight and on the backup fault clearing time. The decrement factor specified in Section 15.10 of ANSI/IEEE Standard 80-2000 shall be used to account for the asymmetrical component of the fault current. Where a layer of crushed rock is applied to increase the applicable touch and step voltage limits, the derating factor, C_s , specified in Section 7.4 of ANSI/IEEE Standard 80-2000 shall be applied, to account for the effect of the soil beneath the crushed rock.

4. The NESC 5 M.A. rule will not be exceeded.

5. All above ground appurtenances will be fenced and the fence appropriately bonded to the gradient control system (if any) to ensure that excessive touch and step voltages do not occur along the fence.

6. Under worst case emergency load conditions, including consideration of future growth, load unbalance, and superposition of the effects multiple circuits running along the pipeline, touch and step voltages are not to exceed fifteen volts (15V).

7. In designing gradient control grids, the effect on touch and step voltages of connections of the appurtenance to any electric distribution feeder neutral or other remotely grounded conductor entering the site shall be taken into account.

C. Under worst case emergency load conditions, including consideration of future growth, load unbalance, superposition of the effects multiple circuits running along the pipeline, and voltage peaks occurring near phase transpositions, pipeline/electric supply line deviations, and crossings, and pipeline insulating flanges/joints, touch and step voltages are not to exceed fifteen volts (15V) anywhere along the pipeline. This clause applies to both above ground appurtenances and buried pipeline sections.

D. Consider combined conductive and inductive voltages during the worst-case fault conditions. Mitigation on the pipeline needs to be such that during the worst case fault conditions, the resulting stress voltages will not exceed values that damage the coating, pipeline wall, insulating flanges/joints, wires and wire connections (such as connections to mitigation wires or to anodes), anodes, rectifiers and test stations. The design should account for conduction of protective devices across insulating joints or flanges, which can result in the transfer of potentials from one pipeline section to the next.

E. In calculating conductive and inductive voltages, the following parameters must be accounted for:

1. Current division between the overhead grounds and tower ground.
2. The effect of the overhead ground in the cancellation of a portion of the magnetic field.
3. Soil resistivity measurements shall be made at each above ground appurtenance site, at locations where the pipeline is particularly close to transmission line structures, at

transmission line phase transposition locations, at transmission line or pipeline deviation locations, at power line/pipeline crossings, at taps or loops to substations and other such locations where the highest AC interference levels are expected. Furthermore, measurements should be made at regular intervals throughout the collocation corridor, in order to obtain a representative set of data for the whole corridor. Measurements made at intervals on the order of one to two (1-2) miles are considered a minimum. If great variations are found from one site to the next, additional measurements should be considered. Special precautions should be taken to avoid measurement error from induced voltages from overhead conductors or from the proximity of buried metallic objects. At each measurement site, measurements should be made using the Wenner or Schlumberger 4-pin methods, throughout a range of pin spacings (between adjacent current and potential pins) beginning at about 0.5 ft and increasing logarithmically to a largest pin spacing no less than, where possible, the larger of: i) 3 times the maximum dimension of the site (i.e. diagonal of the perimeter fence), when an above ground appurtenance site is nearby: ii) 300 feet.

4. Electric supply line design considerations minimizing interference levels in nearby pipelines. Note, however, that the standards recommendation to install or increase the number of buried counterpoises should not be taken to hold unconditionally: Counterpoises can both improve and worsen conductive interference effects, depending primarily on the soil structure, the extent of the exposure zone and the disposition of the counterpoises.

5. In calculating touch and step voltages and pipeline coating stress voltages at a given location along the pipeline, note that a fault at the nearest transmission line structure is typically, but not always, the worst case.

6. All calculations of conductive interference levels or of mitigation performance are to be made based on layered soil models which reproduce the vertical resistivity variations exhibited by the measurements at each measurement site.

7. Calculations must be made for single-phase-to-ground faults occurring at representative locations throughout the collocation corridor: i.e., at locations nearest above ground appurtenances, at locations where the pipeline is particularly close to transmission line structures, and at intervals of at least ten percent (10%) of each uninterrupted exposure to each transmission line circuit. Furthermore, for each fault scenario, the contributions of all circuits affected by the fault are to be included in the calculation.

F. PEF's right-of-way shall not be used to satisfy wetland mitigation requirements.

G. An electric load loss study shall be required to determine if there are power losses due to the parallelism of the proposed pipeline with PEF's right-of-way.

H. An EMF study shall be required to assure the proposed pipeline does not diminish PEF's use of the right-of-way by increasing EMF at the outer edge of the right-of-way.

4. CONSTRUCTION GUIDELINES

A. All of Pipeline Company's operations, activities and equipment used within the right-of-way beneath or in proximity to any of PEF's facilities shall at all times be in strict

compliance with the applicable provisions of the following:

National Electrical Safety Code - NESC

National Association of Corrosion Engineers - NACE - Standard RP-01-77

Occupational Safety and Health Administration - OSHA

Federal State and Local Requirements

US D.O.T. Pipeline Safety Regulations - Part 192 or 195 as applicable.

B. All requirements to de-energize, reroute, cover or mark any power line must be submitted in writing to the PEF Encroachment Agent before any work is commenced on the project or on any involved spread. PEF shall not be required to process any requests in less than fourteen (14) days, excluding weekends. If a request is pending, no work shall proceed until the request is processed and approved. All costs associated with the request shall be borne by the Pipeline Company. The Encroachment Agent shall have sole jurisdiction to receive and grant such requests. It is specifically acknowledged that PEF employees from other departments are not authorized to receive and determine such requests.

C. At above ground appurtenances during normal operating conditions step and touch voltages should not exceed fifteen volts (15V). The Pipeline Company must notify all personnel working on right-of-way that under fault conditions this voltage will be greatly exceeded.

D. Pipeline Company shall secure all necessary permits or licenses from Federal, State or Local Government and must provide copies to PEF prior to construction.

E. A Pipeline Company electrical safety inspector is required on each spread until installation is complete. The Pipeline Company shall institute a safety program to inform and train its workers on how to work near electrical facilities. Clearly visible hazard notification warning signs shall be posted within the Pipeline Utilization Area which state "PEF transmission rights of way contain high voltage power lines. Extreme caution must be used when working in the right of way."

F. If fifteen volts (15V) are exceeded during construction, then adequate protection or procedures must be utilized by Pipeline Company including, but not limited to, temporary gradient control mats or grids that extend beyond the work area.

G. Any existing stray, buried and above ground metallic materials located or excavated between an electric supply line and a pipeline will need to be removed to prevent excessive pipeline coating stress voltages or arcing from supply line supporting structures to the pipeline during a fault on the supply line.

H. All metallic structures must be grounded and rubber tire vehicles will be grounded by straps and by rod, if stationary. No refueling operations shall take place within the right-of-way.

I. Work must cease during high winds, storms and pre-arranged switching. Rubber

protection shall be worn where required and gradient control wires/mats installed as needed. Bonding is required across pipe sections.

J. No equipment shall ever be operated in proximity to power lines where the equipment, including any boom or extension thereof, shall have the capability of violating any clearance distance set forth in any applicable codes, including the NESC, NEC, or OSHA. Lift equipment shall comply with NESC clearances.

K. Pipeline Company shall not use, store, dispose, treat or generate any hazardous substances in PEF's right-of-way.

L. Ground elevation must not be changed more than two feet (2') from existing grade. Pipeline Company is responsible for restoration of the utilization area to equal or better condition that existed prior to construction.

