

PROGRESS ENERGY  
LEVY NUCLEAR PROJECT  
TRANSMISSION LINES

RESPONSES TO AGENCY  
COMPLETENESS  
QUESTIONS

Prepared for:  
PROGRESS ENERGY FLORIDA  
ST. PETERSBURG, FLORIDA

Prepared by:  
GOLDER ASSOCIATES INC.

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**ITEM I        DEP - Siting Coordination Office**

1. Please provide an electronic copy of the EzEMF program files for each cross-section.

**PEF Response:** The requested files have been provided to the FDEP Siting Coordination Office, as requested. Any other agency desiring a copy of these extensive files should notify:

Carolyn S. Raepple  
Hopping Green & Sams, P.A.  
P. O. Box 6526  
Tallahassee FL 32314  
Phone: 850/222-7500  
Email: craepple@hgslaw.com

2. Please explain why the left edge of the proposed Right-Of -Way for Cross-Sections 3.2-11, 3.2-13, 5.2-3, 5.2-5, 6.2-3 and 6.2-5 appear to exceed standards.

**PEF Response:**

In each instance where calculations of maximum field levels possible at the edge of right-of-way (ROW) for the new transmission lines exceed the applicable electric or magnetic field limit, the calculated maximum is equivalent to or below the existing calculated 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. See Rule 62-814.470(1)(c), F.A.C.

**ITEM II        DEP- Southwest District**  
**Environmental Resource Permitting Program**

1. Please revise the aerial surveys, to include the following:

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

**PEF Response:**

Progress Energy Florida (PEF) is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the transmission facilities' impacts on wetlands. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. The scale of the aerial photos is consistent with the proposed application guide requested by the FDEP Siting Coordination Office. Nevertheless, PEF can

provide the requested larger scale aerial photos of the ROW with FLUCCS codes of jurisdictional wetlands, subject to conditions of certification.

2. Once the wetlands are delineated and the boundaries are approved by Department staff, provide a table that shows the potential wetland impacts (in square feet or acres). The table should include the types of wetlands impacted using FLUCCS codes and whether the impacts will be temporary or permanent. The Department recommends using the minimum and maximum span of the power lines to approximate the location of the poles. Also, include any impacts associated with fill roads. Refer to Chapter 62-343.900(1), Section E, F.A.C.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the transmission facilities' impacts on wetlands. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At that time, the requested table can be provided, subject to conditions of certification.

3. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where there is possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above. Refer to Chapter 3.2.4.1 of the Southwest Florida Water Management District Basis of Review (B.O.R.)

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the erosion control measures used for the construction of the transmission facilities. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At that time, the requested details on erosion control barriers will be provided.

4. In areas where temporary or permanent wetland impacts occur, mitigation will be required, provide the supporting UMAM information required in Chapter 62-345, F.A.C. Also, provide a mitigation plan for the impact areas using UMAM. Finally, a restoration plan will need to be provided for the impact areas. Refer to Chapter 62.345, F.A.C.

**PEF Response:**

No UMAM scores have been completed for the transmission lines. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At that time, the requested UMAM information will be provided.

5. If this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest. Refer to Chapter 3.1.1 of the B.O.R.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. At this time, it is not known whether the proposed transmission lines will be located in or have any impact on an Outstanding Florida Waterbody (OFW). If the transmission lines will be located in or impact an OFW, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

6. Provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands, sovereign state lands, or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands, sovereign state lands, or within an aquatic preserve then the project must comply with Chapter 18-20 and 18-21 F.A.C. and Chapter 253 and 258 Florida Statutes (F.S.) and section G of the Joint Application for Environmental Resource Permits must be completed and submitted to the Department prior to construction. Refer to Chapter 62-343.900(1), Section G.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. At this time, it is not known whether any portion of the proposed transmission lines will be located on sovereign submerged lands, sovereign state lands, or within an aquatic preserve. If the transmission lines will be located on any such lands, PEF will agree to a condition of

certification requiring the post-certification submittal of the requested information to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

7. Volume 2, Sheet 9-A3-15 states that the transmission line from the Holder Substation to Ross Prairie Substation will traverse the Withlacoochee State Trail, the Withlacoochee River, the Hálpata Tastanaki Preserve, and the Ross Prairie State Forest. In these areas is the transmission line wholly located within PEF's existing 500/230-kv transmission line easement? Will there be any additional impacts to wetlands for the construction and operation of the proposed line?

**PEF Response:**

As stated in the Site Certification Application (SCA), the ROW width is typically 220 feet for a new 500-kV transmission line constructed with H-frame structures and 200 feet when constructed with monopoles structures, with the structures located in the center of the ROW. Co-locating the new 500-kV transmission line with the existing lines in this area may allow PEF to reduce the width of the ROW needed for the new transmission line.

For the portion of the corridor between Holder Substation and State Road 200 (west of Ross Prairie Substation) PEF has a 420-foot ROW that contains the existing 500/230-kV transmission lines. Depending on the final design of the new 500-kV line, additional ROW may be needed.

East of State Road 200, PEF has a 295-foot ROW. Additional ROW would be needed to construct the transmission line.

To the greatest extent practicable, PEF will use existing access roads (within the existing ROW) to construct the new transmission line but new impacts will be necessary to clear the ROW and construct structure pads in wetlands areas. Ongoing vegetation maintenance will be conducted in the ROW to meet all North American Electric Reliability Corporation (NERC) requirements.

The details of the wetland impacts will not be determined until after the final ROW is selected and the final engineering design is completed. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

8. Volume 2, Sheet 9-A3-15 states that the transmission line from Anderson Substation to SR 44 will traverse the Withlacoochee River. In these areas is the transmission line wholly located within PEF's existing 500/230-kv transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?

**PEF Response:**

As stated in the SCA, the ROW width is typically 220 feet for a new 500-kV transmission line constructed with H-frame structures and 200 feet when constructed with monopoles structures, with the structures located in the center of the ROW. Co-locating the new 500-kV transmission line with the existing lines in this area may allow PEF to reduce the width of the ROW needed for the new transmission line.

From Anderson Substation to State Road 44, PEF has a 295-foot ROW. Additional ROW would be needed to construct the transmission line.

To the greatest extent practicable, PEF will use existing access roads (within the existing ROW) to construct the new transmission line but new impacts will be necessary to clear the ROW and construct structure pads in wetlands areas. Ongoing vegetation maintenance will be conducted in the ROW to meet all NERC requirements.

The details of the wetland impacts will not be determined until after the final ROW is selected and the final engineering design is completed. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

9. Volume 3, Figure 9-A5.3-6 shows the proposed transmission line corridor passing through the Withlacoochee State Forest and the Chassahowitzka Wildlife Management Area. In these areas is the transmission line wholly located within an existing transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?

**PEF Response**

As stated in the SCA, the anticipated ROW width needed for the 230-kV CB transmission line is approximately 100 feet. The existing PEF transmission ROW in this area is 100 feet. The final determination of whether or not additional ROW will be needed will not be determined until after the final ROW is selected and the final engineering design is completed. PEF does not expect to need additional ROW in the areas of the Withlacoochee State Forest and Chassahowitzka Wildlife Management Area. 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.

The details of the wetland impacts will not be determined until after the final ROW is selected and the final engineering design is completed. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

10. Volume 3, Figure 9-A7.3-5 shows that part of the Crystal River East Substation may be located within a conservation area. Please provide a copy of this conservation easement.

**PEF Response:**

The existing Crystal River East Substation is not located within a conservation area. The closest conservation area to the Crystal River East Substation is the Crystal River Preserve State Park, which is approximately 0.25 mile southwest of the corridor proposed in the SCA. Figure 9-A7.3-5 depicts the Citrus County Future Land Use. The Conservation future land use designation is outside of the proposed corridor. Please refer to SCA Figures 9-A7.3-4 and Figure 9-A7.3-5.

11. Volume 4, Sheet 9-8A-14 states that the proposed corridor will cross one state trail, seven SWFWMD lands, four Outstanding Florida Waterbody's (OFW's), six county lands, four recreation areas, one state park, and one SWFWMD preserve area. In these areas is the transmission line wholly located within an existing transmission line easement? Will there be any additional impacts to wetlands or surface waters for the construction and operation of the proposed line?

**PEF Response:**

As stated in the SCA, the anticipated ROW width needed for the 230-kV PHP transmission line is approximately 100 feet. The existing PEF transmission ROW in this area varies from 60 feet to 190 feet. The only area where the existing ROW is less than 100 feet is the approximately 1500' immediately west of the Griffin substation. In this area, additional ROW will be needed to accommodate the PHP line. The final determination of whether or not additional ROW will be needed elsewhere will not be determined until after the final ROW is selected and the final engineering design is completed. PEF does not expect to need additional ROW where the existing ROW is 100 feet wide or greater. 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.

The details of the wetland impacts will not be determined until after the final ROW is selected and the final engineering design is completed. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

12. Are the UMAM scores solely for the impacts associated with the LNP? Or, do the UMAM scores include the wetland impacts associated with the transmission lines? If the Please [sic] show the locations of the scored wetlands on an aerial photo and contact Greg Nieboer at 813-632-76300 ext. 360 for an onsite verification of the UMAM scores.

**PEF Response:**

UMAM scores have not been completed for the transmission lines. The details of the wetland impacts will not be determined until the final ROW is selected and the engineering design is complete. The UMAM scores will be developed once the wetland impacts have been

determined. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At that time, the requested UMAM information will be provided.

13. Volume 2, Sheet 9-A3-22 states that the Marion County identifies the need to minimize impacts to the Cross Florida Greenway and states in Policy 2.23 that the County will coordinate with the State to minimize the effects of utility lines crossing the Cross Florida Greenway. The policy identifies design considerations such as burying lines, co-locating within existing lines, and to narrow corridors. Therefore, please provide documentation on how has this criteria been met?

**PEF Response:**

Figure 1C, attached, shows that in Marion County, the proposed LCFS Corridor is located approximately 1.2 miles south of the Cross Florida Greenway. Accordingly, the Marion County criterion is not applicable.

14. Volume 4, Sheet 9-A8-16 states that pursuant to Policy 23.1, the construction of new overhead utilities is prohibited within 250 feet of rivers, unless underground placement is clearly demonstrated to be environmentally or technically unsound. The policy also states that the construction of transmission lines for electric power is permitted in existing, approved corridors. In these areas is the transmission line wholly located within an existing transmission line easement?

**PEF Response:**

As stated in the SCA, the anticipated ROW width needed for the 230-kV PHP transmission line is approximately 100 feet. The existing PEF transmission ROW at the crossing of the Hillsborough River is 100 feet. It is not anticipated that additional ROW will be needed in this area. In addition, the typical span lengths for the PHP transmission line range from 500 feet to 700 feet for the brace line post structures and 700 feet to 1400 feet for the v-string structures. While the final span length over the Hillsborough River will not be established until after the final engineering design is completed, no new structures will be placed within the open water of the river.

**DEP - Industrial Wastewater Program**

1. The submitted information fails to indicate whether any industrial wastewater will be generated during construction. However, in the event that dewatering activities are deemed necessary during construction activities it is recommended that the applicant contact the IW program for permitting requirements for the disposal of the generated groundwater during such activities. Please contact Mr. Mike Lukowich, P.E., IW/Permitting Supervisor at 813-632-7600 extension 402.

**PEF Response:**

No dewatering is anticipated for construction of the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. In the unlikely event dewatering is required at any location, PEF will contact the FDEP Industrial Wastewater Program representative identified (Mr. Mike Lukowich, P.E., IW/Permitting Supervisor at 813-632-7600 extension 402) to identify the documentation to be submitted to allow monitoring for compliance with applicable regulations pursuant to the post-certification review process established in the conditions of certification.

**ITEM III      DEP – Central District**  
**Environmental Resource Permitting Program**

1. A determination of completeness cannot be made until a specific location for the proposed Central Florida South Substation and associated facilities is provided. Therefore, the FDEP Central District considers the site certification application incomplete until the applicant provides a specific location, in addition to any other requested information.

**PEF Response:**

PEF is still in the process of selecting and acquiring the final location for the planned Central Florida South electrical substation. The location of the substation is dependent in part upon the location of the parcels of land available for acquisition by PEF. PEF is negotiating with several landowners on potential sites. PEF anticipates owning or controlling a final site for the Central Florida South electrical substation by the commencement of the certification hearing. The final site may be located in either Sumter County or Lake County. If located in Lake County, it would be within the jurisdictional area of the DEP Central Florida District Office. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information for the Central Florida South electrical substation, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

2. A minimum of 90 days prior to the commencement of construction, provide all information necessary for a complete Environmental Resource Permit application including the engineering drawings and supporting documentation necessary to demonstrate that any temporary or permanent impacts to wetlands will be avoided or mitigated for. The drawings and documentation shall be signed, sealed and dated by a professional engineer licensed in the State of Florida. Refer to Chapter 62-343.900(1)(Section E and C). Also, clearly delineate the location of the existing wetlands and surface waters within the preferred corridor and substation project area on aerial photographs and flag the wetland jurisdictional line for field verification. Include the types of wetlands and surface waters using FLUCCS codes. Refer to Chapter 62-343.900(1)(Section E)(Part III) Florida Administrative Code (F.A.C.). The submitted information shall also include engineering drawings and supporting documentation necessary to demonstrate that the stormwater runoff from the proposed project will be treated and attenuated in accordance with rules adopted by the Department. The engineering drawings and documentation shall be signed, sealed and dated by a professional engineer licensed in the State of Florida.

**PEF Response:**

If any portion of the LCFS transmission line or the Central Florida South electrical substation is located within Lake County, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the DEP Central District Office, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

3. The applicant shall provide information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with rules adopted by the Department. The applicant shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

**PEF Response:**

If any portion of the LCFS transmission line or the Central Florida South electrical substation is located within Lake County, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the DEP Central District Office, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4. Prior to the commencement of construction, the Department shall conduct a timely review of the submitted information and request the correction of any errors and omissions and any additional information necessary to complete the application. This shall be done in accordance with timeframes established in Chapter 120.60, F.S. and Rule 62-4.055, F.A.C.

**PEF Response:**

If any portion of the LCFS transmission line or the Central Florida South electrical substation is located within Lake County, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the DEP Central District Office, to be reviewed as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

5. The Department shall notify the licensee in writing that the information is complete upon review of all requested information and the correction of any errors or omissions. Construction shall not begin until the Department has provided written notification of approval of the project including the wetland mitigation plan as applicable. Such approval or denial shall be provided within 30 days following completeness of the information.

**PEF Response:**

If any portion of the LCFS transmission line or the Central Florida South electrical substation is located within Lake County, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the DEP Central District Office, to be reviewed as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

6. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302 .530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the Applicant shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters. The location of erosion control barriers must be shown on plan view drawings and the specific soil stabilization methods to be used at each site must be described. Erosion control and soil stabilization methods should be included on the plan and cross sectional view drawings required in condition number one above.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the erosion control measures used for the construction of the transmission facilities. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At that time, the requested details on erosion control barriers will be provided.

7. A minimum of 90 days prior to the commencement of construction, provide reasonable assurance that impacts to wetlands and surface waters have been avoided or minimized. If impacts are unavoidable, provide complete details to a mitigation plan that will offset all wetland or surface water impacts associated with the project, in accordance to Chapter 62.345 F.A.C., and Chapter 12.2.1.1 and 12.3 of the St. Johns River Water Management District (SJRWMD) Applicant's Handbook.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details could affect the wetland and surface water impacts of the transmission facilities. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

8. If wetland or surface water impacts are proposed, prior to construction, provide an aerial survey that clearly shows the impact areas. The survey should include the square footage of impacts, identification of the types of wetlands and surface waters to be impacted using FLUCCS codes, and whether the impacts will be temporary or permanent. Refer to Chapter 62- 343.900(1)(Section E)(Part) F.A.C.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details could affect the wetland and surface water impacts of the transmission facilities. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. The requested information can be submitted as part of that post-certification submittal, subject to conditions of certification.

9. A minimum of 90 days prior to the commencement of construction, provide a state lands title determination from the Division of State Lands Title and Land Records Section indicating whether any portion of the project is located on sovereign submerged state lands or within an aquatic preserve. If any portion of the project is located on sovereign submerged state lands or within an aquatic preserve, then the project must comply with Chapter 18-20 and/or 18-21 F.A.C., Chapter 253 and 258 Florida Statutes (F.S.), and Section G of the Joint Application for Environmental Resource Permits must be completed and submitted to the Department prior to construction. Refer to Chapter 62-343.900(1), Section G.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. At this time, it is not known whether any portion of the proposed transmission lines will be located on sovereign submerged lands, sovereign state lands, or within an aquatic preserve. If the transmission lines will be located on any such lands, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

Although PEF will make best efforts to provide the title determination 90 days prior to the commencement of construction, there is no regulatory requirement supporting this 90-day timeframe and, thus, PEF is not bound to that timeframe.

10. A minimum of 90 days prior to the commencement of construction please provide reasonable assurance that the construction of the transmission line and substation is not contrary to the public interest. Or, if this project significantly degrades or is within an Outstanding Florida Waterbody (OFW), provide reasonable assurance the project is clearly in the public interest. Refer to Chapter 12.1.1 of the SJRWMD Applicant's handbook.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. At this time, it is not known whether the proposed transmission lines will be located in or have any impact on an Outstanding Florida Waterbody (OFW). If the transmission lines will be located in or impact an OFW, PEF will agree to a condition of certification requiring the post-certification submittal of the requested information to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

1. Please clarify the scope of wetland impacts resulting from the project. Please indicate if impacts are temporary or permanent and if they are in forested or non-forested wetlands. FLUCCS Code designation is fine.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the transmission facilities' impacts on wetlands. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information for the transmission lines, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

2. Please provide a mitigation plan that will adequately offset the proposed amount of wetland impacts for the entire project. Provide a detailed description of restoration, enhancement, or creation activities that are proposed. If credits are going to be purchased from mitigation banks servicing the affected areas, credit reservation letters must be submitted prior to the issuance of a permit. Credits must be sought from banks servicing the basins in which the impacts occur.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the transmission facilities' impacts on wetlands. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed design information for the transmission lines, including wetland impacts and mitigation plans, to the FDEP, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

It should be noted that to the extent mitigation is required, due to the linear nature of transmission lines, Section 373.4136(6)(d)2, F.S., and Rule 62-342.600(4), F.A.C., authorize PEF to use a mitigation bank to mitigate wetland impacts outside of that mitigation bank's Mitigation Service Area, including in a different drainage basin, when the specified conditions are met.

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

1. OGT needs to know exact size and locations of ALL transmission lines in this area in order to clarify impacts and make decisions on location of other facilities.

**PEF Response:**

PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed design information to the FDEP Office of Greenways & Trails, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

It should be noted that on Figures 9-A1.2-7, 9-A1.2-8, 9-A2.2-7, 9-A2.2-8, 9-A3.2-7 and 9-A3.2-8, which show the Common Corridor for the proposed four new 500-kV transmission lines and the relocated existing 69-kV transmission lines, a ROW of approximately 705 feet in width will be required in the area of the Cross Florida Greenway.

2. OGT would request a rerouting of the current 69KV lines to be co-located with the new proposed corridor for the 500KV lines.

**PEF Response:**

The current 69-kV lines will be co-located with the new proposed corridor for the 500-kV lines to the extent practicable. However, several site features prevent co-location for the entire distance. For example, the 69-kV lines cannot be co-located with the 500-kV lines on the north side of the barge canal because of the barge slips and other facilities in that area. PEF will coordinate with FDEP Office of Greenways & Trails (FDEP/OGT) on the final ROW placement across lands under FDEP/OGT control.

3. ROW request Inglis Island New and existing – 705'. Verbal discussions with PE contradict this and imply they would actually need a wider corridor.

**PEF Response:**

PEF is requesting a certification of a single Common Corridor across Inglis Island to accommodate four 500-kV transmission lines and the relocated double-circuit 69-kV transmission lines. Design details of those lines, such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the common corridor is certified. At this time, PEF anticipates the ROW across Inglis Island to accommodate the four 500-kV transmission lines and the existing double-circuit 69-kV transmission lines will be approximately 705 feet in width. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed design information to the FDEP/OGT, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4. Spacing for poles is between 1,000' to 1,500'. Need to see how the spacing will occur over the river below the dam to make sure they will not be installed in our parking lot.

**PEF Response:**

PEF is seeking certification of a single Common Corridor across the Withlacoochee River to accommodate four new 500-kV transmission lines and two relocated 69-kV transmission lines (on a single double-circuit structure). As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed design information to the FDEP/OGT, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. PEF will coordinate with OGT on the final ROW placement across lands under FDEP/OGT control, including in the area of the FDEP parking lot.

5. Weathering steel mono poles requested if determined by DEP to be most appropriate.

**PEF Response:**

Final design details such as requested by this comment can be subject to negotiation with FDEP/OGT where the new transmission line ROW crosses state lands controlled by FDEP/OGT.

6. Colors/textures/ aesthetic improvements to poles as proposed by DEP/OGT.

**PEF Response:**

Final design details such as requested by this comment can be subject to negotiation with FDEP/OGT where the new transmission line ROW crosses state lands controlled by FDEP/OGT.

7. Desire shade structures or other amenities for trail users along transmission corridors.

**PEF Response:**

Final design details such as requested by this comment can be subject to negotiation with FDEP/OGT where the new transmission line ROW crosses state lands controlled by FDEP/OGT.

8. Timber rights need to be discussed where trees must be cleared for PE facilities. (How are timber revenues handled?)

**PEF Response:**

Timber rights are subject to negotiation with the FDEP/OGT for areas that need to be cleared on OGT property.

9. Need clarification on access across corridors, gates, maintenance vehicles, etc.

**PEF Response:**

PEF will work with the FDEP/OGT to determine access needs for transmission line construction and maintenance. PEF will also work FDEP/OGT on the location of gates and fences.

10. Vegetation and landscaping plan along corridors needs to be agreed to by OGT

**PEF Response:**

Final design details such as requested by this comment can be subject to negotiation with FDEP/OGT where the new transmission line ROW crosses state lands controlled by FDEP/OGT.

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**ITEM VI Fish and Wildlife Conservation Commission (FWCC)**

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

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

**PEF Response:**

Prior to development of the Site Certification Application (SCA), PEF's consultants performed limited on-site observations of species in areas where access was available. This information was provided in the SCA. However, PEF is seeking certification of corridors for the transmission lines associated with the Levy Nuclear Plant Units 1 & 2. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. Additionally, once access is available to the selected ROW, detailed surveys for listed species will be conducted. PEF will agree to a condition of certification requiring the post-certification submittal of the results of those detailed surveys to FWCC and coordination with FWCC on appropriate impact mitigation methodologies, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

**PEF Response:**

The majority of the transmission lines associated with the Levy Nuclear Project will replace or be co-located with existing transmission lines. Those existing transmission line ROWs compatibly provide habitat for gopher tortoises. During construction of the new transmission lines, impacts to gopher tortoises (*Gopherus polyphemus*) will be avoided when practicable. If an impact to a burrow cannot be avoided, gopher tortoises will be relocated in accordance with 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. Efforts will be made to relocate gopher tortoises on-site within unimpacted areas of the ROW. In areas where on-site relocation is not feasible, gopher tortoises will be relocated to an off-site recipient area approved by FWCC. The location of any on-site or off-site relocation area will be identified in the post-certification gopher tortoise information submitted to FWCC. Any commensal species observed during the burrow excavations that are listed by the USFWS or the FWCC will be relocated in accordance with the applicable USFWS and/or FWCC guidelines for that species.

Impacts to bald eagle (*Haliaeetus leucocephalus*) nests will be avoided where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWCC Eagle Management Guidelines, outlined in the FWCC 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). In accordance with the FWCC 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. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWCC Eagle Permit will be provided as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C, and minimization and conservation measures outlined in the FWCC Bald Eagle Management Plan will be followed, as applicable.

Impacts to Florida scrub-jay (*Aphelocoma coerulescens*) habitat will be avoided when possible. If impacts to scrub-jay habitat cannot be avoided, the applicant will apply for an incidental take permit from the USFWS. A habitat conservation plan quantifying avoidance, minimization, and mitigation of impacts to the Florida scrub-jay habitat will be submitted along with the incidental take permit if a take permit is deemed necessary.

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

**PEF Response:**

The Chassahowitzka flock of whooping cranes (*Grus americana*) was established using an experimental procedure in which chicks that were supplied from captive breeding stock were trained to follow ultra-light aircraft flown by costumed biologists. The ultra-light aircraft were used to lead the flock approximately 1,250 miles to Chassahowitzka National Wildlife Refuge (NWR) in Florida. Chassahowitzka NWR was chosen as a wintering place for the cranes due to the abundance of appropriate food and the distance from Aransas NWR, the other whooping crane wintering site, to ensure that the migratory populations remain distinct. The wintering site is located in a remote area of the refuge and is surrounded by an electric fence to ward off predators. The cranes migrate back to Wisconsin in the springtime (US Fish and Wildlife Service). The Whooping Crane Eastern Partnership hopes to have 125 birds with at least 25 breeding pairs in the Chassahowitzka flock by 2020 (National Wildlife Refuge Association, 2007). The Chassahowitzka flock is considered a Nonessential Experimental Population (NEP) by the USFWS.

Avian electrocution is not typically a concern with transmission lines such as those proposed for the Levy Nuclear Project because the spacing between conductors is sufficient to prevent phase-to-phase electrocutions, even for birds with the largest wing spans

Avian mortality can also be the result of collision with tall structures. To limit this potential, transmission lines are co-located, thus minimizing the frequency with which avian species encounter such tall structures. For example, east of the Chassahowitzka NWR, PEF proposes to co-locate the proposed Brookridge Line in the existing 115-kV transmission line ROW. If it is determined that the new line is not adequately visible to birds, PEF will coordinate with FWCC to minimize potential avian impacts, including installation of suitable marker devices where needed.

With respect to the other listed species, PEF will agree to a condition of certification requiring the submittal of results from detailed surveys for listed species once access is available to the selected ROW as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. PEF will then coordinate with FWCC on appropriate impact mitigation methodologies, if needed.

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

**PEF Response:**

Once access is available to the selected ROWs, detailed surveys for listed species will be conducted. PEF will agree to a condition of certification requiring the post-certification submittal of the results of those detailed surveys to FWCC and coordination with FWCC on appropriate impact mitigation methodologies, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

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

**PEF Response:**

In routing the new transmission lines, PEF made every effort to co-locate them with existing transmission lines or one another, consistent with the State's Linear Facilities Policy. A final determination where additional ROW will be needed crossing public lands, will not be determined until the final ROW is selected. PEF will work with the managing agencies to address the concerns in the Linear Facilities Policy.

PEF will apply for easement applications for all portions of the Project that cross state lands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund. The easement application request will include a commitment to pay the fair market value for the easement as well as a proposal for compensating lands to offset the impact of the transmission line ROWs. The compensating land proposal will be negotiated with state land managers.

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

**PEF Response:**

The majority of avian species that would likely be affected by the project are wading birds. The habitat identified within the transmission line corridors is suitable primarily for foraging. These species forage in a wide variety of habitats, including forested and herbaceous wetlands. Any changes that may occur to wildlife habitat due to clearing or construction will be limited to the ROW. Forested wetlands within the ROW will be cleared to facilitate construction and maintenance of the transmission line, which will result in the conversion of this portion of the wetland system from a forested to an herbaceous wetland. Where practicable, impacts to herbaceous wetlands will be temporary, and the herbaceous wetlands within the ROW will be allowed to revegetate to their pre-construction state outside the access road and structure pads. Wetland impacts and proposed mitigation for those impacts, including habitat restoration and management activities, will be addressed during the post-certification process in accordance with the applicable state and local criteria, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

**PEF Response:**

PEF is currently evaluating alternative transmission line ROWs within the corridors proposed in the SCA. Once the ROWs for the proposed transmission lines are finalized, they will be surveyed for listed species, and PEF will consult with FWCC and USFWS on appropriate mitigation or avoidance methods in a post-certification process pursuant to conditions of certification, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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**ITEM VII Southwest Florida Water Management District (SWFWMD)**

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

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

**PEF Response:**

For any transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following:

- an independent appraisal of the land to be included in the transmission line ROW; and
- compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF in an amount 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.

The terms and conditions of the conveyance will be negotiated between PEF and the SWFWMD.

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

**PEF Response:**

PEF generally purchases an easement from the underlying fee owner of the property. PEF is generally not the fee owner of our transmission line ROWs. As a result, PEF does not have the right to grant third parties access to their ROWs for the construction of new recreational trails or other public use opportunities. If the Water Management District obtains authorization for a recreational trail from the underlying fee owners, PEF is willing to discuss specific proposals that would allow the Water Management District to construct and maintain recreational trails on PEF's transmission line ROWs as long as it does not impact PEF's ability to construct, operate and maintain the transmission line or the ROW in a safe and reliable fashion.

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

**PEF Response:**

PEF understands the importance of prescribed burning in maintaining many Florida ecosystems. The majority of transmission lines proposed in this application are co-located with existing transmission lines so if it is determined that the ROW needs to expand, there should not be a major change in how prescribed burns can be conducted on adjacent public lands. Where crossing public lands, PEF makes every effort to work cooperatively with the underlying land management agency during controlled burns and other management efforts.

In general, PEF requests that burning activities in close proximity to transmission lines should be monitored by a PEF Transmission Inspector. This inspector will notify the PEF Energy Control Center of the burning schedule and be in contact with the PEF Energy Control Center during the burn. PEF also requests that the overall size of the burn piles be reduced when in close proximity to the transmission line to potentially reduce the amount of particulates in the air. PEF requests that the contractor conducting the burn be qualified.

PEF maintains a majority of the transmission corridors on a 4-year cycle depending on the ROW width, construction type and environmental conditions. Controlling woody vegetation on the ROW floor and keeping trees trimmed away from the conductors to ensure safe, reliable service and access to our facilities is PEF's primary objective. Once the ROW is cleared, it is primarily maintained utilizing a low-volume herbicide program which is focused on the control of targeted pest species. These species may include invasive exotics, including grasses that because of their nature and competitiveness are undesirable to exist on our ROWs. Propagating native grasses and forbs to naturally control woody plants and invasive exotics is a major objective of PEF ROW maintenance program.

Specific concerns per property are listed below:

**Hálpata Tastanaki Preserve – Marion County**

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

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

**PEF Response:**

PEF is currently evaluating alternative transmission line routes within the corridors proposed in the SCA. This ongoing process will identify whether the proposed transmission line can be accommodated within the current 420-foot-wide easement granted to Florida Power through the Hálpata Tastanaki Preserve or whether additional space will be necessary. In this area, PEF has a 420-foot ROW that contains the existing 500/230-kV transmission lines. Depending on the final design of the new 500-kV line, additional ROW may be needed.

As stated in the SCA, the ROW width is typically 220 feet for a new 500-kV transmission line constructed with H-frame structures and 200 feet when constructed with monopoles structures, with the structures located in the center of the ROW. Co-locating the new 500-kV transmission line with the existing lines in this area may allow PEF to reduce the width of the ROW needed for the new transmission line. The specific width of additional easement needed through Hálpata Tastanaki Preserve will be provided post-certification at the time when the detailed ROW selection surveys are conducted, such as soil tests, property surveys, locations of particular physical features to be avoided, protected species surveys, wetland delineations, the ability to co-locate with existing linear facilities, etc.

For any land PEF requires as new transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following: “During location of the ROW and design of the transmission line, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by the SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.”

**Two Mile Prairie – Citrus County**

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

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

**PEF Response:**

PEF is currently evaluating alternative transmission line routes within the corridors proposed in the SCA. This ongoing process will identify whether the proposed transmission line can be accommodated within the current 420-foot-wide easement granted to Florida Power through the Two Mile Prairie or whether additional space will be necessary. In this area, PEF has a 420-foot ROW that contains the existing 500/230-kV transmission lines. Depending on the final design of the new 500-kV line, additional ROW may be needed.