M. A PEF Construction Inspector will be assigned to verify the terms of the agreement and to coordinate requirements by PEF to adjust and modify facilities to allow construction of the pipeline. The construction inspector shall be present and on site at all times during construction. All costs of PEF's Construction Inspector are to be paid by the Pipeline Company. PEF's Construction Inspector shall be notified fourteen (14) days prior to the commencement of construction within PEF's right-of-way and within five (5) days when any pipeline is charged or pressure tested during construction. The Pipeline Company's Construction Manager (or designated representative) will make reports to PEF's Construction Inspector regarding any damages to PEF's property, private property or other public facilities. Pipeline Company agrees to pay all expenses incurred in connection with the repair of such damages.

N. As a safeguard in respect of the above, the Pipeline Company shall carry Workers' Compensation Insurance in the minimum amounts required by statute and shall carry policies of insurance acceptable to PEF with respect to (a) General Liability not less than \$5,000,000 combined single limit and (b) Pollution Liability not less than \$5,000,000 combined single limit and (c) Automobile Liability not less than \$1,000,000 combined single limit. The Pipeline Company shall have the insurance policies mentioned in (a), (b) and (c) above, respectively, endorsed by its insurance carrier to provide blanket contractual coverage, expressly with respect to this section, to the full limits of and for the liabilities insured under said policies; and prior to the commencement of any construction of its Facilities hereunder, the Pipeline Company shall furnish PEF with a certificate on PEF Form 908-404(s) or equivalent acceptable to PEF, completed by the Pipeline Company's insurance carrier showing it carries the requisite insurance and that the specified policies insure the liability assumed by the Pipeline Company under this section. Effective on initial construction activities, and in five (5) year increments thereafter, the aforementioned insurance coverage shall be adjusted by adding to the coverage amounts of the previous five (5) year period, the increase (if any) of the CPI - All Urban Consumers as reported by the Bureau of Labor Statistics for the previous five (5) year period (or in the event the Index is discontinued, an equivalent cost of living index of some other appropriate governmental agency elected by PEF).

O. Pipeline Company is hereby advised that the generation, transmission and/or distribution of electrical energy involves the handling of a natural force which, when uncontrolled, is inherently hazardous to life and property. Pipeline Company is further

hereby advised that, due to the nature of the work to be performed pursuant to these guidelines, other hazardous or dangerous conditions (not necessarily related to the inherent danger of electricity) may also be involved in the work. Accordingly, prior to the commencement of any work, the Pipeline Company shall inspect the job site specifically to ascertain the actual and potential existence and extent of any hazardous or dangerous conditions, and instruct its employees and contractors with respect to said conditions and the safety measures to be taken in connection therewith; and, during the course of the work, Pipeline Company shall take all such measures as may be deemed necessary or advisable to protect and safeguard the person and property of the Pipeline Company and the general public against all hazardous or dangerous conditions as the same arise.

5. **OPERATION/POST CONSTRUCTION**

A. In addition to the foregoing requirements, the Pipeline Company shall comply with the requirements of "Subpart B - Reporting Accidents and Safety-Related Conditions" of the United States Department of Transportation Pipeline Safety Regulations Part 192/195 (Transportation of Hazardous Liquids by Pipeline, 49 CFR), as appropriate and shall promptly provide to PEF a duplicate copy of all correspondence or other notification made to the US DOT pursuant to incidents as they may occur on lands utilized by this agreement.

B. The Pipeline Company further hereby agrees that if any member of the public, or any employee of the Pipeline Company or the Pipeline Company's agents, contractors, representatives or other persons engaging in the Pipeline Company's activities upon the right-of-way, or if any property including PEF or the public is injured in the course of work being performed under the provisions of this Agreement, the Pipeline Company shall first notify PEF's Transmission Area Maintenance Engineer at (800) 700-8744 and if unable to reach, contact PEF's Claims Department at (727) 826-4373 during regular business hours from 8 a.m. to 5 p.m., Monday through Friday, or (727) 826-4001 at night, weekends or holidays. Such notification shall be made immediately upon knowledge, in person or by telephone and promptly confirmed in writing within twenty-four (24) hours and shall include all pertinent data such as name of injured party, location of accident, description of accident, nature of injuries, names of witnesses, disposition of injured or deceased person.

C. PEF's Transmission Area Maintenance Engineer (800) 700-8744 shall be notified within five (5) days when any pipeline is to be charged or pressure tested during maintenance of the pipeline and/or or post-construction activities. The Pipeline Company's Construction Manager (or his designated representative) will make reports to PEF's Transmission Maintenance Engineer regarding any damages to PEF's property, private property or other public facilities which occurs during any maintenance or post-construction activities. Pipeline Company agrees to pay all expenses incurred in connection with the repair of such damages.

D. The Pipeline Company may at any time remove any or all of its Pipeline from PEF's right-of-way, provided that the Pipeline Company gives PEF written notice a minimum of thirty (30) days in advance of the planned removal. PEF shall not be obligated to refund any amounts received from Pipeline Company. Should it be necessary, in the sole judgment of PEF, for the pipeline to be relocated or removed, PEF shall notify the Pipeline Company of the changes which PEF deems necessary, and the Pipeline Company agrees to make such changes, at the Pipeline Company's sole expense. PEF shall exercise its best

efforts to identify alternative space on the right-of-way for the equipment and facilities of the Pipeline Company that will comply with clearance and separation standards and satisfy safety requirements of applicable codes and government regulations, and that will reasonably accommodate the Pipeline Company's purposes under this Agreement. The Pipeline Company agrees to complete any partial relocation of any of its pipeline(s) within thirty (30) days of notification from PEF, unless the Pipeline Company determines that such partial relocation cannot reasonably be accomplished within the said thirty (30) days, in which case the Pipeline Company shall provide to PEF for review and approval a schedule for the timely accomplishment of such partial relocation, consistent with any necessary permitting, right-of-way acquisition and/or mobilization of resources to make such partial relocation. The Pipeline Company further agrees to complete any major relocation or removal of the pipeline or portions thereof within ninety (90) days of notification from PEF, unless the Pipeline Company determines that such major relocation cannot reasonably be accomplished within ninety (90) days, in which case the Pipeline Company shall provide to PEF for review and approval a schedule for the timely accomplishment of such major relocation, consistent with any necessary permitting, right-of-way acquisition and/or mobilization of resources to make such major relocation. In the event it should be necessary for the Pipeline Company to remove or relocate any portion of the pipeline from the right-of-way as required pursuant to this paragraph, the parties agree to exercise their best efforts to resolve the conflict in a timely manner, provided, however; that such removal or relocation does not exceed one-hundred and eighty (180) days.

E. Requests for modifications of existing or proposed facilities or for the placement of future pipelines within in the right-of-way shall be submitted in writing to PEF's Encroachment Agent. Future pipelines shall require a minimum of a twenty-five foot (25') foot separation. Exceptions may be permitted with prior written approval by the Encroachment Agent.

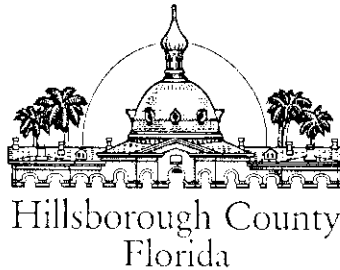
F. Notification of completion of construction on the designated utilization area must be made to PEF's Encroachment Agent (800) 700-8744 within thirty (30) days of completion. Within one hundred eighty (180) days of completion, Pipeline Company shall provide to PEF three (3) complete sets of As-Built Drawings, sealed by a registered surveyor, noting the location of the Pipeline Company's facilities and PEF's nearest structures.