As stated in the SCA, the ROW width is typically 220 feet for a new 500-kV transmission line constructed with H-frame structures and 200 feet when constructed with monopoles structures, with the structures located in the center of the ROW. Co-locating the new 500-kV transmission line with the existing lines in this area may allow PEF to reduce the width of the ROW needed for the new transmission line. The specific width of additional easement needed through Two Mile Prairie will be provided post-certification at the time when the detailed ROW selection surveys are conducted, such as soil tests, property surveys, locations of particular physical features to be avoided, protected species surveys, wetland delineations, the ability to co-locate with existing linear facilities, etc.

For any land PEF requires as new transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following: “During location of the ROW and design of the transmission line, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by the SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.”

**Lake Panasoffkee – Sumter County**

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

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

**PEF Response:**

The corridor for the Levy-Central Florida South transmission is outside the limits of SWFWMD’s Lake Panasoffkee ownership. PEF has no plans to expand the corridor to the south of State Road 44 or to the West of 75 to impact this ownership. Thus, there are no issues relating to the compatibility of the transmission line with the purposes for which the Lake Panasoffkee tract was acquired.

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**Annutteliga Hammock – Hernando County**

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

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

**PEF Response:**

As stated in the SCA, the anticipated ROW width needed for the 230-kV CB transmission line is approximately 100 feet. In the Annutteliga Hammock area the proposed new transmission line will follow the existing 115-kV transmission line that is west of the existing 500/230-kV 295-foot-wide transmission ROW. The existing 115-kV PEF transmission ROW in this area is 100 feet wide. The final determination of whether or not additional ROW will be needed will not be determined until after the final ROW is selected and the final engineering design is completed. Information regarding any need for additional ROW through the Annutteliga Hammock parcels will be provided post-certification after the detailed ROW selection surveys are conducted, such as soil tests, property surveys, locations of particular physical features to be avoided, protected species surveys, wetland delineations, the ability to co-locate with existing linear facilities, etc.

For any land for which PEF requires new transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following: “During location of the ROW and design of the transmission line, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by the SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.”

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**Upper Hillsborough – Polk County**

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

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

**PEF Response:**

As stated in the SCA, the anticipated ROW width needed for the 230-kV PHP transmission line is approximately 100 feet. The existing PEF transmission ROW crossing of the Upper Hillsborough Conservation Easement owned by the SWFWMD is 100 feet. Information regarding any need for additional ROW through SWFWMD lands will be provided post-certification after the detailed ROW selection surveys are conducted, such as soil tests, property surveys, locations of particular physical features to be avoided, protected species surveys, wetland delineations, the ability to co-locate with existing linear facilities, etc.

For any land for which PEF requires new transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following: “During location of the ROW and design of the transmission line, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by the SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.”

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**Lower Hillsborough FDA – Hillsborough County**

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

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

**PEF Response:**

As stated in the SCA, the anticipated ROW width needed for the 230-kV PHP transmission line is approximately 100 feet. The existing PEF transmission ROW in this area is 100 feet. It is unlikely that additional ROW will be needed in this area. However, information regarding any need for additional ROW through SWFWMD lands will be provided post-certification after the detailed ROW selection surveys are conducted, such as soil tests, property surveys, locations of particular physical features to be avoided, protected species surveys, wetland delineations, the ability to co-locate with existing linear facilities, etc.

For any land for which PEF requires new transmission line easement that will cross over, on, under, or otherwise use SWFWMD lands, PEF will agree to a condition of certification providing for the following: "During location of the ROW and design of the transmission line, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by the SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices."

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**Brooker Creek Headwaters Preserve – Pinellas County**

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

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

**PEF Response:**

The existing PEF transmission line ROW is adjacent to Brooker Creek Headwaters Preserve but does not enter the preserve. The Brooker Creek Preserve was a significant natural feature that was considered during PEF's corridor selection process; as a result, PEF's proposed corridor avoids the preserve.

Brooker Creek Headwaters Preserve is located adjacent to the northwest corner of the corridor proposed in the SCA around PEF's Lake Tarpon Substation. The purpose of the wider corridor around the Lake Tarpon Substation is to allow flexibility in entering the substation and flexibility on minimizing any potential impacts to the surrounding land uses. PEF is currently evaluating alternative transmission line ROWs within the corridor proposed in the SCA. PEF is evaluating the option to co-locate the new transmission line within the existing transmission line ROW, which is located within the proposed corridor in the SCA. Please refer to SCA Figure 9-A8.3-6, page 12 of 12. In any event, no new ROW within the Brooker Creek Preserve is proposed for the new PHP transmission line.

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**ITEM VIII Tampa Bay Regional Planning Council (TBRPC)**

1. Please discuss how the project within Hillsborough and Pinellas counties will become consistent with the following adopted Council goals and policies, from the Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005):
- 2.19: Consider existing and future land use plans when siting public and semi-public facilities of affected jurisdictions and appropriate agencies and the impact on the quality of life of any adjacent residential neighborhood(s).
- 4.43: Protect, preserve, and restore all regionally-significant natural resources shown on the Map of Regionally-Significant Natural Resources.
- 4.44: Allow impacts to regionally-significant natural resources only in cases of overriding public interest and when it is demonstrated and/or documented that mitigation will successfully recreate the specific resource. Mitigation should meet the following ratios, at minimum:  
  
FNAI Natural Communities 3:1  
LULC Habitat Dry 2: 1  
LULC Habitat Wet 3:1
- 4.45: Ensure that mitigation by habitat re-creation employs native plant material which provides the same natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.
- 4.46: Recognize that, consistent with other policies in this section, permitted mitigation banking shall set the criteria for impact mitigation.
- 4.47: Recognize that mitigation efforts shall be:  
  
Performed within the same drainage basin where the unavoidable impact to regionally significant wetlands occurs; and  
Allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.
- 4.48: Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio should be twice the habitat recreation ratio set forth in policy 4.44.
- 4.57: Ensure that land use decisions are consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.
- 4.136: Hold recreation and park sites inviolate against diversion to other uses, except in cases of overriding public interest.
- 4.1 38: Protect the natural resources of regionally-significant parks, greenways, preserves, and conservation lands from incompatible land uses adjacent to these areas. Include pedestrian trails, where appropriate.

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**PEF Response:**

2.19 – Existing and future land uses were considered in the corridor selection process followed for the new Polk-Hillsborough-Pinellas (PHP) 230-kV transmission line. Land uses and zoning are addressed in Section 9-A8.3.6.2 of the certification application and accompanying tables and figures. In Pinellas and Hillsborough County, PEF proposes to construct the PHP transmission line entirely within an existing transmission line ROW, 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.

4.43 – The PHP transmission line's final ROW and design must comply with all regulatory agencies' applicable non-procedural requirements, including those for protection and preservation of natural resources. Those agencies are reviewing this application and PEF will agree to conditions of certification requiring submittal of detailed design information to those agencies to allow monitoring for compliance with the applicable non-procedural requirements, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4.44 – The new PHP transmission line for which corridor certification is requested in Pinellas and Hillsborough Counties will replace and is expected to be entirely within the ROW currently occupied by the 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. Consequently, no significant new impacts to regionally-significant natural resources are anticipated. Required mitigation will be provided for impacts to natural resources in compliance with the appropriate jurisdictional agency's applicable non-procedural requirements for protection of that resource.

4.45 – In the event mitigation is required for the PHP transmission line, it will be provided in accordance with all applicable non-procedural requirements of agencies with jurisdiction over such issues. PEF will agree to a condition of certification requiring the post-certification submittal of detailed design information, including details of any required mitigation plan, to those agencies to allow monitoring for compliance with the conditions of certification, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4.46 – Comment noted. In the event PEF utilizes one or more mitigation banks in its mitigation plan, PEF will follow all applicable mitigation banking regulations and conditions of certification.

4.47 – PEF intends to construct the PHP transmission line entirely within an existing transmission line ROW in Pinellas and Hillsborough Counties, replacing the existing line, unless physical or legal considerations require the use of additional ROW, none of which are known at this time. Consequently, wetland impacts are expected to be limited. Some of these minor wetland impacts may be exempt from the need to obtain wetland related permits under subsection 403.813(6), F.S. PEF will comply with all applicable wetland protection statutes and regulations, including the requirement to reduce, eliminate and mitigate, subject to conditions of certification. The final design of the PHP transmission line and mitigation plan

will be submitted to the agencies with regulatory jurisdiction over wetlands impacts to allow monitoring for compliance with applicable wetland regulations. It should be noted that to the extent mitigation is required, due to the linear nature of transmission lines, Section 373.4136(6)(d)2, F.S., and Rule 62-342.600(4), F.A.C., authorize PEF to use a mitigation bank to mitigate wetland impacts outside of that mitigation bank's Mitigation Service Area, including in a different drainage basin, when the specified conditions are met.

4.48 – The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough and Pinellas Counties will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new impacts to regionally significant resources or habitat are anticipated. In the event mitigation is required for the PHP transmission line, it will be provided in accordance with all applicable non-procedural requirements of agencies with jurisdiction over such issues. PEF will agree to a condition of certification requiring the post-certification submittal of detailed design information, including details of any required mitigation plan, to those agencies to allow monitoring for compliance with the conditions of certification, as authorized by to Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4.57 – Understood; PEF will comply with all applicable federal- and state-listed species protection regulations. PEF will be required to perform a listed species survey within the ROW and submit the results as a post-certification submittal, as authorized by to Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. PEF will consult with appropriate regulatory agencies on any listed species identified within the ROW, and implement those agencies' recommendations for avoidance, mitigation, relocation, or monitoring made in accordance with applicable non-procedural regulations.

4.136 - Recreation areas and parks were considered during the corridor selection process. The new 230-kV transmission line for which corridor certification is requested through Hillsborough and Pinellas Counties will replace and is expected to be entirely within the ROW currently occupied by the 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. Consequently, no diversion of lands to other uses is expected.

4.138 - Regionally-significant parks, greenways, preserves, and conservation areas were considered during the corridor selection process. The new 230-kV transmission line for which corridor certification is requested through Hillsborough and Pinellas Counties will replace and is expected to be entirely within the ROW currently occupied by the 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. Consequently, no significant new impacts to regionally-significant parks, greenways, preserves, or conservation lands are anticipated. In most areas along the existing ROW, PEF holds an easement and does not have the authority to install pedestrian trails.

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

**PEF Response:**

PEF is seeking certification of a corridor for the PHP 230-kV transmission line. As such, design details such as width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. PEF will agree to a condition of certification requiring the post-certification submittal of detailed design information to those local governments whose jurisdictions are crossed by the PHP transmission line to allow monitoring for compliance with applicable local regulations, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. Note: Much of the Land Development Codes referenced do not apply to the PHP line, as it is excepted from the definition of “development” in Sections 163.3164(6) and 380.04, F.S. See also, In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Fla. Dept. of Comm. Aff., Final Order DCA-03-DEC-295, April 9, 2004; In re: Petition by City of Parker, Fla. Pub. Svc. Comm., Final Order PSC-03-0598-DS-EU, May 12, 2003. Regulations that apply to activities beyond “development,” such as noise ordinances and wetlands protection, will be met. PEF is not seeking variances or exemptions from any applicable non-procedural local regulations.

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

**PEF Response:**

Construction equipment will be the only noise source that could possibly generate noise levels that would require an exemption. An exemption is not anticipated for daytime construction activities. If minimal nighttime construction is required by government agencies, such as the Florida Department of Transportation in areas of major road crossings, or by PEF, it is possible that nighttime noise levels could be exceeded for short periods of time. The operation and maintenance of the transmission line are expected to be well below the noise levels established by ordinance.

4. Were the studies conducted for the siting of the existing transmission line reviewed for insights into the natural features along the corridor? Were any high quality or unique features identified in the previous surveys visited during the process of preparing this TL application?

**PEF Response:**

The existing 115-kV Higgins-Fort Meade (now the Higgins-Griffin) transmission line was sited and developed in the early 1950’s. No siting studies or surveys relating to the Higgins-Fort Meade project have been located; it is not known whether such studies or surveys were developed at that time.

Nevertheless, conservation areas, parks, rivers, and wetlands were some of the natural features that were considered during the corridor selection process, as reflected in the SCA.

5. If surveys are not conducted for listed species (plant and animal) or archaeological/historical/cultural resources prior to right-of-way selection, how can the potential impact to listed species be determined and used as a selection criterion? Please describe the methodology that will be used to locate these species prior to final right-of-way selection so that potential impacts can be identified and avoidance/minimization/mitigation measures determined.

**PEF Response:**

Listed Species: As part of the corridor siting studies, potential impacts to listed species were preliminarily evaluated through review of Florida Natural Areas Inventory (FNAI) data. FNAI maintains a Geographic Information Systems (GIS) database that identifies the location of listed species occurrences throughout Florida. The data were reviewed to identify occurrences of listed species within the proposed transmission line corridor. In addition to other siting criteria, these data were used in the corridor siting studies to identify potential transmission line corridors with the least impact.

Habitats within the proposed transmission line corridors were classified using habitat/land use classification codes identified in the Florida Department of Transportation's 1999 Florida Land Use, Cover and Forms Classification System (FLUCCS). The FLUCCS classification system uses dominant components of the vegetative community to assign habitat codes. The results of the habitat classification were used to assess the potential for listed species' utilization of the transmission line corridors. Based upon the habitats present, inferences were made regarding the potential for listed species occurrence within each of the corridors.

Moreover, preliminary listed species observations were made during field review of the proposed transmission line corridors, to the extent access was available.

Archaeological/Historical/Cultural Resources: Potential impacts to historical resources were preliminarily evaluated through review of National Register of Historic Places (NRHP) sites within the study area. Additionally, coordination was conducted with the Florida Department of State, Division of Historical Resources (FDHR) to identify previously recorded archaeological sites and historic resources and to determine the potential for unrecorded resources within the proposed transmission line corridors. Cultural resource assessment surveys will be completed once transmission line routes have been finalized. These surveys will be conducted prior to construction and will meet the requirements of Chapter 1A-46, Florida Administrative Code (F.A.C.) (Archaeological and Historical Report Standards and Guidelines).

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

**PEF Response:**

Several listed species were observed during the preliminary field review of the PHP corridor, including sandhill cranes (due to the time of year, it could not be determined if the species observed was the threatened subspecies, the Florida sandhill crane, *Grus canadensis pratensis*, or the non-listed migrant greater sandhill crane, *G. canadensis tabida*), gopher tortoises (*Gopherus polyphemus*), and a potential bald eagle (*Haliaeetus leucocephalus*) nest on top of an existing transmission line structure. Based on site observations, sandhill cranes use the existing transmission line ROW for foraging habitat, gopher tortoises use the area for burrowing and foraging, and bald eagles use the area for nesting.

Due to the presence of gopher tortoise burrows within the existing transmission line ROW, commensal listed species that utilize gopher tortoise burrows are highly likely to be present within the existing transmission line ROW, such as gopher frog (*Rana capito*), Eastern indigo snake (*Drymarchon couperi*), Florida pine snake (*Pituophis melanoleucus mugitus*), and Florida mouse (*Podomys floridanus*). These species may utilize the transmission line ROW for foraging and/or breeding.

Additionally, due to the presence of wetland and surface water habitats within the transmission line corridor, several wading bird species have a high likelihood of using the area for foraging, including the limpkin (*Aramus guarauna*), little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), white ibis (*Eudocimus albus*), wood stork (*Mycteria americana*), and roseate spoonbill (*Platalea ajaja*). Aquatic species, including the American alligator (*Alligator mississippiensis*), Suwannee cooter (*Pseudemys concinna suwanniensis*), and manatee (*Trichechus manatus*), are likely to inhabit and forage within surface waters crossed by the transmission line. Other species such as the peregrine falcon (*Falco peregrinus*), southeastern American kestrel (*Falco sparverius paulus*), and the Sherman's fox squirrel (*Sciurus niger shermani*) are likely to forage within improved pasture areas crossed by the transmission line.

Detailed listed species surveys will be conducted for the final transmission line routes, once determined. If listed species are identified, PEF will consult with the USFWS and the FWC during the post-certification process.

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

**PEF Response:**

Construction activities will be planned to minimize disturbance to natural ground cover and other vegetation to the greatest extent practicable. With the exception of access roads and work areas around the structures and structure pads, low-lying vegetation will remain. Minimal disturbance within the area will thereby reduce the likelihood of encroachment of invasive or nuisance species in disturbed areas. Following construction activities, all disturbed areas will be restored by removing all construction equipment and supplies, grading of the ROW, if needed, and planting or seeding of the disturbed area. Herbicides will be used to control vegetative growth under the transmission line ROW; only those registered by the U.S. Environmental Protection Agency (USEPA) and which have state approval will be used. 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.

PEF maintains a majority of the transmission corridors on a 4-year cycle depending on the ROW width, construction type and environmental conditions. Controlling woody vegetation of the ROW floor and keeping trees trimmed away from the conductors to ensure safe, reliable service and access to our facilities is our primary objective. Once the ROW is cleared, it is primarily maintained utilizing a low volume herbicide program which is focused on the control of targeted pest species. These species may include invasive exotics including grasses that because of their nature and competitiveness are undesirable to exist on our ROWs. Propagating native grasses and forbs to naturally control woody plants and invasive exotics is a major objective of the program.

**ITEM IX Withlacoochee Regional Planning Council (WRPC)**

1. Electrical transmission facilities would require the construction of new substations and other associated infrastructure. What actions can the applicant take to minimize the total amount of new impervious surface area created as a result of these improvements?

**PEF Response:**

PEF's electrical substations do not involve extensive amounts of impervious surfaces. Only where required for the safe, reliable operation of the electrical substation, consistent with the National Electrical Safety Code and other applicable regulations are impervious surfaces installed. Typically, the majority of the interior of PEF's electrical substations have a surface covered with loose rock. No other portions of the transmission facilities associated with the Levy Nuclear Project are anticipated to require any impervious surfaces.

2. If options exist for transmission facility placement within individual corridors, what criteria would cause a decision to cross land having designated conservation status or traverse a route in close proximity to transportation rights-of-way?

**PEF Response:**

Criteria that could cause a decision to cross land having designated conservation status include: minimizing the location of facilities adjacent to existing residential development where no transmission lines already exist, minimizing the location of facilities abutting schools, and maximizing the co-location of facilities with existing PEF transmission lines.

3. All first and second magnitude natural springs in a study area county or counties should be noted on maps identifying major water bodies and resource features. Specifically, how could best practices limit total impact to springs during transmission facility construction and maintenance phases?

**PEF Response:**

Figure 2C shows the location of all springs available from the Florida Department of Environmental Protection, major water bodies and resource areas, as well as the proposed corridors, in the Withlacoochee Regional Planning Council area.

The only springs in proximity to a corridor in the Withlacoochee Regional Planning Council area are two near, but outside, the southern edge of the LCFS Corridor in Sumter County. These springs will be avoided by the LCFS transmission line ROW.

4. Construction of electrical transmission facilities would require clearing of areas in preparation for use as right-of-way. Maintenance of right-of-way would impose additional limitations and conditions on natural systems. Understanding that the applicant intends to minimize impacts on water bodies, wildlife and the landform, what specific mitigation actions would follow the clearing of wetlands and uplands or the crossing of freshwater bodies and identified habitat areas?

**PEF Response:**

Design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. All of these ROW location and design details will affect the transmission facilities' impacts on natural conditions. The transmission lines' final ROW and design must comply with all regulatory agencies' applicable non-procedural requirements, including those for protection and preservation of natural resources. Those agencies are reviewing this application and PEF will agree to conditions of certification requiring submittal of detailed design information to those agencies to allow monitoring for compliance with the applicable non-procedural requirements, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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**ITEM X      East Central Florida Regional Planning Council (ECFRPC)**

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

**PEF Response:**

Figure 3C illustrates the DRIs within Lake County and Leesburg in the vicinity of the 500-kV LCFS Corridor. This information was not included in the Future Land Use Map figure within the SCA.

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

**PEF Response:**

As noted, the 500-kV LCFS Corridor does overlay a segment of the Florida Turnpike, as shown in Figure 4C, an enlargement of the referenced SCA figure. The LCFS Corridor is approximately 1 mile wide in this area, providing the alternative of locating the transmission line to the north or south of the Turnpike. A centerline for the corridor has not been established.

**ITEM XI      Hillsborough County Environmental Resource Commission**

**Air Management**

1. The Environmental Report (Appendix 10.1 1, Volumes 8 and 9) fails to address reasonable precautions in the form of detailed methods, practices and procedures to control unconfined emissions of particulate matter generated during construction of the transmission lines as required by Chapter 62-296.320(4)(c), F.A.C.

**PEF Response:**

A variety of control measures will be implemented during the construction period to minimize air emissions and their potential impact on the surrounding environment. These measures will include the following controls and procedures:

- Grading will be performed to promote good drainage. This will minimize the potential accumulation of mud on equipment tires that could be transferred to road surfaces, which could generate fugitive dust from wind erosion, traffic, or heavy equipment operation.
- Disturbed ground surfaces will be stabilized as soon as practical to prevent wind erosion. Stabilization will include but not be limited to seeding and mulching, application of stabilized road base, application of water and/or other dust suppressants.
- The speed limit will be limited to 10 miles per hour for vehicles traveling over exposed soils and other un-stabilized materials.
- Those areas that will revert to maintained grounds will be reseeded as soon as practicable to reduce the potential for fugitive dust generation.
- During dry conditions, bare ground in the construction areas, laydown yards and along construction access roads will be wetted to minimize the generation of fugitive dust from vehicular and heavy equipment traffic.
- Applicable air pollution control regulations with regard to the operation of fueled vehicles will be followed.
- Fuel-burning construction equipment will be maintained in proper mechanical order to minimize emissions.
- All reasonable precautions will be implemented to prevent accidental brush or forest fires.

With respect to the construction of the transmission lines, a fugitive dust control plan will be developed to implement fugitive dust control measures and practices.

Air quality impacts on the surrounding areas attributable to the construction of the transmission lines associated with the Levy Nuclear Project will be small.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2. Reasonable precautions may include, but not be limited to, methods such as enforced speed limits of 10 miles per hour for vehicles travelling over exposed soils and other un-stabilized materials, curtailing operations during high wind conditions if necessary, application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of soils on right-of-ways, and construction of poles and lines, application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, seeding and mulching access road surfaces and other areas disturbed by construction activities to stabilize the soils.</p> |
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**PEF Response:**

See Response to #2 immediately above.

3. In addition, the SCA fails to address open burning and noise issues within Hillsborough County. Pursuant to Chapter 1-4 (Open Burning), Rules of the EPC, the open burning of any vegetative materials generated from clearing of right-of-ways and access roads must receive EPC authorization. The applicant is also subject to the provisions of Chapter 1-10 (Noise), Rules of the EPC. (See attached rules)

**PEF Response:**

Due to the new PHP transmission line being located within the existing maintained Higgins-Griffin 115-kV transmission line ROW, PEF does not anticipate any open burning being needed as part of reclearing/clearing of the transmission ROW in Hillsborough County.

The 230-kV PHP transmission line's construction, operation, and maintenance will comply with the Hillsborough County noise ordinance except as authorized by the County. (See Application, Volume 4, Section 9-A8.3.6.2.3, page 9-A8.25.)

4. Please be aware that if the construction of transmission line requires the demolition of existing structures or buildings, the demolition activities may be subject to the National Emission Standards of Hazardous Air Pollutants (NESHAP), Subpart M, Asbestos. In Hillsborough County, the applicant may contact EPC staff for more guidance, as necessary.

**PEF Response:**

Due to the new transmission line being located within the existing maintained Higgins-Griffin 115-kV transmission line ROW, PEF does not anticipate the need for the demolition of any structures other than the removal of the existing transmission structures which have no asbestos. If any buildings or structures are found that may need demolition, PEF will agree to a condition of certification requiring PEF to contact Hillsborough County ERC regarding the demolition.

**Waste Management**

1. The information provided is complete for EPC staff to review Waste issues. However, as it pertains to the proposed construction of transmission line corridor(s) within Hillsborough County, the applicant should contact the Waste Management Division in order to determine the locations of the any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project sites.

**PEF Response:**

According to the waste management facilities locator database of the Florida Department of Environmental Protection, the Northwest regional sludge management facility is located adjacent to, but outside, the south edge of the proposed PHP corridor. According to the Florida Department of Environmental Protection brownfield database, there are no brownfield sites within the proposed PHP corridor. See Figures 5C and 6C.

2. The applicant must also ensure that the management of materials generated from the development or impact to any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project are properly managed. Further the applicant should be made aware that the development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the Environmental Protection Commission.

**PEF Response:**

PEF will agree to a condition of certification providing the following:

- PEF will dispose of solid wastes in accordance with the non-procedural requirements of applicable regulations of Chapter 62-701, F.A.C.
- If hazardous substances are used in the construction or maintenance of the transmission line, PEF shall provide the DEP and Hillsborough County EPC with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies through a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.
- Fuel and other petroleum product spills will be addressed in compliance with the non-procedural requirements of Chapter 62-770, F.A.C.

**Wetlands Management**

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

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

**PEF Response:**

Design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. This includes wetlands surveys. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed information to the DEP and Hillsborough County EPC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

### **Wetland Impacts**

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

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

#### **PEF Response:**

Design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. This includes wetlands surveys. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed information to the DEP and Hillsborough County EPC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

#### **PEF Response:**

Design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridors are certified. This includes details regarding impacts to wetlands, if any. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed information regarding wetlands impacts to the DEP and Hillsborough County EPC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

(1) Wetland lines, wetland areas and wetland setback lines must be labeled as "EPC Wetland Line", "Wetland Conservation/Preservation Area ", and "30/50-foot Wetland Conservation/Preservation Area Setback Line" respectively pursuant to the Hillsborough County Land Development Code. Failure to properly label these features on future plans may result in a recommendation of denial from this agency. The setback line must be shown in its entirety even if impacts to the setback are proposed. Furthermore, where setback encroachments are proposed, a narrative shall be submitted describing the necessity for the setback encroachments proposed, and measures taken to protect the wetland areas from construction related impacts.

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

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

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

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

**PEF Response:**

PEF is seeking certification of a corridor for the PHP 230-kV transmission line. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridor is certified. This includes wetlands surveys, erosion control plans, etc. However, the new monopole PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the ROW currently occupied by the four-footed lattice structure 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. PEF will avoid placing structures and access roads in wetlands to the extent feasible. Where unavoidable, wetland impacts will be minimized and mitigated pursuant to applicable wetland regulations. PEF will agree to a condition of certification requiring the post-certification submittal of the requested detailed information to the DEP and Hillsborough County EPC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

**General Comments/Conditions:**

a. A 30/50-foot setback must be maintained around each Wetland Conservation/Preservation Areas and the **setback line must also be shown on all future plan submittals**. Land alterations within this setback are restricted, as per the Hillsborough County Land Development Code (LDC). Exceptions are allowed only with specific recommendation of the EPC and with approval of the Natural Resources Review Team of the Hillsborough County Planning and Development Management Department, and/or the Land Use Hearing Officer.

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

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

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

**PEF Response:**

a.- d. PEF is seeking certification of a corridor for the PHP 230-kV transmission line. As such, design details such as ROW location within the corridor, width of ROW, structure locations, structure heights, access road locations, and in some instances, conductor configuration, will not be finalized until after the corridor is certified. However, the new monopole PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the ROW currently occupied by the four-footed lattice structure 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. Consequently, no significant new impacts to Wetland Conservation/ Preservation Areas are anticipated. PEF will avoid placing structures and access roads in wetlands to the extent feasible. Where unavoidable, wetland impacts will be minimized and mitigated pursuant to applicable wetland regulations. As stated at page 9-A8-44 of its Application, PEF will implement appropriate erosion control measures and depict them on the construction plans and drawings for the PHP transmission line. PEF is not seeking variances or exemptions from any applicable Hillsborough County non-procedural regulations. PEF will agree to a condition of certification requiring the post-certification submittal of its

detailed design for the PHP transmission line, including construction plans and drawings, to the Hillsborough County EPC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C., so that the Executive Director of the EPC or his authorized agent can monitor for compliance with applicable regulatory requirements. Certification under the Florida Electrical Power Plant Siting Act is in lieu of any otherwise applicable license, permit, certificate, or similar authorization required by Hillsborough County. See Section 403.511(3), F.S.

## **ITEM XII Hillsborough County**

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

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

### **PEF Response:**

1. Where the proposed PHP transmission line poles are located within Hillsborough County ROW, PEF will comply with all applicable non-procedural conditions of the Utilities Accommodation Guide related to large facilities in the County's ROWs, as its poles will be 6-9 feet in diameter and will exceed 75 feet in height.
2. The diameter of the transmission line pole foundations will be 6-9 feet as noted in Figure 9-A8.2-1 of the Application.

## **Planning & Growth Management**

### **A. Natural Resources**

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

**PEF Response:**

The attached Figure 7C shows the PHP corridor on Hillsborough County's Significant Wildlife Habitat Map. The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new impacts to Significant Wildlife Habitat are anticipated. Nevertheless, PEF will agree to a condition of certification requiring the post-certification submittal of detailed design information to the Hillsborough County Natural Resources Unit, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C., so it can monitor for compliance with applicable regulatory requirements. PEF is not seeking variances or exemptions from any applicable Hillsborough County non-procedural regulations.

Note: Much of the Hillsborough County Land Development Code does not apply to the PHP line. The PHP transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a ROW to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in ROWs) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) ("... the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC) Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line").

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

**PEF Response:**

The attached Figure 7C shows the PHP corridor on Hillsborough County's Significant Wildlife Habitat Map. The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new "fragmentation of a wildlife corridor" is anticipated. If Hillsborough County disagrees and believes an adjustment to the corridor is appropriate, the County may submit an alternate corridor using the procedure set forth in Section 403.5271, F.S., as incorporated by reference in Section 403.5064(1)(b), F.S.

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new upland Significant Wildlife Habitat impacts are anticipated. PEF is not seeking variances or exemptions from any applicable Hillsborough County non-procedural regulations. However, much of the Hillsborough County Land Development Code does not apply to the PHP transmission line. As explained above, the PHP transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a ROW to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in ROWs) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) ("... the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC)

Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line").

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. The ROW is routinely maintained, both by PEF and by underlying property owners. Accordingly, any Significant Wildlife Habitat (SWH) in the ROW is anticipated to be limited. PEF will agree to a condition of certification requiring that a survey be conducted for SWH within the ROW prior to construction, with survey results to be provided to Hillsborough County as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C., so the County can monitor for compliance with applicable regulatory requirements.

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

**PEF Response:**

The existing Higgins-Griffin 115-kV transmission line ROW in Hillsborough County compatibly provides habitat for gopher tortoises. During construction of the new PHP transmission line, impacts to gopher tortoises (*Gopherus polyphemus*) will be avoided when practicable. If an impact to a burrow cannot be avoided, gopher tortoises will be relocated in accordance with 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. Efforts will be made to relocate gopher tortoises on-site within unimpacted areas of the ROW. In areas where on-site relocation is not feasible, gopher tortoises will be relocated to an off-site recipient area approved by FWCC. The location of any on-site or off-site relocation area will be identified in the post-certification gopher tortoise information submitted to FWCC, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. Any commensal species observed during the burrow excavations that are listed by the USFWS or the FWCC

will be relocated in accordance with the applicable USFWS and/or FWCC guidelines for that species.

PEF will agree to a condition of certification requiring that gopher tortoise survey results and any mitigation required by the Florida Fish and Wildlife Conservation Commission be provided to Hillsborough County as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

**PEF Response:**

Eagle's nest HIL-028 is located approximately 400 feet from the PHP corridor area. PEF will work with the FWCC and the USFWS. Impacts to bald eagle (*Haliaeetus leucocephalus*) nests will be avoided where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWCC Eagle Management Guidelines, outlined in the FWCC 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). In accordance with the FWCC 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. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWCC Eagle Permit will be provided as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C, and minimization and conservation measures outlined in the FWCC Bald Eagle Management Plan will be followed, as applicable.

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant direct or secondary impacts to the Flatwoods Wilderness Park and Lake Park are anticipated.