Appendix II-M: Hillsborough County

Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

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Rose V. Ferlita
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Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Renée Francis Lee, County Attorney
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September 17, 2008

VIA E-MAIL

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Ms. Ann Seiler
Siting Coordinator
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Siting Coordination Office
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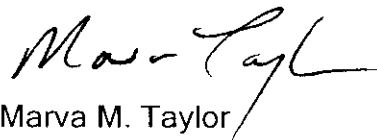
Re: Final Agency Report on the Polk-Hillsborough-Pinellas
Transmission Line
Progress Energy Florida - Levy Nuclear Project
Site Certification Application No. PA08-51
DOAH Case No. 08-2727; DEP Case No. 08-1621

Dear Mrs. Seiler:

In accordance to Section 403.526(2)(d), Florida Statute, enclosed is the Final Agency Report for Hillsborough County (the "County") on Progress Energy Florida's existing Polk-Hillsborough-Pinellas 115 kV transmission line that traverses the County.

Should you have any questions or need further clarification, please call me at (813) 272-5670.

Sincerely,



Marva M. Taylor
Senior Assistant County Attorney

MMT/eh

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HILLSBOROUGH COUNTY FINAL AGENCY REPORT

Hillsborough County (the "County") hereby recommends the approval of the proposed transmission line corridor for Progress Energy Florida, Inc.'s ("Progress Energy") Polk-Hillsborough-Pinellas transmission line as well as its subsequent construction subject to the conditions set forth in this Final Agency Report being addressed and/or met.

I. THE COUNTY'S LARGE FACILITIES ORDINANCE

1. Construction of transmission poles that exceed seventy-five (75) feet in height when installed or poles that are greater than twenty-four (24) inches in diameter are subject to the provisions of the County's Large Facilities Ordinance; therefore, since Progress Energy's transmission poles are expected to range between 80 feet to 145 feet in height and 6 feet to 9 feet in diameter, Progress Energy will be required to adhere to the substantive provisions of said ordinance. *See Ordinance 3 – 29*
2. In order to keep the residents of the County informed of the status of the transmission line project within the County and to address the concerns of the various citizens, groups, and organizations affected by the construction of the transmission line, Progress Energy has agreed to work with the County and conduct regular public meetings during the design and construction phases of the project. *See Ordinance 3 – 29.*

II. PLANNING AND GROWTH MANAGEMENT DEPARTMENT

1. Natural Resources
 - a. In the event that additional property is acquired for the transmission line by Progress Energy, the County will need a determination of the existence, type, and extent of any upland significant wildlife through a formal delineation approved by the Natural Resources Unit of the County's Planning & Growth Management Department. If significant wildlife habitat exists in the newly acquired property, Progress Energy shall minimize the adverse impacts and preserve such significant wildlife habitat to prevent fragmentation of a wildlife corridor as determined by the County. *See County's Land Development Code.*
 - b. The County's concern that suitable habitat to potentially support populations of listed plant and animal species in the preferred corridor is maintained has been addressed by Progress Energy who is willing to agree to a condition of certification that a survey for

significant wildlife habitat within the right-of-way be conducted prior to construction with the survey results provided to the County as a post-certification submittal as authorized by Section 403.5113(2) F.S. and Rule 62-17.191, F.A.C.

- c. During the construction of the new Polk-Hillsborough-Pinellas transmission line, impacts to gopher tortoises should be avoided when practicable. Progress Energy has agreed that if an impact to the burrow of a gopher tortoise cannot be avoided, Progress Energy will relocate the gopher tortoise in accordance with the Florida Fish and Wildlife Conservation Commission's (FWCC) guidelines in place at the time of post-certification submittal of the gopher tortoise information as authorized by Section 403.5113(2) F.S. and Rule 62.17.191, F.A. C. Progress Energy has agreed that as a condition of certification, gopher tortoise survey results and any mitigation required by FWCC will be provided to the County as a post-certification submittal as authorized by Section 403.5113(2), F.S. and Rule 62-17.191, F.A.C.
- d. 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).
- e. Should additional property be required for the transmission line, Progress Energy must comply with the requirements of the County Tree Protection Regulations in Section 4.01 of the County's Land Development Code.
- f. One of the emphasis of the County's Land Development Code is to preserve Grand Oaks; therefore, every effort must be made to design proposed improvements around them. If Progress Energy acquires additional property for the transmission line within the County, Progress Energy shall comply with the County's Land Development Code in the preservation of any Grand Oaks located on said property. Failure to demonstrate the preservation of a Grand Oak(s) shall require replacement as specified in Section 4.01.06.A.7 of the Land Development Code.

- g. Progress Energy shall ensure that any newly-disturbed areas in the selected corridor for the transmission line shall be re-vegetated in accordance with the applicable provisions of the County's Land Development Code; therefore, Progress Energy shall submit its right-of-way specific vegetation management plan to the County, if applicable. *See Land Development Code, Hillsborough County Natural resources Regulations Part 4.00.00 et. seq.*

2. Transportation

- a. During the construction of the proposed transmission line, all construction truck traffic going to the construction site is required to adhere to 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 Truck Route Plan Map and in County Resolution R05-022. Copies of both documents are available on the 20th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33601.
- b. The County requests that truck drivers 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. Construction vehicles must adhere to weight requirements provided in the applicable County ordinance.

3. Community Planning

- a. The County raised concerns about historic resources located within or adjacent to the transmission line corridor; however, Progress Energy agreed that, as a condition of certification, during post-certification, it would coordinate with the County's Historic Resources Review Board to determine the level of coordination required to satisfy Section 03.03.00 of the County's Land Development Code and to minimize any potential effects that the final route may have on these historic resources.
- b. Progress Energy is also willing to agree to a condition of certification requiring the performance of an archaeological survey prior to the construction of the transmission line to avoid any historic resources found to the extent practicable, and if avoidance is not practicable, to mitigate impacts through salvage operations or other methods acceptable to the State of Florida Division of Historical Resources and the County, as appropriate. The results

of the survey and any mitigation plan will be submitted as a post-certification submittal as authorized by Section 403.5113(2), F.S. and Rule 62.17.191, F.A.C. so that agencies with regulatory jurisdiction can monitor for compliance.

4. Neighborhoods

- a. 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. If additional right-of-way is acquired by Progress Energy, the siting and construction of the proposed transmission line in such additional right-of-way must comply with the Land Development Code, Section 6.06.03.I Scenic Roadways as follows:

“Rural Scenic Roadways. In rural areas, in the AM, A, AR, AE and RES-1 Comprehensive Land Use Plan classifications, there shall be a 30-foot scenic easement provided, which shall be left in a natural state, unless actively used for agricultural purposes. Land in agricultural use may continue in agricultural use.”
- b. The County wants to 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. Progress Energy has agreed to work with the communities in the County to consider techniques that can be used to maximize compatibility with adjacent uses, including both existing and planned development, such as screening and buffering. *See County's Land Development Code.*
- c. The County wants to make sure that Progress Energy reduces the negative effects of external impacts resulting from transmission line related factors including, but not limited to, traffic and noise. Progress Energy is willing to comply with all applicable non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction. Progress Energy has also agreed that noise from daytime use of construction equipment will comply with the County's noise restrictions.

- d. 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. The County's Land Development Code provides that all newly-developed and redeveloped above-ground utility appurtenances visible from the public right-of-way, including, but not limited to, pedestals, utility meters, transformers, back-flow prevention devices shall be screened. Materials and earth tone colors for screening shall be compatible with the natural setting and surrounding structures. Chain link fencing alone shall not be considered to be a screening mechanism. *Section 6.06.06.C.10, Land Development Code.*
- e. Progress Energy shall continue to work with the County's Office of Neighborhood Relations and the Citizen Action Center to coordinate citizen information, updated homeowner associations' and civic groups' contact information and shall notify all local organizations of the proposed transmission line siting project as well as provide them periodic updates on the development process.
- f. Progress Energy shall work with the Planning and Growth Management Department to identify the possible collocation of trails and other compatible opportunities within the transmission line right-of-way.