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. There are no significant trees within that existing ROW. PEF is required to remove and trim trees to ensure the safe, reliable operation of transmission facilities within the existing ROW in compliance with requirements of the North American Electric Reliability Corporation (NERC). Pursuant to Section 163.3209, F.S., vegetation maintenance of existing transmission line ROWs is authorized without need for further permitting.

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. There are no Grand Oaks within that existing ROW. PEF is required to remove and trim trees to ensure the safe, reliable operation of transmission facilities within the existing ROW in compliance with requirements of the North American Electric

Reliability Corporation (NERC). Pursuant to Section 163.3209, F.S., vegetation maintenance of existing transmission line ROWs is authorized without need for further permitting.

**B. Transportation**

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

**PEF Response:**

Comment noted; PEF's contractors will be advised of this requirement.

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

**PEF Response:**

Request noted; PEF will convey this request to its contractors.

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

**PEF Response:**

Much of the Hillsborough County Comprehensive Plan does not apply to the PHP line. The PHP transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. (This statutory definition of development is explained more fully above in response to Question No. 1 for Planning & Growth Management, Natural Resources.)

PEF will agree to a condition of certification providing the following: "During location of the ROW and design of the transmission line, PEF will consult with the Hillsborough County Planning and Growth Management Department with respect to the location of the ROW and the design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use the county's planned future corridors with a view to locating poles longitudinally along the ROW to prevent encroachment by structures on the county's planned future corridors to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices."

### **C. Community Planning**

1. Three historic resources located in Hillsborough County and previously recorded in the Florida Master Site File (FMSF) may be located within or adjacent to this corridor. 11303 Knights Griffin Road (8H15323) and 11404 Knights Griffin Road (8H15324) have both received a determination of ineligibility for listing in the National Register of Historic Places (NRHP) by the State Historic Preservation Officer (SHPO). The Antioch General Store, 12650 N McIntosh Road (8H16416), has not been evaluated for listing in the NRHP by the SHPO but is listed in the Hillsborough County Historic Resources Inventory. Per the Hillsborough County Land Development Code Section 03.03.00, the County's Historic Resources Review Board (HRRB) may review development applications that affect properties listed in or abutting those listed in the Historic Resources Inventory.

#### **PEF Response:**

Comment noted. The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. There are no known historic resources within that existing ROW. As shown in the Florida Master Site File GIS database, the three historic resources are not located within the PHP Corridor. Site Hi5323 is located approximately 270 feet outside of the PHP Corridor, Hi5324 is located approximately 380 feet, and Hi6464 is located approximately 500 feet from the edge of corridor. Certification under the Florida Electrical Power Plant Siting Act is in lieu of any otherwise applicable license, permit, certificate, or similar authorization required by Hillsborough County. See Section 403.511(3), F.S. PEF will comply with all applicable non-procedural requirements of Hillsborough County. PEF will agree to a condition of certification requiring the post-certification coordination with the Hillsborough County Historic Resources Review Board (HRRB) to determine the level of coordination required to satisfy Hillsborough County Land Development Code Section 03.03.00 and to minimize any potential effects the final route may have on these historic resources, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

2. Twenty-seven archaeological resources located in the County and previously recorded in the FMSF may be located within or adjacent to this corridor. 8H143, 8H14057, 8H14058, 8H14059, 8H14060, 8H14061, 8H14062, 8H14063, 8H14064, 8H14065, 8H14079, 8H15431, 8H116771, 8H16772, 8H17842, 8H19672, and 8H19673 have received a determination of ineligibility for listing in the NRHP by the SHPO. 8H1380 and 8H1539 were determined to have insufficient information available regarding their NRHP eligibility by the SHPO. 8H170, 8H1428, 8H1474, 8H1495, 8H1496, and 8H16940 have not been evaluated for listing in the NRHP by the SHPO. 8H1381 and 8H14056 have been determined to be potentially eligible for listing in the NRHP by the SHPO. Archaeological site 8H17842 is located within the city limits of the City of Tampa. PEF should contact Dennis Fernandez at (813) 274-7984 for information regarding historic and archaeological resources in the City of Tampa. Archaeological sites 8H19673 and 8H19672 are located within the city limits of the City of Plant City. PEF should contact the City of Plant City at (813) 659-4200 for more information regarding historic and archaeological resources located within their city limits.

**PEF Response:**

Comment noted. The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Twenty-five of the archaeological sites noted in question 2 are identified in Table 3 (pages 10 – 13) of the Preliminary Cultural Resources Report as being located within the PHP Corridor. These include Hi43, Hi4057, Hi4058, Hi4059, Hi4060, Hi4061, Hi4062, Hi4063, Hi4064, Hi6065, Hi4079, Hi5431, Hi6771, Hi6772, Hi7842, Hi9672, Hi9673, Hi380, Hi539, Hi428, Hi4195, Hi4196, Hi6940, Hi381, Hi4056, Hi7842, Hi9673, and Hi9672. The remaining two sites noted in Question 2, Hi40 and Hi474, as shown in the Florida Master Site File GIS database, are located outside the PHP Corridor at a distance of approximately 250 feet and 125 feet, respectively. PEF will agree to a condition of certification requiring an archaeological survey prior to construction of the PHP transmission line, to avoid any such 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 Hillsborough 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 the agencies with regulatory jurisdiction can monitor for compliance with applicable regulatory requirements. In the development of that condition of certification, Hillsborough County and the City of Plant City can designate their points of contact for this post-certification submittal.

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new impacts to the County's Scenic Roadways are anticipated. PEF is not seeking variances or exemptions from any applicable Hillsborough County non-procedural regulations. However, as noted previously, much of the Hillsborough County Land Development Code does not apply to the PHP transmission line. As explained above, the PHP transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a ROW to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in ROWs) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) (" . . . the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC) Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line"). In addition, pursuant to Section 163.3209, F.S., trees or other vegetation with a mature height in excess of 14 feet cannot be required within an established transmission line ROW and PEF is required to remove and trim trees to ensure the safe, reliable operation of transmission facilities within the existing ROW in compliance with requirements of the North American Electric Reliability Corporation (NERC).

**D. Neighborhoods**

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

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. The existing lattice structures will be replaced by new monopoles that have a significantly smaller footprint. The new monopoles may have shorter span lengths which may result in more frequent structure placement, and may have shorter poles than the existing poles. PEF has received broad input from the community, including residents of Hillsborough County, that monopoles are considered a significant improvement aesthetically compared to lattice construction.

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

**PEF Response:**

Transmission lines similar to the proposed PHP 230-kV transmission line currently exist throughout the State of Florida in virtually every type of land use, including residential. This line will typically be between 80 feet and 145 feet in height and must comply with the vegetation removal requirements of the National Electrical Safety Code (NESC) and North American Electric Reliability Corporation (NERC) for safety and reliability. Accordingly, PEF cannot install tall vegetation on its ROW. However, PEF will 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.

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

**PEF Response:**

PEF will comply with all applicable non-procedural conditions of the Hillsborough County Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction. Noise from daytime use of construction equipment will comply with the Hillsborough County noise restrictions. An exemption is not anticipated for daytime construction activities. If minimal nighttime construction is required by government agencies, such as the Florida Department of Transportation in areas of major road crossings, or by PEF, it is possible that nighttime noise levels could be exceeded for short periods of time. The operation and maintenance of the transmission line are expected to be well below the noise levels established by ordinance.

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

**PEF Response:**

No new buildings will be built in Hillsborough County as part of the PHP transmission line. The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. Consequently, no significant new impacts to the County's Scenic Roadways are anticipated. PEF is not seeking variances or exemptions from any applicable Hillsborough County non-procedural regulations. However, much of the Hillsborough County Land Development Code does not apply to the PHP transmission line. As explained above, the PHP transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and 380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a ROW to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in ROWs) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) ("... the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC) Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line").

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

**PEF Response:**

PEF is committed to communicating with residents and stakeholders throughout the certification process. PEF has established a website specifically for the project that provides the most current information. See [www.progress-energy.com/energyplanning](http://www.progress-energy.com/energyplanning). PEF is in the process of developing specific web pages for each transmission line within the project. Public informational meetings will be held as major phases of the project are complete and new information is available. For example, when route studies have been concluded in specific

areas, informational meetings will be held in those areas for property owners, communities and neighborhoods to share information about route options, the location of the lines and other details. Other meetings will also be held at other phases and as details on the project become available.

In addition, to these actions, project updates are provided on a periodic basis to the local governments and key organizations. PEF has also established a call center operation (1-888-238-0373) and email address (EnergyPlanning@pgnmail.com) specifically to assist property owners and other stakeholders with their questions and concerns. We also provide updates to the media in order to broaden our communication efforts.

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

**PEF Response:**

Progress Energy is currently working with the Hillsborough County's office of Neighborhood Relations and the Citizen Action Center to coordinate citizen information and has obtained current contact information for homeowner's associations and civic groups within the County. PEF is also currently utilizing a service to supplement information provided by cities and counties on homeowner, condominium and property owner associations.

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

**PEF Response:**

The existing PEF Higgins-Griffin 115-kV transmission line ROW, which will be used for the new PHP transmission line, consists of easements granting PEF the right to construct, operate and maintain the transmission line. PEF does not own any of the PHP ROW in Hillsborough County in fee simple. As a result, PEF does not have the right to grant third parties access to the ROW for the construction of new recreational trails or other public use opportunities. If the County obtains authorization for a recreational trail from the underlying fee owners, PEF is willing to discuss specific proposals that would allow the county to construct and maintain recreational trails on PEF's transmission line ROWs as long as it does not impact PEF's ability to construct, operate and maintain the transmission line or the ROW in a safe and reliable fashion.

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

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**PEF Response:**

All construction in Hillsborough County will take place during daytime hours except as required by specific agencies such as FDOT. For example, FDOT may require the pulling of wires across interstates and state roads to take place at night so as not to impede traffic. Further, maintenance-related construction may take place at night if the utility must avoid removing the transmission lines from service during high load periods to ensure reliable electric service. Nighttime work will occur between the hours of 9:00PM and 6:00AM.

**Right-Of-Way Management**

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

Comment noted; where the proposed PHP transmission line poles are located within Hillsborough County rights-of-way, PEF will comply with all applicable non-procedural requirements.

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

Comment noted; with respect to the areas where the proposed PHP transmission line is located within county rights-of-way, PEF will contact all Hillsborough County utilities for coordination purposes.

**Public Works**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. PEF shall contact the County departments managing design and construction of Capital Improvement Programs, infrastructure projects, and resurfacing programs and shall coordinate the subject permit application issues, the design and construction of the transmission power lines in the County with these departments. As a minimum, the following departments, division, sections, and agencies should be contacted: Water Resource Services, Solid Waste, the Public Works Department, (Engineering Division, Transportation Maintenance Division, Right-of-way Management Office, Design Engineering Services, Projects Management, Stormwater Management Section, Traffic Division), Parks and Recreation Department, Real Estate Department, Planning and Growth Management Department, and any other departments that is involved in the planning, design, and construction of infrastructure projects. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. PEF will agree to a condition of certification requiring PEF to consult with the listed Hillsborough County departments, division, sections and agencies, and any others identified by Hillsborough County as having applicable review jurisdiction, regarding the design of the transmission line during the post-certification review process, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. PEF will make best efforts to minimize impacts of the transmission lines on capital improvement programs, infrastructure projects, and resurfacing programs.

2. PEF shall coordinate and resolve any and all known and potential conflicts with the above mentioned agencies, departments, sections, not only with the existing infrastructure and utilities, but also with all of the proposed and future utilities and infrastructure work, Capital Improvement Programs, etc, so as to avoid existing and future conflicts.

**PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. PEF will agree to a condition of certification requiring that, during design of the transmission line, PEF will consult with Hillsborough 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 Electrical Safety Code and other regulatory requirements.

3. PEF needs to contact Sunshine One Call and obtain a listing (Design and Construction tickets) of all of the existing underground utilities within the proposed transmission power line routes in Hillsborough County.

**PEF Response:**

Comment noted; PEF will comply.

4. The County would like to know what public roadways are to be used for the transportation of the transmission poles, the type of carrier and wheel pressures that will be utilized and the times of day for the transport of said poles.

**PEF Response:**

All state highways and county roads may be used in addition to all roads and streets in the vicinity of the existing Higgins-Griffin 115-kV transmission line ROW. High-flat tractor/trailers will be used to transport the transmission poles during daylight hours. Axle loading will vary based on the pole weights.

5. Is PEF anticipating closing any public road during the project?

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

**PEF Response:**

PEF will 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 15 feet of the edge of pavement, or if other construction activities require temporary lane closures, PEF will develop a signed, sealed, site-specific Maintenance of Traffic (MOT) plan in consultation with Hillsborough County's Right-of-Way Management Office. Such information will be submitted as post-certification submittals, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

6. PEF'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.

**PEF Response:**

Comment noted; PEF will comply to the extent practicable. PEF notes that Section 471.003(2)(d), Florida Statutes, expressly provides that full-time employees of public utilities are not required to be Professional Engineers.

7. The County needs PEF 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.

**PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. PEF will agree to a condition of certification requiring that transmission line poles should be located longitudinally along the ROW outside of the ultimate configuration for all currently designed and acquired future traffic infrastructure projects to the extent practicable.

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### **Real Estate**

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

#### **PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. Consequently, no new ROW should be needed from Hillsborough County. In the event it is later identified that additional property interests from Hillsborough County are required, the requested information will be submitted no later than as a post-certification submittal, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

### **Water Resources Services**

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

#### **PEF Response:**

Comment noted.

### **Miscellaneous**

The county hereby requests that PEF:

1. Provide graphic or text information pertaining to existing population densities along the preferred route.

#### **PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. Pursuant to the database obtained from the Hillsborough County Property Appraiser's Office, there are approximately 25,605 property owners in and within a quarter mile of the PHP Preferred Corridor. Also, see Figure 8C, in which the Legend of SCA Figure 9-A8.3-7

has been modified by adding the density ranges allowed by the Hillsborough County Future Land Use map within and along the PHP Corridor.

2. Identify existing and permitted developments along the preferred route.

**PEF Response:**

Figure 9C depicts the Developments of Regional Impacts and the subdivisions along the PHP Corridor in Hillsborough County.

3. Describe what efforts are being taken to reduce the visual and aesthetic impacts of the transmission line along the corridor.

**PEF Response:**

The new PHP 230-kV transmission line for which corridor certification is requested through Hillsborough County will replace and is expected to be entirely within the existing ROW currently occupied by the 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. The existing four-footed lattice structures will be replaced by new monopoles that have a significantly smaller footprint. The new monopoles may have shorter span lengths which may result in more frequent structure placement, and may have shorter poles than the existing poles.

4. Advise whether lattice towers are planned for any portion of the corridor or whether all of the transmission structures will consist of monopoles.

**PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. New monopole structures will replace the four-footed lattice structures of the Higgins-Griffin line. The new monopoles may have shorter span lengths which may result in more frequent structure placement, and may have shorter poles than the existing poles.

5. Advise whether PEF owns the 300 feet of right-of-way discussed in Section 9-A8.3.2.1 which states that the PHP corridor from Hillsborough River to Lake Tarpon Substation is approximately 300 feet wide until it approaches Lake Tarpon Substation. If not, how much right-of-way does PEF own in this area.

**PEF Response:**

The new PHP 230-kV transmission line is expected to be located in Hillsborough County entirely within the existing Higgins-Griffin 115-kV transmission line ROW. 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. The PHP Corridor is 300 feet wide only to ensure mapping at the scales required by the

Application Guide include all relevant information. PEF does not intend to acquire any additional ROW in Hillsborough County for the PHP transmission line. PEF currently has easements over the entire ROW to be used in Hillsborough County, which ranges from 100 feet to 190 feet in width.

### **ITEM XIII Sumter County**

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

#### **PEF Response:**

PEF is still in the process of selecting and acquiring the final location for the planned Central Florida South electrical substation. PEF is negotiating with several landowners on potential sites. PEF anticipates owning or controlling a final site for the Central Florida South electrical substation by the commencement of the certification hearing. The final site may be located in either Sumter County or Lake County. If located in the unincorporated portion of Sumter County, it would be subject to the Major Special Use approval process in Sumter County. PEF agrees that if it selects a site in the unincorporated portion of Sumter County, it will submit to Sumter County the information required by the Sumter County Major Special Use approval process no later than in the post-certification review process, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At this time, PEF does not anticipate that the site will be located in the unincorporated portion of Sumter County.

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

#### **PEF Response:**

PEF has again reviewed the Sumter County Comprehensive Plan and confirms that it will comply with applicable goals, objectives and policies. For example, the LCFS will comply with the stormwater runoff, pesticide best management practices, fertilizer runoff, soil erosion and flood plain requirements of Future Land Use Policy 7.1.4.1(3)(c)4 and Conservation Policy 7.1.4.1(2)(c)(6). In Sumter County, the LCFS Preferred Corridor traverses agricultural land uses. Transmission lines similar to the proposed LCFS 500-kV transmission line exist compatibly with agricultural operations throughout much of the state.

Note: Much of the Sumter County Land Development Code does not apply to the LCFS line. The LCFS transmission line will be a powerline constructed within an established ROW. Consequently, it is excepted from the definition of *development* in Sections 163.3164(6) and

380.04, F.S. This statutory definition of development, including its exceptions, applies to local government comprehensive plans and implementing land development regulations. See In re: Petition for Declaratory Statement filed by George M. Hughes and Barbara Knowles, Florida Department of Community Affairs (DCA) Order No. DCA-03-DEC-295 (April 9, 2004) (DCA determined that the construction of a proposed power line in a ROW to be established by an electric utility is not *development* under the definition found in section 380.04, F.S. DCA's declaratory statement relied upon Florida case law for similar exceptions for road improvements in ROWs) (emphasis added). See also Florida Power Corporation v. Seminole County and City of Lake Mary, 579 So.2d 105 (Fla. 1991) ("... the jurisdiction of the Public Service Commission to regulate rates and services of public utilities preempts the authority of the city and county to require [a utility] to place its lines underground. While the authority given to cities and counties in Florida is broad, both the constitution and statutes recognize that cities and counties have no authority to act in areas that the legislature has preempted." 579 So.2d at 107); In re: Petition by City of Parker, Order Denying Motion to Dismiss, Granting in Part and Denying in Part Request for Oral Argument, and Granting Petition for Declaratory Statement, Florida Public Service Commission (PSC) Order No. PSC-03-0598-DS-EU, at 13 (May 12, 2003) (PSC's jurisdiction "preempts the City's application of its Comprehensive Plan, Land Development Regulations, and City Codes and Ordinances, with respect to [the utility's] proposed aerial power transmission line").

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

**PEF Response:**

PEF will comply with Sumter County's amended Noise Ordinance in the newly-adopted Ordinance 2008-09. With regard to utility improvements within the County's ROWs, PEF is not seeking variances or exemptions from any applicable non-procedural local regulations. Certification under the Florida Electrical Power Plant Siting Act is in lieu of any otherwise applicable license, permit, certificate, or similar authorization required by Sumter County. See Section 403.511(3), F.S. PEF will agree to a condition of certification requiring the post-certification submittal of the otherwise required detailed design information to Sumter County Public Works to allow monitoring for compliance with applicable non-procedural regulations, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

4. Section 9-A3.6.2.4 of the Application discusses the zoning approval required for the proposed Central Florida South Substation. The Application is correct in its determination that the proposed substation requires a Major Special Use approval under the County's Land Development Code. However, there is a discrepancy in the Application regarding jurisdiction of the location of the proposed Central Florida substation. The Application states in earlier sections that the proposed Central Florida substation will be located within either the City of Wildwood or the City of Leesburg. However, this Section states: "If the selected substation site is located within the unincorporated area of Sumter County, PEF will apply to Sumter County for a Special Use Permit". Please confirm if the proposed substation is planned to be located within the City of Wildwood or within unincorporated Sumter County.

**PEF Response:**

The revised Figure 10C depicts the municipal boundaries in the vicinity of the proposed Central Florida South electrical substation. As the figure indicates, the area within which the proposed electrical substation will be located includes the City of Wildwood, the City of Leesburg, and a small area of unincorporated Sumter County south of SR 470. PEF is still in the process of selecting and acquiring the final location for the planned Central Florida South electrical substation. PEF is negotiating with several landowners on potential sites. The final site may be located in either Sumter County or Lake County. If located in the unincorporated portion of Sumter County, it would be subject to the Major Special Use approval process in Sumter County. PEF anticipates owning or controlling a final site for the Central Florida South electrical substation by the commencement of the certification hearing. PEF agrees that if it selects a site in the unincorporated portion of Sumter County, it will submit to Sumter County the information required by the Sumter County Major Special Use approval process no later than in the post-certification review process, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C. At this time, PEF does not anticipate that the site will be located in the unincorporated portion of Sumter County.

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

**PEF Response:**

Transmission lines similar to the proposed LCFS 500-kV transmission line currently exist throughout the State of Florida in virtually every type of land use, including residential. This line will typically be between 110 feet and 195 feet in height and must comply with the vegetation removal requirements of the National Electrical Safety Code (NESC) and North American Electric Reliability Corporation (NERC) for safety and reliability. Accordingly, PEF cannot install tall vegetation on its ROW.

PEF will 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. PEF will provide a landscaping screen around the proposed

Central Florida South electrical substation. PEF will agree to a condition of certification requiring the post-certification submittal of the detailed substation landscape design information to Sumter County, as authorized by Section 403.5113(2), F.S., and Rule 62-17.191, F.A.C.

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

**PEF Response:**

All construction will take place during daytime hours except as required by specific agencies such as FDOT. For example, FDOT may require the pulling of wires across interstates and state roads to take place at night so as not to impede traffic. Further, maintenance-related construction may take place at night if the utility must avoid removing the transmission lines from service during high load periods to ensure reliable electric service. Nighttime work will occur between the hours of 9:00PM and 6:00AM.

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

**PEF Response:**

All state highways and county roads may be used in addition to all roads and streets in the vicinity of the preferred corridor. High-flat tractor/trailers will be used to transport the transmission poles during daylight hours. Axle loading will vary based on the pole weights.

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

**PEF Response:**

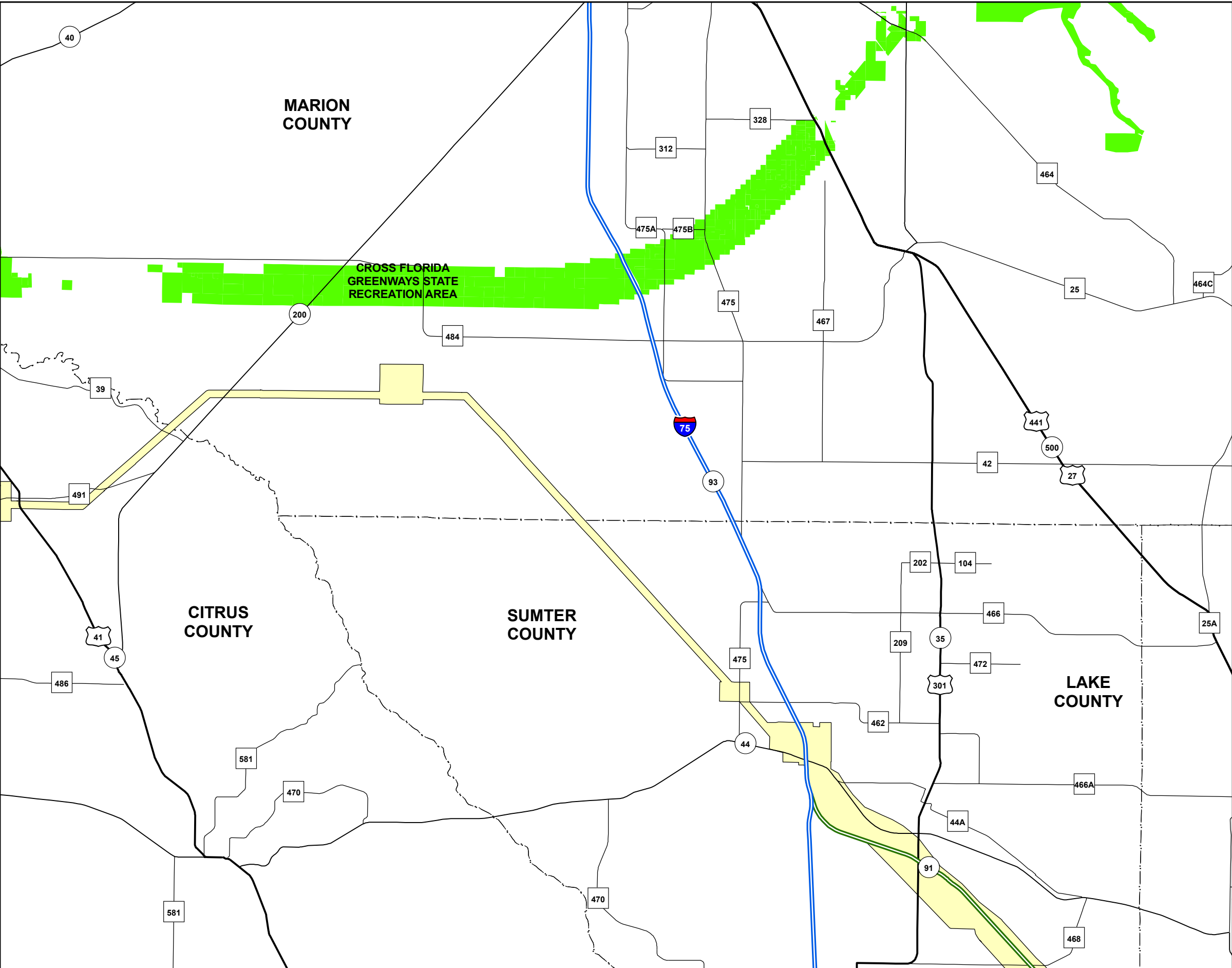
Figure 11C modifies the Legend of SCA Figure 9-A3.3-9 to indicate the density ranges within each of the future land use categories within and along the LCFS Corridor. It is estimated that approximately 541 households, are located in and within 0.25 mile of the LCFS Corridor.

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

**PEF Response:**

Figure 3C identifies the developments of regional impact (DRIs) along the LCFS Corridor in Sumter County. Of those, part of the Southern Oaks DRI, a mixed-use project on approximately 2,444 acres located in southeast Wildwood, is within the LCFS Corridor, and Secret Promise is located adjacent to the LCFS Corridor's southerly boundary.

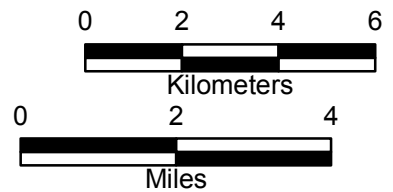
## FIGURES

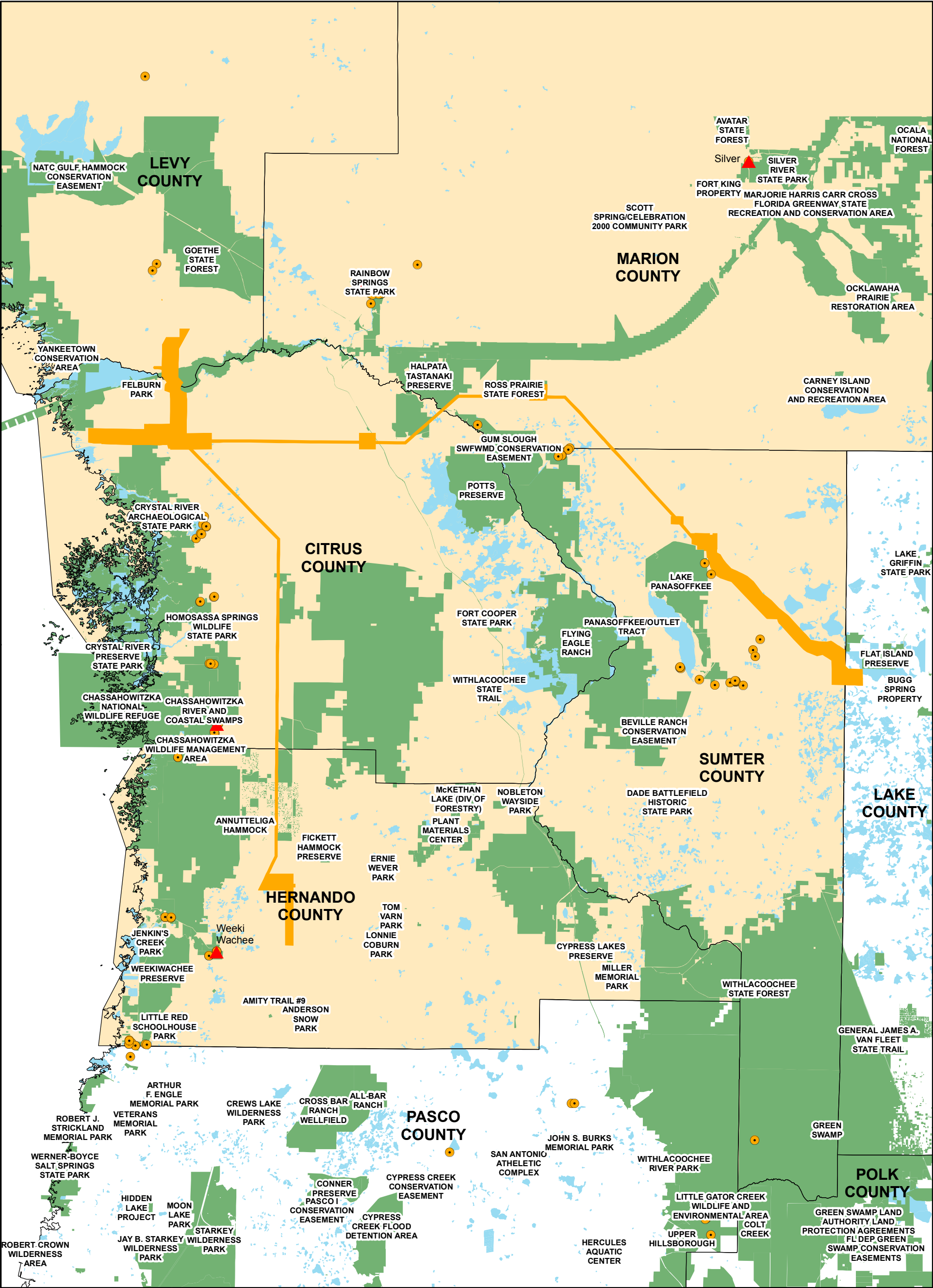


**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- County Road
- LCFS Corridor
- CROSS FLORIDA GREENWAYS STATE RECREATION AREA
- County Boundaries

- Sources**
1. Corridor - Golder Associates Inc. & Progress Energy Florida
  2. Cross Florida Greenways State Recreation Area - Florida Department of Environmental Protection
  3. Roads - Florida Department of Transportation
  4. County Boundaries - US Census Bureau



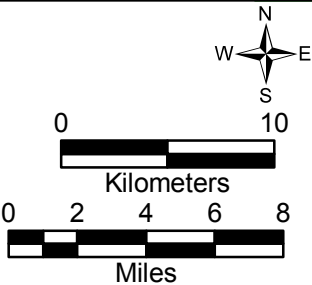


LEGEND

- ▲ First Magnitude Springs
- Springs
- Corridors
- County Boundaries
- Parks & Florida Managed Areas
- Water
- Withlacoochee Planning Council Jurisdiction

References

1. First Magnitude Springs, Springs, Water & Withlacoochee Planning Council Jurisdiction - Florida Department of Environmental Protection
2. Corridors - Golder Associates Inc. & Progress Energy Florida
3. County Boundaries - US Census Bureau