III. PUBLIC WORKS DEPARTMENT

- 1. Progress Energy shall contact the County departments responsible for managing the design and construction of capital improvement programs, infrastructure projects, and resurfacing programs in order to coordinate permit application issues and the design and construction of the transmission power lines. At a minimum, the following departments, division, sections, and agencies should be contacted: the Water Resource Services Departments, Public Works Department - Engineering Division, Public Works - 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 are 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, divisions, 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, in order to avoid existing and future conflicts. Progress Energy has agreed that as a condition of certification that, during the design of the transmission line, it will consult with the County and will make best efforts to minimize conflicts with the County's existing infrastructure and utilities, proposed and future utilities and infrastructure work, capital improvement projects, etc., to the extent practicable and in compliance with the National Electric Safety Code and other regulatory requirements.

3. Progress Energy shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the County's right-of-way and coordinate the subject permit application issues as well as the design and construction of the proposed transmission lines with such entities. Progress Energy shall provide the County's Right-of-Way Management office with dates of attendance to the GTUG meetings and coordination efforts with GTUG.
4. Upon the determination of the final route for the transmission line, Progress Energy shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the existing underground utilities within the route. Progress Energy shall provide the County with a copy of the utility companies with facilities located within the County's right-of-way along the transmission route. Progress Energy must also follow safe digging practices and comply with the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.
5. During post-certification, Progress Energy shall submit to the County the names of the public roadways that it plans to use for the transportation of the transmission poles, the type of carriers and wheel pressures that will be utilized, and the times of day for the transport of said transmission poles. Progress Energy will be subject to safety and permitting requirements of Chapter 316, Florida Statutes.
6. Progress Energy is willing to agree to a condition of certification that, after certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of the pavement or if other construction activities require temporary lane closures, Progress Energy shall contact the County's Right-of-Way Management office to coordinate the work, and, if applicable, Progress Energy shall obtain a Temporary Traffic Control Permit (TTC) whenever Progress Energy plans to impede traffic in any manner whatsoever. Progress Energy may also need to submit a signed, sealed, site-specific Maintenance of Traffic (MOT) plan to the County for review and approval. Additionally, Progress Energy shall provide the County with a MOT plan for the construction of entrances and exits. This process shall

also apply to all lane or road closure requests from Progress Energy. Notwithstanding the foregoing, Progress Energy shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations.

7. 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. This requirement is inapplicable to Progress Energy's full-time employees who are exempt under Section 471.003(2)(d), Florida Statute (2007).
8. 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. Progress Energy is willing to agree to a condition of certification requiring that the transmission line poles be located longitudinally along the right-of-way outside of the ultimate configuration for all currently designed and acquired future traffic infrastructure projects to the extent practicable.

IV. RIGHT-OF-WAY MANAGEMENT

1. Progress Energy shall utilize and adhere to all non-procedural provisions 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, protection of existing traffic controls, overhead and underground power line installations procedures, permanent restorations for areas beyond the edge of the pavement, and permanent pavement restorations.
2. In the event of any clearing in newly-acquired County rights-of-way, Progress Energy will be required to comply with the substantive provisions of the County's Tree Protection Regulations in Section 4.01.06 of the County's Land Development Code.
3. Any drainage onto County's right-of-way and roads will be subject to the applicable provisions of the County's Land Development Code.
4. The proposed transmission line must comply with Chapter 62.814, Florida Administrative Code. Progress Energy must ensure that the right-of-way for the transmission line is of sufficient width to protect adjacent development from potentially harmful electromagnetic fields generated by the transmission line. *See Section 403.523(10), F.S. (2007), Chapter 62-814, Florida Administrative Code.*

5. Progress Energy shall only use herbicides which have been registered by the U.S. Environmental Protection Agency and which have the approval of the State of Florida in the County's right-of-way. Herbicides shall be selectively applied to targeted vegetation in accordance with the rates and concentrations on the label directions by a licensed applicator meeting all federal, state, and local regulations. Broadcast application of herbicide shall not be used in the County's rights-of-way unless the effects on non-targeted vegetation are minimized. *See Sections 487.031, and 487.041, F.S. (2007).*
6. Prior to finalization of the route for the proposed transmission line during the post-certification period, Progress Energy shall provide the County's Right-of-Way Management office with four (4) reproductions of the most recent blue line drawings showing plan and profile views of the proposed transmission line, all existing utilities, and all existing and proposed County capital improvement projects.

V. REAL ESTATE

In the event that the completion of the corridor for the Polk-Hillsborough-Pinellas transmission line requires that Progress Energy acquire County property and/or property rights not located within County right-of-way, Progress Energy shall comply with Chapters 361, 73 and 74, Florida Statutes, to exercise the power of eminent domain for a public purpose if necessary. Further, Progress Energy shall fully compensate the County for any property and/or property rights taken as required by law.

VI. WATER RESOURCES SERVICES

The County understands that Progress Energy's preferred route is intended to utilize the existing corridor for the most part; however there may be instances where Progress Energy needs 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.

VIII. MISCELLANEOUS

Progress Energy shall provide the County with a post-certification submittal final design plan showing:

- a. Progress Energy-owned rights-of-way, existing transmission and distribution easements and road rights-of-way and the location of any facilities on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.
- b. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction.
- c. All flood zone and floodway delineations along the route of the transmission line and, where applicable and practicable, the flood plain management plan.
- d. The location of any proposed school or park sites within one-quarter mile of the transmission line location.
- e. Location of fire hydrants and exterior fire suppression systems supplied by potable and non-potable water sources.
- f. Location, size, and type of all proposed stormwater management facilities.

Appendix II-N: Levy County

**COUNTY COMMISSIONERS
LEVY COUNTY, FLORIDA**



GOVERNMENT
SERVING
CITIZENS

Tony Parker
District 1

Nancy Bell
District 2

Sammy Yearty
District 3

Lilly Rooks
District 4

Danny Stevens
District 5

September 17, 2008

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

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

Re: Site/Transmission Line Certification Application Units 1 & 2
Progress Energy Florida B Levy Nuclear Project
PPSA No. PA08-51/DOAH Case No. 08-2727/DEP Case No. 08-1621

Dear Mr. Halpin:

Levy County has reviewed the portions of the above-referenced application related to the transmission lines proposed to be located in Levy County. As a result of its review, and pursuant to Section 403.526, Fla.Stat., the County prepared its Final Agency Report relating to the certification of those transmission lines. That report is enclosed with this letter.

If you have any questions or concerns, please do not hesitate to contact me at the number listed above, or Anne Bast Brown, County Attorney, at (352) 486-3389.

Sincerely,

s/W. S. Yearty
W. S. Yearty
Chair, Board of County Commissioners

cc: Attached service list
Enc.

legal/ProgressEnergy/letter.finalreport.lines
LR2006-233

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Prepared 7/9/08; Revised 9/5/08
Progress Energy Cert of Service

LEVY COUNTY FINAL AGENCY REPORT

In accordance with Section 403.526, Fla.Stat., Levy County (the “County”) hereby presents its Final Agency Report related to the certification of the transmission lines and corridor proposed to be located in Levy County in connection with the application (“Application”) filed by Progress Energy Florida, Inc. (“Applicant”), in the administrative proceeding styled Progress Energy Florida – Levy Nuclear Projects 1 & 2, PPSA No. PA08-51, DOAH Case No. 08-2727, DEP Case No. 08-1621. The County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed transmission line corridor to be certified. The County recommends the approval of the certification of the transmission line corridor proposed to be located in Levy County, subject to the following conditions:

Condition 1: Concurrent with submittal to the applicable state agencies, the Applicant will provide copies of the following documents to the County for informational purposes (if not already previously submitted with the Application): 1) documents submitted for review and approval of the ERP; 2) final ERP when approved; 3) documents submitted for approval of plans for proposed clearing and/or burning of transmission line corridors; 4) final approval document, including final plans, for clearing and/or burning submitted in connection with item 3; 5) documents relating to compliance with any condition relating to post-construction reclamation activities, including plans for proper removal and disposal of debris, dismantling of temporary facilities, and erosion control measures including any mulching, reseeding, or resodding; 6) final approval document, including final plans, for items referred to in item 5; 7) documents required for development and approval of an avian protection plan, including proposed plan and any other submittals made to Florida Fish and Wildlife Conservation Commission in connection therewith; 8) final approval document, including final plan, for avian protection submitted in connection with item 7.