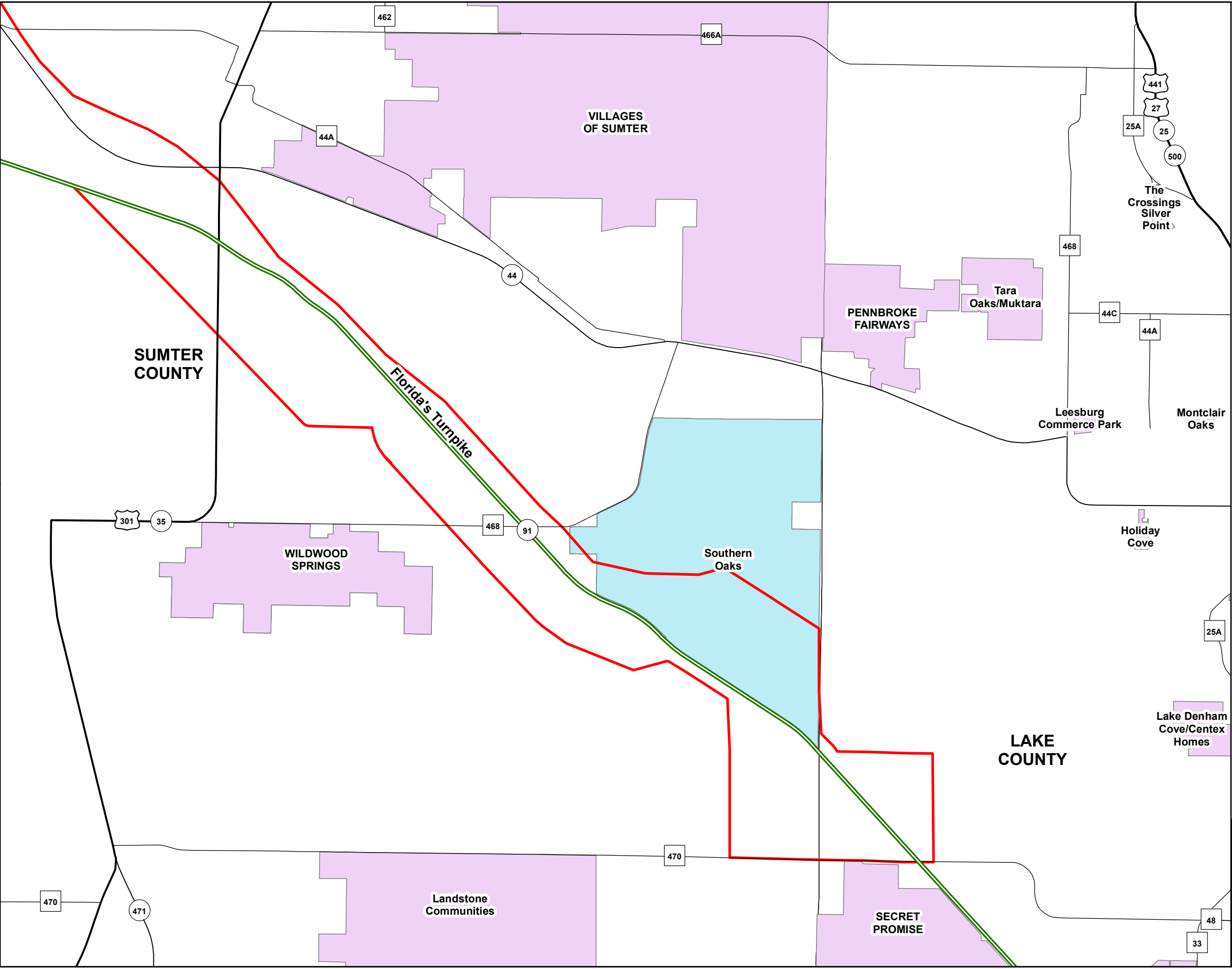
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

WRPC Area, First Magnitude Springs,  
Florida Managed Areas &  
Water Bodies

**FIGURE 2C**

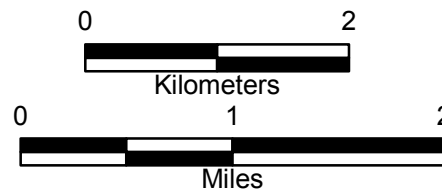
Rev 0



**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- County Road
- LCFS Corridor
- Proposed DRI
- Developments of Regional Impact
- County Boundaries

- Sources**
1. LCFS Corridor - Golder Associates Inc. & Progress Energy Florida
  2. Developments of Regional Impact - University of Florida GeoPlan Center
  3. Roads - Florida Department of Transportation
  4. County Boundaries - US Census Bureau



Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

LCFS in Sumter County &  
Developments of Regional Impact

**FIGURE 3C**

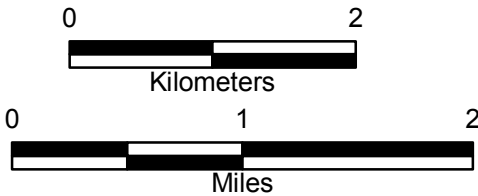
Rev 0



**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- County Road
- LCFS Corridor
- County Boundaries

- Sources**
- 1. LCFS Corridor - Golder Associates Inc. & Progress Energy Florida
  - 2. Roads - Florida Department of Transportation
  - 3. County Boundaries - US Census Bureau



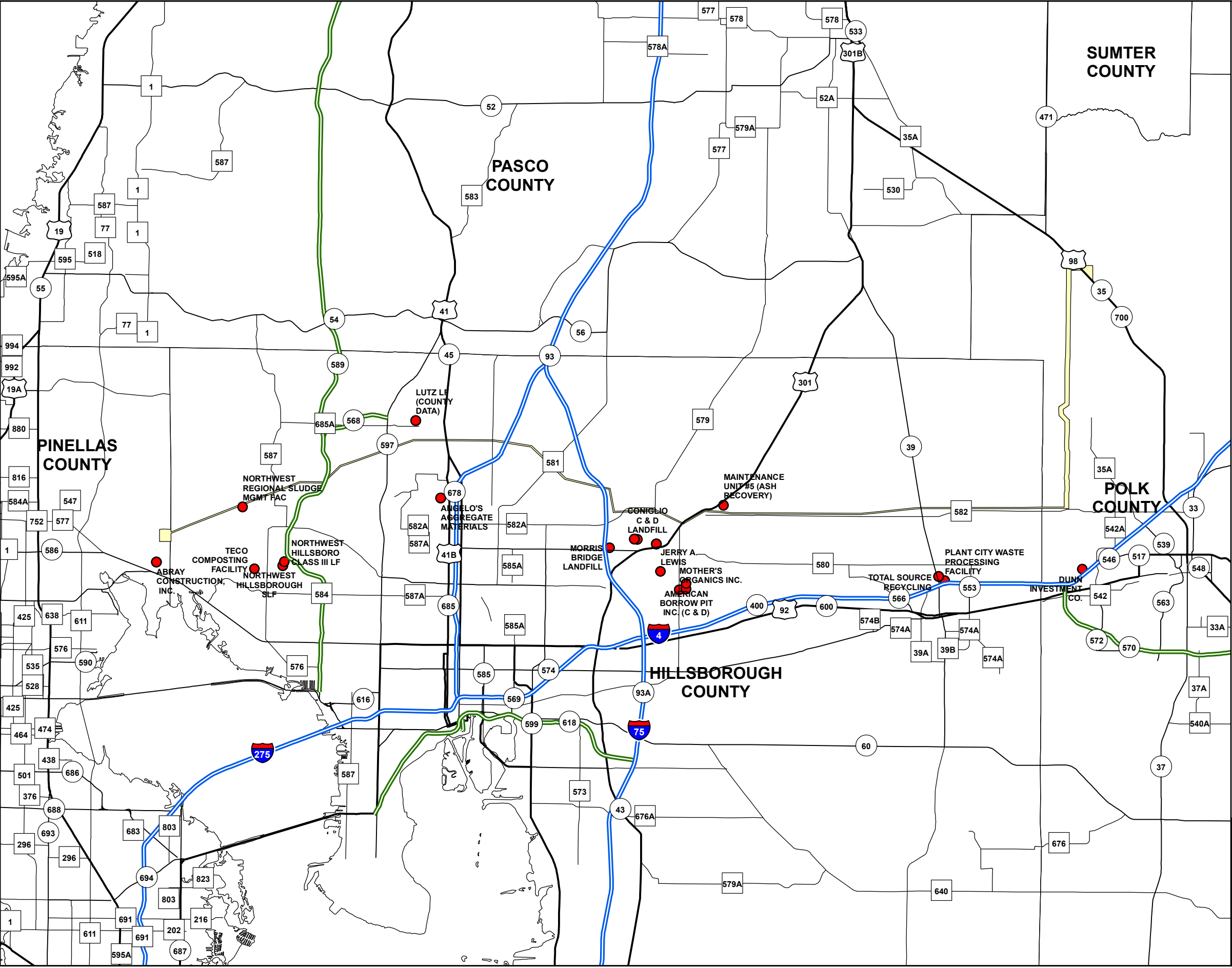
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

LCFS in Sumter County &  
Florida's Turnpike

**FIGURE 4C**

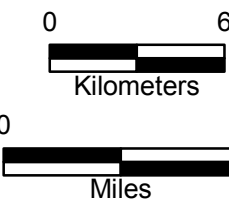
Rev 0



**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- County Road
- Soild Waste Facilities within 3 Miles of PHP Corridor
- PHP Corridor
- County Boundaries

- Sources**
1. PHP Corridor - Golder Associates Inc. & Progress Energy Florida
  2. Roads - Florida Department of Transportation
  3. Solid Waste Management Facilities - Florida Department of Environmental Protection
  3. County Boundaries - US Census Bureau



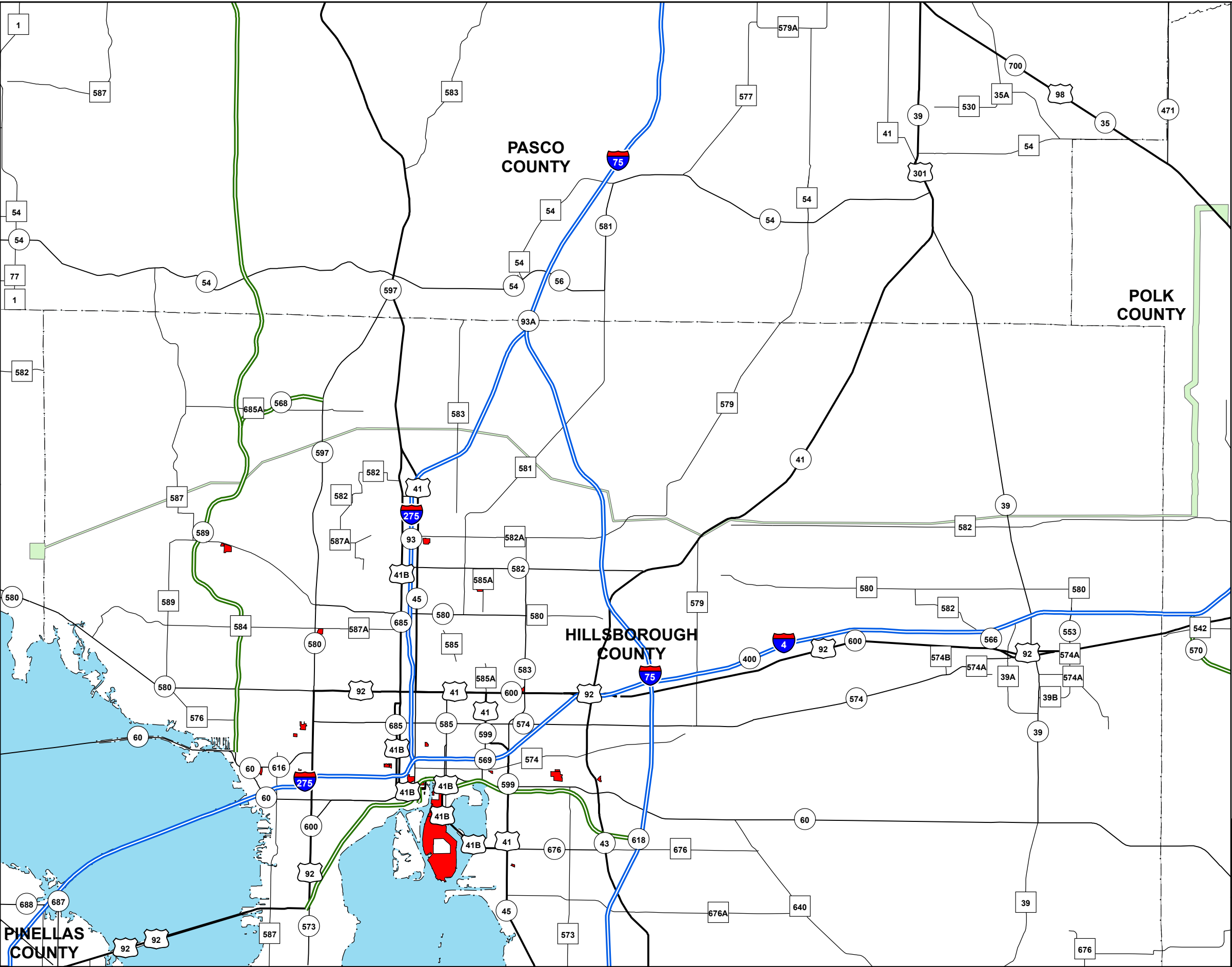
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

PHP in Hillsborough County &  
Solid Waste Management Facilities

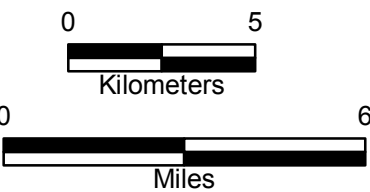
FIGURE 5C

Rev 0



- LEGEND**
- Interstate
  - Toll Road
  - US Road
  - State Road
  - County Road
  - Brownfield Sites
  - PHP Corridor
  - County Boundaries

- Sources**
1. PHP Corridor - Golder Associates Inc. & Progress Energy Florida
  2. Roads - Florida Department of Transportation
  3. Brownfield Sites - Florida Department of Environmental Protection
  4. County Boundaries - US Census Bureau



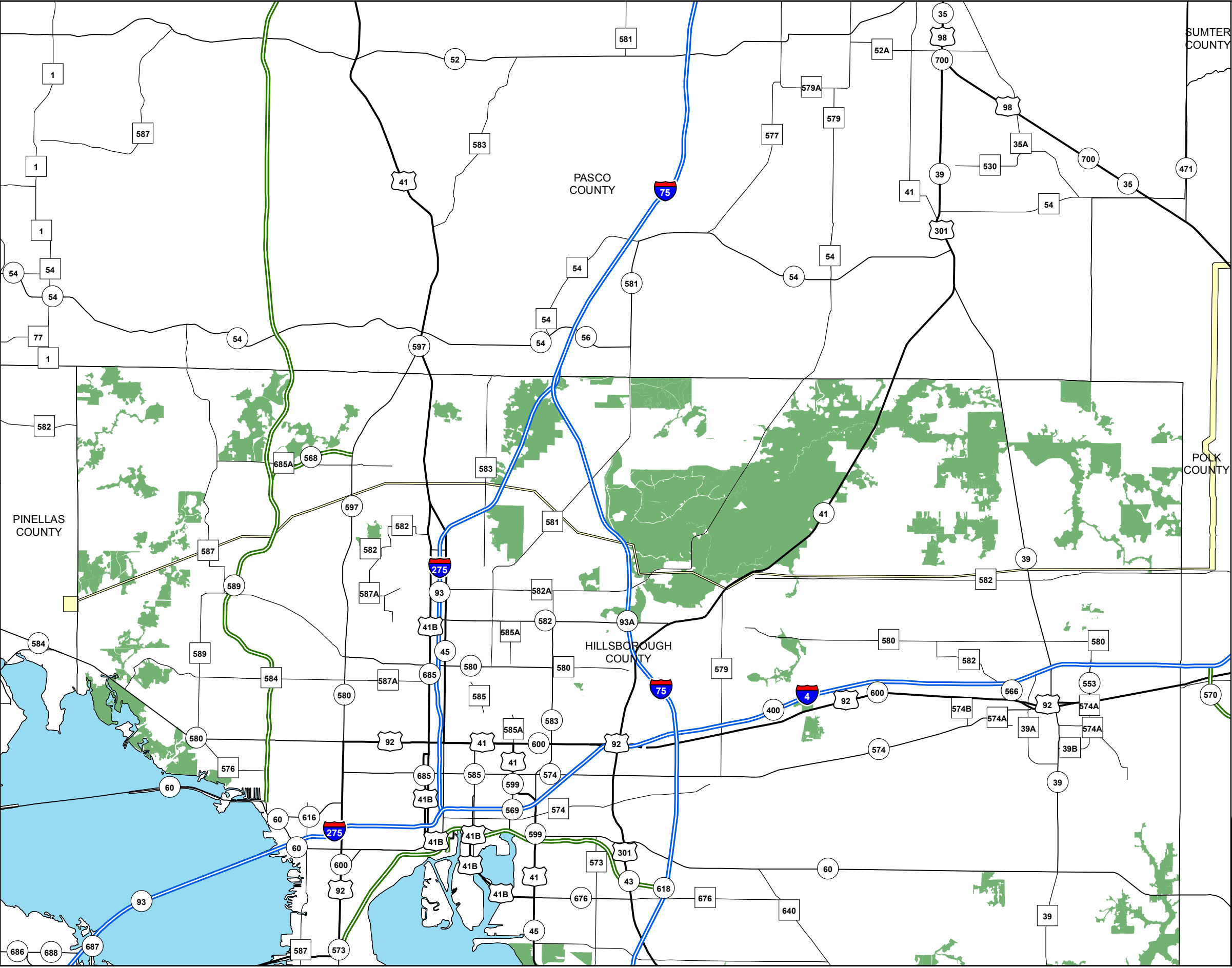
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