Supporting County Regulations:

Objective 1, Conservation Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Objective 6, Conservation Element, Levy County Comprehensive Plan

Policy 6.14, Conservation Element, Levy County Comprehensive Plan

Objective 7, Future Land Use Element, Levy County Comprehensive Plan

Policy 3.5, Recreation and Open Space Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Condition 2: Prior to construction of the transmission lines, the Applicant will provide studies or other analysis of potential noise anticipated from construction activities for transmission lines. In addition, the Applicant will provide studies or analysis of potential

noise from operation of the transmission lines. Noise levels from construction or operation of the transmission lines shall not exceed the requirements of the provisions of Division 2., Article VIII., Chapter 50, Levy County Code, as the same may be amended.

Supporting County Regulations:

Division 2., Article VIII., Chapter 50, Levy County Code

Condition 3: In the event the Applicant proposes any access to CR 40 for access to the transmission line corridor or the Applicant's adjacent property for any purpose, and such access will not concurrently or later act as the heavy haul road (herein "driveway access"), at least thirty (30) days prior to any construction activities related to such driveway access, the Applicant shall provide the following items to the County: a completed County driveway permit form; a detailed description of the proposed uses for such driveway access, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access; engineering and construction plans for such driveway access; maintenance of traffic plans for maintenance of traffic during construction of such driveway access; and any other documentation or information required by the County Road Department for its review of the use and construction of the driveway access. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department and County Engineer, the Applicant may construct the driveway access in accordance with such approved plans. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access, as provided in Levy County Resolution 2007-24. No use of the driveway access for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

After final inspection approval, the use of the driveway access shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access previously submitted for review. Unless the driveway access is proposed to also act as the heavy haul road, and the provisions of Condition 4 for the heavy haul road have been met, the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR 40 as posted or that were not contemplated or addressed in the description of the proposed uses of the driveway access previously submitted for review. In addition, unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans. The Applicant shall maintain the driveway

access in good condition and shall make any repairs to CR 40 caused by use of such driveway access.

Supporting County Regulations:

Objective 1, Transportation Element, Levy County Comprehensive Plan

Policy 4.2, Transportation Element, Levy County Comprehensive Plan

Section 50-381, Levy County Code

Section 50-715, Levy County Code

Levy County Resolution 2007-24

Condition 4: At least sixty (60) days prior to any activities in the transmission line corridor, the power plant site, or any of the Applicant's adjacent property, that may utilize the heavy haul road, or any other use of the heavy haul road across CR 40, the Applicant shall provide the following to the County for its review and approval: a completed County driveway permit form; a detailed description of the proposed uses for such heavy haul road across CR 40 and adjacent right-of-way, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the heavy haul road; engineering and construction plans providing for the design and construction of the heavy haul road within County right-of-way; engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Applicant's proposed use of the heavy haul road; engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 Applicant proposes to use for the heavy haul road; maintenance of traffic plans for use during construction of both the heavy haul road and any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40; maintenance of traffic plans for use during the Applicant's proposed use of the heavy haul road for construction of the transmission lines and the power plant site; and any other documentation or information required by the County Road Department, Development Department, or County Engineer for review of the Applicant's use and construction of the heavy haul road and any related improvements to CR 40. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department, Development Department and County Engineer. After review and approval of the engineering and construction plans and maintenance of traffic plans by the County through its Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Applicant may construct the heavy haul road, any structural improvements required to maintain the integrity of CR 40 and the adjacent right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with the approved plans. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. Prior to final approval by the County, the Applicant shall be required to pay

the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the heavy haul road, as provided in Levy County Resolution 2007-24. No use of the heavy haul road for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

After final inspection approval, the use of the heavy haul road shall be limited to the uses contemplated and addressed in the engineering plans submitted for prior review. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

Prior to use of the heavy haul road, the Applicant also shall provide a schedule for the loads that Applicant proposes to transport across CR 40 using the heavy haul road that will exceed the weight capacity of CR 40 as posted. The Applicant may amend such schedule upon 48 hours notice to the County of any such amendment.

Throughout the Applicant's use of the heavy haul road, the Applicant shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. The Applicant shall pay all of the County's costs for staff time and other costs incurred in connection with any such inspections upon request for payment by the County. In the event that the rolling straight edge requirements are not being met on that portion of CR 40 traversed by the heavy haul road at any time, the County shall have the ability to suspend the Applicant's use of the heavy haul road until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

After the completion of the use of the heavy haul road for construction or maintenance activities related to the transmission lines and the power plant site, the Applicant shall make any repairs to CR 40 and the adjacent right-of-way in the area of the heavy haul road that have been caused by the Applicant's use of CR 40 and the adjacent right-of-way.

NOTE: As an alternative to compliance with this Condition 4, the Applicant may enter into a development agreement with the County to provide for the provision of plans, construction and operation of the heavy haul road. Any such agreement shall be entered into and fully executed by both the Applicant and the County prior to any use of the heavy haul road.

Supporting County Regulations:

Objective 1, Transportation Element, Levy County Comprehensive Plan
Policy 4.2, Transportation Element, Levy County Comprehensive Plan
Section 50-381, Levy County Code
Section 50-715, Levy County Code
Levy County Resolution 2007-24

Appendix II-O: Pinellas County

**BOARD OF COUNTY
COMMISSIONERS**

Robert B. Stewart - Chairman
Calvin D. Harris - Vice Chairman
Ronnie E. Duncan
Susan Latvala
John Morroni
Karen Williams Seel
Kenneth T. Welch



September 17, 2008

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

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

Dear Mr. Halpin:

Pinellas County staff has reviewed the referenced application, noting that the impacts to Pinellas County are expected to be associated with the alignment from the Kathleen Substation in Polk County that terminates at the Lake Tarpon Substation in Pinellas County, located at the southeastern border of the Brooker Creek Preserve. With this in mind, the following comments are provided.

Pinellas County's Brooker Creek Preserve

Pinellas County government currently owns and/or manages the approximately 8000-acre Brooker Creek Preserve located generally in the northeastern portion of the County. For well over 30 years, the County has been purchasing this land or, in some cases, has partnered with the Southwest Florida Water Management District and the Florida Communities Trust on associated environmental land acquisition. Consequently, Pinellas County and its citizens have a vested interest in ensuring the environmental integrity of the Preserve. The proposed corridor to the Lake Tarpon Substation would be adjacent to the extreme southeastern edge of the Preserve, including an area of wetlands, and some impact on the local flora and fauna is likely.

The Pinellas County Board of County Commissioners recently adopted the *Brooker Creek Preserve Management Plan*, the result of extensive public and technical involvement. As such, any corridor expansion in this location would need to be coordinated with Pinellas County, specifically the Environmental Management Department staff, to ensure that the integrity of the Preserve is not compromised.

PLEASE ADDRESS REPLY TO:

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Website: www.pinellascounty.org



Transmission Line Expansion

Overall, Pinellas County recommends that transmission lines should be placed within (i.e., co-located within) the existing footprint of those corridors already impacted by highways/utility/transmission lines in order to minimize possible ecological impacts. Further, Pinellas County asserts that additional transmission lines should avoid all local, state, and federal conservation lands and waterways, even those already impacted by such corridors. This is particularly important in built-out counties such as Pinellas where significant financial expenditure, with extensive public support, have purposely set aside environmental lands for their intrinsic natural value, their contribution to local and regional biodiversity, and their relationship to the quality of life for Pinellas County residents. It is not clear in the certification proposal (or the recently reviewed and related document, *Progress Energy Florida, Inc., Ten-Year Site Plan 2008-2017* [dated April 2008]) that the Brooker Creek Preserve would remain excluded from the proposed route since a *corridor* is suggested for consideration but a specific or detailed siting plan is not available. Additionally, it is not clear if future expansion plans are expected beyond this proposal.

Relationship to the Progress Energy Florida, Inc., Ten Year Site Plan 2008-2017 (see attached comments sent to the Public Service Commission on June 13, 2008)

On June 13, 2008, Pinellas County provided comments to the Public Service Commission regarding the Ten Year Siting Plan for Progress Energy. The letter (see *Attachment One*) reflects the County's concerns over the short-range nature of a 10-year plan, and a need for more comprehensive versus site-by-site planning to meet long-range needs, and consideration of alternatives to traditional power generation sources. Also addressed in the letter was the recommendation that Progress Energy coordinate with local governments *prior* to identification of their proposed corridors.

Tampa Bay Regional Planning Council

Pinellas County notes that the Tampa Bay Regional Planning Council has already provided comments regarding the Certification Application, and agrees with the Council's comments, noting that additional information may be required in order to review the certification proposal adequately, particularly in regard to mitigation, noise, and listed species.

Recommendations for Conditions of Certification – Consistency with the Pinellas County Comprehensive Plan and relevant land development regulations

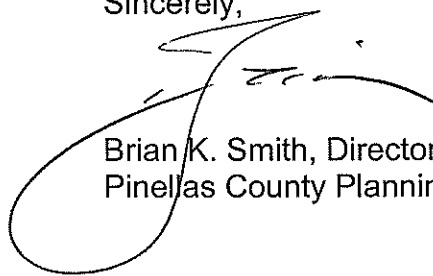
- The Pinellas County Comprehensive Plan represents Pinellas County's growth management plan. The goals, objectives and policies of the adopted Plan have regulatory standing pursuant to **Chapter 163, F.S.** *Attachment Two* to this letter depicts those goals, objectives and policies of the adopted Comprehensive Plan that need to be included as Conditions of Certification.
- Additionally, coordination with Pinellas County staff, including *Environmental Management* staff and *Building and Development Review* staff, is required prior to any final decisions on a specific corridor alignment and development of a specific plan for site development and maintenance.

- Maintenance activities are not to impact/compromise the adjacent Preserve, and should – if possible – complement the management strategies within the Preserve associated with the adopted *Brooker Creek Preserve Management Plan*.
- Submittal of a site plan, or other agreed-upon data, is requested to be provided to Pinellas County Building and Development Review Services prior to initiation of any site disturbance activity. The following regulatory sections of the **Pinellas County Land Development Code** must be adhered to in order to ensure public safety and protection of natural resources during and after site construction:
 - a) Division 5, Section 138-176 thru 181(Site Plan Requirements and Review Procedures).
 - b) Article II, Section 166 (Habitat Management, including requirements related to compensation, development/development activity, mitigation, and wetlands).
 - c) Section 166-37 (Intent).
 - d) Sections 166-49, 166-50, 166-53 (removal of exotics).
- Emergency management contacts and emergency site protocols need to be available and reviewed by the Pinellas County Emergency Management Department and Pinellas County Environmental Management.

In summary, Pinellas County's primary concerns are the need for coordination prior and during site development, adherence to Pinellas County Comprehensive Plan and land development regulation requirements, and compatibility with the *Brooker Creek Preserve Management Plan* (please refer to <http://www.pinellascounty.org/Environment/pagesHTML/BCPmngmtWeb/bcpm500.html>). In addition, questions remain regarding noise and mitigation plans, as well as future expansion plans. Finally, as pointed out in the letter sent by Pinellas County to the Public Service Commission in June 13, 2008, the lack of a long-range plan that explores alternative energy sources still remains an issue, although not to be addressed necessarily by this process.

Thank you for the opportunity to comment on the Certification application. Should you have any questions regarding the comments and recommendations provided, please contact me at (727) 464-8200.

Sincerely,



Brian K. Smith, Director
Pinellas County Planning Department

cc: Elizabeth Warren, Assistant County Administrator
William Davis, Director, Pinellas County Environmental Management
Al Navaroli, Pinellas County Building and Development Review

ATTACHMENT ONE

**Letter sent by Pinellas County to the Public Service Commission
on June 13, 2008**

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Calvin D. Harris - Vice Chairman
Ronnie E. Duncan
Susan Latvala
John Morroni
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June 13, 2008

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2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Subject: Progress Energy, Florida - 2008 Ten-Year Siting Plan

Dear Mr. Graves:

Thank you for providing a copy of Progress Energy, Florida's 2008 Ten-Year Siting Plan for review. Based on Pinellas County staff review, the following comments are submitted:

Re: page 3-37, a map is required in order to interpret the locations of the planned bulk transmission line additions in Pinellas County. Without a map, it is not possible to review for impacts.

Re: page 4-1: regarding the P.L. Bartow Plant – since this is the land use and environmental portion of the document, the discussion should mention that the location is adjacent to the Pinellas County Weedon Island Preserve, managed by the Environmental Lands Division (ELD) of the Pinellas County Department of Environmental Management. Actually, certain of the Progress Energy lands are also managed by the ELD as well. It is important that consideration by Progress Energy be given to compatibility with the adopted management plans for the County's preserve lands. Notably, coordination has occurred between County environmental staff and Progress Energy with regard to the repowering of the Bartow Plant with natural gas technology.

Overall, the siting plan should better address early and ongoing coordination with those governments affected by Progress Energy plans, including with regard to transmission corridors. This became apparent in association with the recently disclosed plans for the Levy County Nuclear Power Plant expansion and associated transmission lines.

PLEASE ADDRESS REPLY TO:
600 Cleveland Street
Suite 750
Clearwater, Florida 33755
Phone: (727) 464-8200
Fax: (727) 464-8201
Website: www.pinellascounty.org



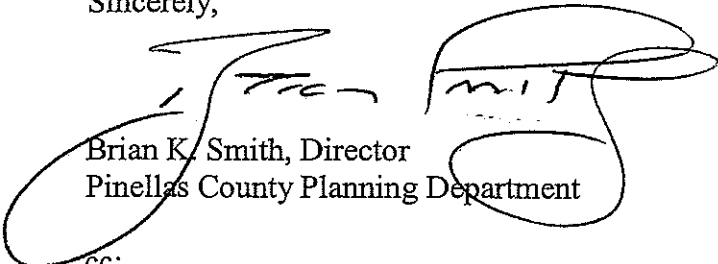
Re: Chapter 2, Conservation – the discussion only addresses measures directed at the customer. There does not appear to be a long-range discussion, or consideration of, alternate energy sources contemplated by the Utility. Since the State of Florida is committing to measures intended to reduce their “carbon footprint” and promoting alternate energy solutions as a means of planning for climate change, it would seem that Progress Energy should be planning with this in mind.

Chapter 4 only addresses plant location, not the environmental or land use impacts associated with the siting of transmission corridors – which can have as significant an impact on a county as the siting of a plant.

Sec. 186.801, F.S., is clear that electric utilities are to prepare 10 year plans with periodic updates. A longer range component would be useful however to the local governments reviewing for compatibility with comprehensive plans. In addition, a more integrated and comprehensive approach, with a statewide and regional emphasis, versus site-by-site, would be beneficial, including recognition of major ecological corridors and features, and consideration of such things as potential avoidance, or coordination with local governments in the planning stages, versus after corridors are drawn , etc.

Thank you for the opportunity to review the 2008 Ten-Year Siting Plan, and should you have any questions regarding the comments provided, do not hesitate to contact me, or Elizabeth Freeman of my staff, at (727) 464-8200.

Sincerely,



Brian K. Smith, Director
Pinellas County Planning Department

cc:

Elizabeth Warren, Asst. County Administrator
William Davis, Director, Pinellas County Environmental Management
Bruce Rinker, Pinellas County Environmental Lands Division

ATTACHMENT 2:
Goals, Objectives and Policies
from the Pinellas County Comprehensive Plan

Future Land Use and Quality Communities Element

- 1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
- 1.2. 5. Policy: The Board shall implement land development regulations that are compatible with the density, intensity, and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.
- 3.1. Objective: The Pinellas County Land Development Code shall be applied in a manner that ensures compatibility between the Future Land Use Map, existing environmental conditions and constraints, as well as environmental management goals.
- 3.1.1 Policy: Environmentally-sensitive lands which are designated by the Preservation land use category on the Future Land Use Map, shall be protected through the application of existing land development regulations or the development of new regulations.
- 3.1.2. Policy: Designated preservation areas shall be retained as undeveloped land suitable for passive recreation, conservation, or aesthetic uses to provide opportunities to appreciate the natural environment.
- 3.1.3. Policy: The natural environment shall be both preserved and enhanced by a sensitive land use program which will include adherence to, but not be limited to, the following chapters of the Land Development Code: Habitat Management and Landscaping; Floodplain Management; Flood Damage Prevention; Site Development and Platting; Comprehensive Zoning Regulations; and any other applicable regulations that deal with on-site environmental concerns but also with surrounding land uses.
- 3.2 Objective: Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored.
- 3.2.1. Policy: Significant wetlands and twenty-five year floodplains shall continue to be protected and conserved by their existing designations of Preservation on the Future Land Use Map (FLUM), as adopted by the Board and based upon the comprehensive assessments performed by Pinellas County to evaluate, and subsequently identify, those wetland and floodplain resources with significant value or function.

- 3.2.2. Policy: Where development activity results in an adverse impact to wetlands, or unique ecosystems as determined by Pinellas County, mitigation by the developer shall be considered as one means to compensate for the loss of natural system function when the impact is unavoidable.
- 3.2.11. Policy: Pinellas County shall continue to identify and protect isolated wetlands and other environmentally sensitive vegetative communities and habitats through the site plan process, which includes the application of project-appropriate land development regulations, conservation easement requirements, staff review of pertinent vegetation and habitat information, specific permitting requirements, and field work by development review staff.
- 4.5.2. Policy: Public utilities shall be permitted in all future land use categories including planned residential developments and developments of regional impact provided the performance standards in the Power Plant Siting Act, Transmission Line Siting Act, Pinellas County Future Land Use and Quality Communities Element, Pinellas County Zoning Regulations, and any other applicable land development regulations are met.

Natural Resource Conservation and Management Element

- 2.1.3. Policy: Pinellas County shall continue to enforce existing ordinances that protect and conserve native ecosystems and wildlife habitat, including habitat for species of conservation concern, from destruction by development activities.
- 2.1.4. Policy: Pinellas County shall continue to require that the type, intensity and location of development be correlated inversely with important ecosystems and native wildlife species existing on each site.
- 2.1.5. Policy: Pinellas County shall continue to require that development of a site require maintenance or improvement of existing native vegetative communities and shall continue to require the removal of ecologically undesirable non-native vegetation.
- 2.1.16. Policy: Pinellas County will coordinate with Pasco and Hillsborough Counties regarding extension of regional ecological corridors and greenway systems, and will share information regarding land development proposals that might have extra-jurisdictional impacts on existing corridors.
- 3.1.2. Policy: Pinellas County will consider the impact of land use and zoning decisions, and site plan decisions, on environmental lands and resource-based parks, so that decisions do not inadvertently conflict with approved management plans or best management practices.
- 3.1.4. Policy: To foster environmental stewardship, the County's public outreach efforts will include information and education on best management practices for the neighbors of environmental lands and resource-based parks, as well as watershed concepts that demonstrate the impact of activities on nearby lands to the health of the preserve ecosystem.

Appendix II-P: Polk County

Growth Management Department

Thomas M. Deardorff, AICP
Department Director
thomasdeardorff@polk-county.net



330 West Church Street
P. O. Box 9005, Drawer GM01
Bartow, FL 33831-9005
Ph: (863) 534-6467
Fax: (863) 534-6543

Board of County Commissioners

August 29, 2008

Mr. Michael Halpin
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

Dear Mr. Halpin:

The Polk County Growth Management Department has reviewed the Progress Energy Florida, Inc. (PEF) Transmission Line proposal as it relates to Polk County. According to the application, the proposed transmission line corridor within Polk County will be co-located with Progress Energy's existing transmission line rights-of-way. Transmission lines are considered *Utilities, Class I* per the Polk County Land Development Code.

Since there are no proposed expansions to the existing PEF transmission line rights-of-way in Polk County (per page 9-A8-11 of the application), the referenced proposal will not be subject to review under the Land Development Code for the purpose of obtaining a permit. In addition, the project as proposed will not be subject to any procedural requirements as it relates to variances or special exceptions.

Please contact either Chandra Frederick, Land Development Division Director, or myself at (863) 534-6467, if you have any questions regarding our review.

Sincerely,

Thomas Deardorff, AICP
Growth Management Director

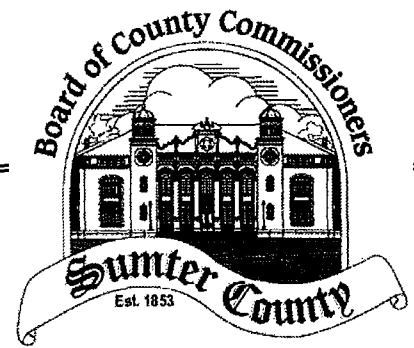
cc: Michael Herr, County Manager
Jim Freeman, Deputy County Manager
Chandra Frederick, Land Development Director
Ann Seiler, DEP, Siting Coordination Office

Appendix II-Q: Sumter County

Board of County Commissioners

Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207
Website <http://sumtercountyfl.gov>



September 9, 2008

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

Mr. Halpin:

Pursuant to Section 403.526(2)(a)5, Florida Statutes, Sumter County submits the following report related to Progress Energy Florida (PEF) transmission line corridor and proposed substation in Sumter County. This report contains a recommendation for action including conditions for certification to be attached to any approval for the proposed transmission line facilities.

1. The proposed PEF corridor in Sumter County will have an impact on numerous county residents, citizens, and property owners. The expansion of the existing corridors and addition of new corridors may affect property values, result in aesthetic concerns, impact development potential of some properties, and may result in concerns regarding the health, safety, and welfare of those who reside or own property within or adjacent to the PEF corridors.
2. Notwithstanding the foregoing concerns, Sumter County recommends the proposed transmission line corridors and proposed substation location within the County be approved subject to the following conditions to minimize impacts referenced above.
3. Sumter County proposes the following conditions as the minimum necessary to comply with the Sumter County Comprehensive Plan and Land Development Code and to protect the health, welfare, and safety of the citizens of Sumter County:

Richard "Dick" Hoffman, Dist 1
Chairman
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
2nd Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513-6146

Michael E. Francis, Dist 3
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Gloria R. Hayward, Clerk & Auditor
(352) 793-0215
209 North Florida Street
Bushnell, FL 33513

Garry Breeden, Dist 4
Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

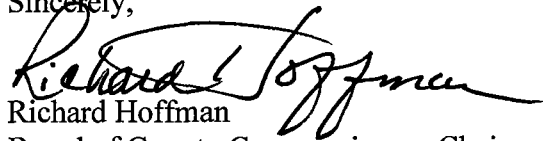
County Attorney
The Hogan Law Firm
Post Office Box 1120
Bushnell, Florida 33513

- a. PEF should use existing infrastructure right-of-ways wherever possible and feasible.
- b. PEF should provide for aesthetic protection of adjacent uses from the corridors. The aesthetic protection may be accomplished through screening, buffering, and fencing of the corridors.
- c. PEF should consider placing transmission lines underground, where feasible, and/or make maximum use of monopole towers for overhead lines.
- d. PEF should minimize construction impacts related to type of equipment used, clearing and grubbing, dust control, soil stabilization, erosion control, drainage control, noise, and traffic disruption.
- e. Where feasible, PEF should retain existing vegetation within the corridor.
- f. PEF should minimize impacts to wetlands and other sensitive habitats and must obtain and comply with all applicable environmental permitting from the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, Southwest Florida Water Management District and any other applicable State or Federal agency.
- g. PEF should obtain appropriate permits from Sumter County for all applicable County right-of-way crossings.
- h. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.
- i. PEF should provide a post-certification submittal of the final design plan for the new transmission lines throughout Sumter County to the Sumter County Division of Planning & Development.
- j. PEF should commit to allow for the co-location of public utilities, pedestrian/trail facilities, or other public uses within the transmission line corridors, to the extent compatible and feasible based on engineering and design constraints.
- k. PEF should coordinate final transmission line plans with the County, Lake-Sumter Metropolitan Planning Organization, Florida Department of Transportation, and other impacted local governments to assure that the new transmission line locations will not hinder future transportation planning for the county and region.

1. If the proposed Central Florida Substation is located within unincorporated Sumter County, then PEF is required to obtain Special Use approval from the Sumter County Board of County Commissioners.
- m. PEF should coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

If you have any question or require additional information do not hesitate to contact Bradley Arnold, County Administrator, or Brad Cornelius, Planning Manager, at (352) 793-0270.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hoffman", written over a horizontal line.

Richard Hoffman
Board of County Commissioners Chairman

Copy: Bradley Arnold, County Administrator
Brad Cornelius, Planning Manager
Derrill McAteer, County Attorney

Appendix II-R: Hillsborough County Environmental Protection Commission

COMMISSION
Brian Blair
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Executive Director
Richard D. Garrity, Ph.D.

Roger P. Stewart Center
3629 Queen Palm Dr. • Tampa, FL 33619
Ph: (813) 627-2600
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

September 2, 2008

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

Re: Progress Energy Florida – Levy Nuclear Project
Site Certification Application
DOAH Case No. 08-2727

Dear Mr. Halpin,

The staff of the Environmental Protection Commission of Hillsborough County has completed its review of information submitted in support of the transmission lines portion of the Progress Energy Florida Levy Nuclear Project Site Certification Application referenced above and recommends approval with the following Conditions of Certification:

Air Management

1. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule “Exceptions” exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.



2. Particulate Matter (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

- a.. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
- b. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:
 - (1) Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.
 - (2) Curtail operations during high wind conditions
 - (3) Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.
 - (4) Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.
 - (5) Seeding and mulching access road surfaces

3. Open Burning

Pursuant to Chapter 1-4, Rules of the Hillsborough County Environmental Protection Commission (EPC), all open burning within Hillsborough County is prohibited unless approved or permitted by EPC.

- a. The EPC issues temporary authorizations for all land clearing operations prior to commercial development, including the initial clearing of land for agricultural or construction purposes. Under these temporary authorizations, applicants are permitted to burn for up to six months at the same location. Authorizations are issued after the submission of an application, along with a fee payable to the EPC.
- b. Open burning that is expected to last for more than six months at the same location will require an air pollution permit, and must comply with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules that regulate open burning with a permanent air curtain incinerator. In Hillsborough County, EPC has been delegated authority to permit and enforce these State regulations. All applications, along with permit fees should be submitted to EPC.

4. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA - Enforced by the State of Florida Department of Environmental Protection and delegated to the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

- a. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.
- b. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.
- c. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003 Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.
- d. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

Wetland Management

5. Avoidance and Minimization of Wetland impacts

The actual extent of wetlands and other surface waters is necessary to verify avoidance and minimization of wetland impacts. The wetland line must appear on all site plans. All wetland impacts must be labeled, cross-hatched and acreage calculated on all plan sheets. Proposed mitigation must be shown and labeled. The depths of any ponds proposed for excavation adjacent to wetlands must be shown along with hydrologic information on the wetlands. Construction plans must be submitted along with a complete set of drainage calculations that include all wetland seasonal water elevations. Setback lines must be shown on all plan submittals.

6. Turbidity and Erosion controls

Appropriate turbidity and erosion control measures must be implemented and depicted on construction plans and drawings.

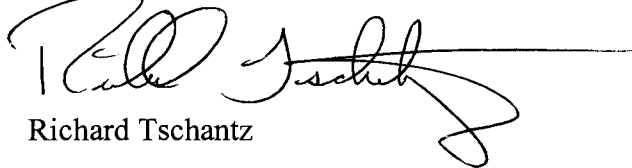
Waste Management

8. Historic Landfills

PEF must ensure that all historic landfills within the boundaries of the project in Hillsborough County are properly managed. 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 EPC.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Tschantz', with a long horizontal flourish extending to the right.

Richard Tschantz

cc: All parties of record (via electronic mail)

SERVICE LIST

IN RE: PROGRESS ENERGY FLORIDA
LEVY NUCLEAR PROJECT DEP
UNITS 1 AND 2

DOAH CASE NO.: 08-002727-EPP
OGC CASE NO.: 08-1621
PPSA NO.: PA08-51

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gatorwhite@aol.com

Appendix II-S: Public Comments



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Date

<Name>
<Address>
<Address>

Dear <Name>;

Our office is in receipt of your letter dated <Date> concerning the potential corridor selections, including the potential for proposed transmission lines in <County> County. Based upon your letter, it appears that your concerns relate to a Progress Energy Application for a proposed Levy County Power Plant and its associated transmission line corridors. The application for this project was filed on June 2, 2008.

You may review that application as well as its schedule and the manner in which the project follows the statutory requirements of the Power Plant Siting Act at this web site: http://www.dep.state.fl.us/siting/Highlights/applications.htm#Progress_Energy_Levy_County_Nuclear

Progress Energy has a website which shows aerial maps of the proposed transmission line corridors at: <http://www.progress-energy.com/aboutenergy/transmission/florida/energyplanning/maps.asp>

Lastly, there are numerous opportunities for public involvement, one of which is to file an alternative corridor, contingent upon the Governor's approval of changes to the law. You may wish to familiarize yourself with those here: <http://www.dep.state.fl.us/siting/Programs/Public%20Interaction.htm>

For further questions on this topic, you may contact either Ann Seiler or me at 850/245-8002.

Thank you again for your interest and concern.

Sincerely,

Michael P. Halpin, P.E.
Administrator, Siting Coordination
Office