PHP in Hillsborough County &  
Brownfield Sites

FIGURE 6C

Rev 0

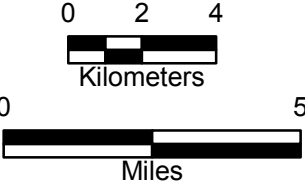


N  
W E  
S

**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- County Road
- PHP Corridor
- Significant Wildlife Habitat
- County Boundaries

- Sources**
- 1. PHP Corridor - Golder Associates Inc. & Progress Energy Florida
  - 2. Roads - Florida Department of Transportation
  - 3. Significant Wildlife Habitat - Hillsborough County Florida
  - 4. County Boundaries - US Census Bureau



### Hillsborough County FLU

|  |                                     |
|--|-------------------------------------|
|  | AGRICULTURAL/MINING-1/20            |
|  | PLANNED ENVIRONMENTAL COMMUNITY-1/2 |
|  | AGRICULTURAL-1/10                   |
|  | AGRICULTURAL/RURAL-1/5              |
|  | AGRICULTURAL ESTATE-1/2.5           |
|  | RESIDENTIAL-1 du/ga                 |
|  | RESIDENTIAL-2 du/ga                 |
|  | RESIDENTIAL PLANNED-2 du/ga         |
|  | RESIDENTIAL-4 du/ga                 |
|  | RESIDENTIAL-6 du/ga                 |
|  | RESIDENTIAL-9 du/ga                 |
|  | RESIDENTIAL-12 du/ga                |
|  | RESIDENTIAL-16 du/ga                |
|  | RESIDENTIAL-20 du/ga                |
|  | NEIGHBORHOOD MIXED USE-4 du/ga      |
|  | SUBURBAN MIXED USE-6 du/ga          |
|  | COMMUNITY MIXED USE-12 du/ga        |
|  | URBAN MIXED USE-20 du/ga            |
|  | REGIONAL MIXED USE-35 du/ga         |
|  | OFFICE COMMERCIAL-20 du/ga          |
|  | RESEARCH CORPORATE PARK             |
|  | LIGHT INDUSTRIAL PLANNED            |
|  | LIGHT INDUSTRIAL                    |
|  | HEAVY INDUSTRIAL                    |
|  | PUBLIC/QUASI-PUBLIC                 |
|  | NATURAL PRESERVATION                |
|  | CITRUS PARK VILLAGE                 |
|  | WATER                               |

### Tampa FLU

|  |                                       |
|--|---------------------------------------|
|  | RESIDENTIAL-3 du/ga                   |
|  | RESIDENTIAL-6 du/ga                   |
|  | RESIDENTIAL-10 du/ga                  |
|  | RESIDENTIAL-20 du/ga                  |
|  | RESIDENTIAL-35 du/ga                  |
|  | RESIDENTIAL-50 du/ga                  |
|  | RESIDENTIAL-83 du/ga                  |
|  | SUBURBAN MIXED USE-3 du/ga            |
|  | SUBURBAN MIXED USE-6 du/ga            |
|  | GENERAL MIXED USE-24 du/ga            |
|  | URBAN MIXED USE-60 du/ga              |
|  | COMMUNITY MIXED USE-35 du/ga          |
|  | TRANSITIONAL USE-24 du/ga             |
|  | REGIONAL MIXED USE-100 du/ga          |
|  | AIRPORT COMPATIBILITY                 |
|  | HEAVY COMMERCIAL-24                   |
|  | LIGHT INDUSTRIAL                      |
|  | HEAVY INDUSTRIAL                      |
|  | MAJOR RECREATIONAL/OPEN SPACE         |
|  | MAJOR PUBLIC/SEMI-PUBLIC              |
|  | MAJOR ENVIRONMENTALLY SENSITIVE AREAS |
|  | CENTRAL BUSINESS DISTRICT             |
|  | MAC DILL AIR FORCE BASE               |
|  | WATER                                 |
|  | RIGHT OF WAY                          |
|  | TRANSITIONAL AREA (DUE TO ANNEXATION) |

### Plant City FLU

|  |                                               |
|--|-----------------------------------------------|
|  | RESIDENTIAL - 4 du/ga                         |
|  | RESIDENTIAL - 6 du/ga                         |
|  | RESIDENTIAL - 12 du/ga                        |
|  | RESIDENTIAL - 20 du/ga                        |
|  | MIXED USE - RESIDENTIAL/COMMERCIAL            |
|  | MIXED USE - RESIDENTIAL/COMMERCIAL/INDUSTRIAL |
|  | MIXED USE - GATEWAY                           |
|  | LIGHT COMMERCIAL OFFICE                       |
|  | COMMERCIAL                                    |
|  | DOWNTOWN CORE                                 |
|  | INDUSTRIAL                                    |
|  | PUBLIC / SEMI PUBLIC                          |
|  | PARKS, RECREATION AND OPEN SPACE              |
|  | NATURAL PRESERVATION                          |
|  | WATER                                         |
|  | TRANSITIONAL AREA (DUE TO ANNEXATION)         |

### Temple Terrace FLU

|  |                                       |
|--|---------------------------------------|
|  | RESIDENTIAL - 4 du/ga                 |
|  | RESIDENTIAL - 9 du/ga                 |
|  | RESIDENTIAL - 18 du/ga                |
|  | COMMUNITY MIXED USE-12 du/ga          |
|  | URBAN MIXED USE-20 du/ga              |
|  | OFFICE/INSTITUTIONAL                  |
|  | DOWNTOWN MIXED USE-25 du/ga           |
|  | COMMERCIAL                            |
|  | PROFESSIONAL                          |
|  | RESEARCH/CORPORATE PARK               |
|  | PUBLIC/SEMI-PUBLIC                    |
|  | PARK/RECREATION OPEN SPACE            |
|  | WATER                                 |
|  | RIGHT OF WAY                          |
|  | TRANSITIONAL AREA (DUE TO ANNEXATION) |

### Polk County FLU

|  |                                  |
|--|----------------------------------|
|  | AGRICULTURAL / RURAL RESIDENTIAL |
|  | BUSINESS PARK CENTER - LIMITED   |
|  | BUSINESS PARK CENTER             |
|  | COMMUNITY ACTIVITY CENTER        |
|  | CONVENIENCE CENTER               |
|  | COMMERCIAL ENCLAVE               |
|  | MUNICIPALITY                     |
|  | CAMP CORE                        |
|  | DEVELOPMENT OF REGIONAL IMPACT   |

|  |                                            |
|--|--------------------------------------------|
|  | EMPLOYMENT CENTER                          |
|  | HIGH IMPACT COMMERCIAL CENTER              |
|  | INDUSTRIAL                                 |
|  | INSTITUTIONAL-1/PROFESSIONAL INSTITUTIONAL |
|  | INSTITUTIONAL 2                            |
|  | LAKES                                      |
|  | LINEAR COMMERCIAL CORRIDOR                 |
|  | LEISURE RECREATION                         |
|  | NEIGHBORHOOD ACTIVITY CENTER               |
|  | OFFICE CENTER                              |
|  | PI                                         |
|  | PHOSPHATE MINING                           |
|  | PRESERVATION                               |
|  | REGIONAL ACTIVITY CENTER                   |
|  | RURAL CLUSTER CENTER (NON-RESIDENTIAL)     |
|  | RURAL CLUSTER CENTER (RESIDENTIAL)         |
|  | RESIDENTIAL-HIGH                           |
|  | RESIDENTIAL-LOW                            |
|  | RESIDENTIAL-LOW                            |
|  | RESIDENTIAL-LOW                            |
|  | RESIDENTIAL-LOW                            |
|  | RESIDENTIAL-MEDIUM                         |
|  | RECREATION AND OPEN SPACE                  |
|  | RESIDENTIAL-SUBURBAN                       |
|  | TOWN CENTER                                |
|  | TOURISM COMMERCIAL CENTER                  |

### City of Oldsmar FLU

|  |                        |
|--|------------------------|
|  | INDUSTRIAL LIMITED     |
|  | PRESERVATION           |
|  | RESIDENTIAL LOW MEDIUM |
|  | TRANSPORTATION/UTILITY |
|  | INDUSTRIAL LIMITED     |
|  | PRESERVATION           |
|  | RESIDENTIAL LOW MEDIUM |
|  | RESIDENTIAL RURAL      |
|  | TRANSPORTATION/UTILITY |
|  | WATER/DRAINAGE FEATURE |

### Pinellas County FLU

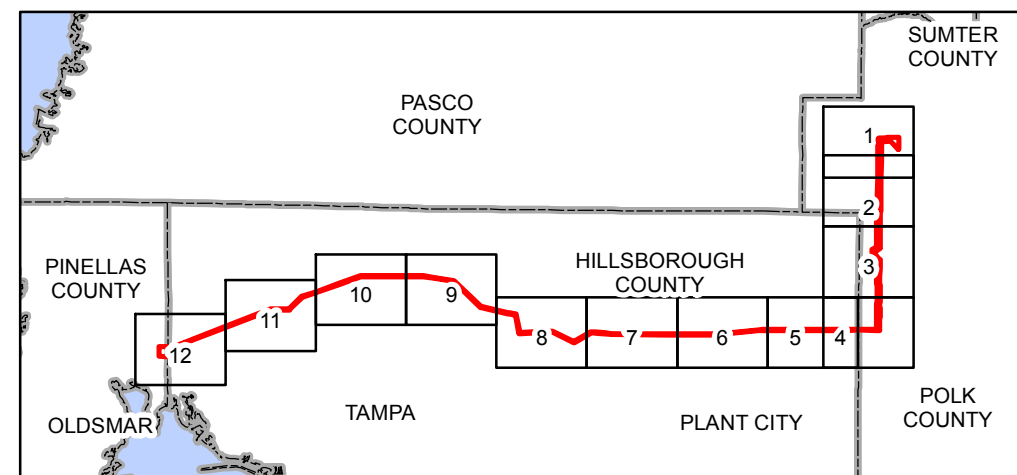
|  |                        |
|--|------------------------|
|  | INDUSTRIAL LIMITED     |
|  | PRESERVATION           |
|  | RESIDENTIAL LOW MEDIUM |
|  | RESIDENTIAL RURAL      |
|  | TRANSPORTATION/UTILITY |
|  | WATER/DRAINAGE FEATURE |

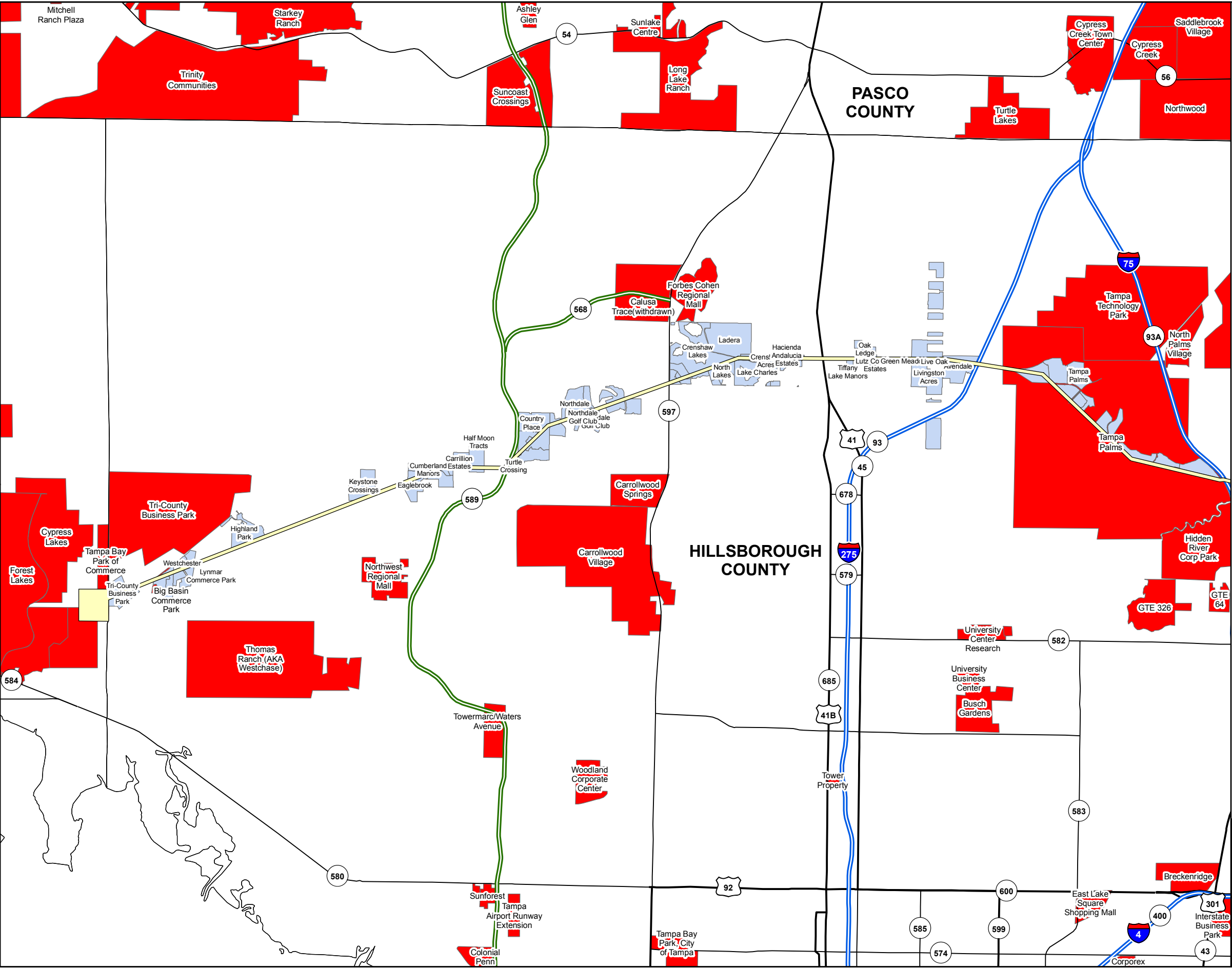
### Notes

Density is expressed in du/ga (dwelling units per gross acre)

### Sources

Legend keys - county and municipal future land use data identified from applicable Comprehensive Plans





**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- PHP Corridor
- Developments of Regional Impact
- Subdivisions
- County Boundaries

**PASCO COUNTY**

**HILLSBOROUGH COUNTY**

1 of 2

2 of 2

**Sources**

1. PHP Corridor - Golder Associates Inc. & Progress Energy Florida
2. Roads - Florida Department of Transportation
3. Developments of Regional Impact - Tampa Bay Regional Planning Council
4. Subdivisions - Hillsborough County Property Appraiser
5. County Boundaries - US Census Bureau

0 2  
Kilometers  
0 2  
Miles

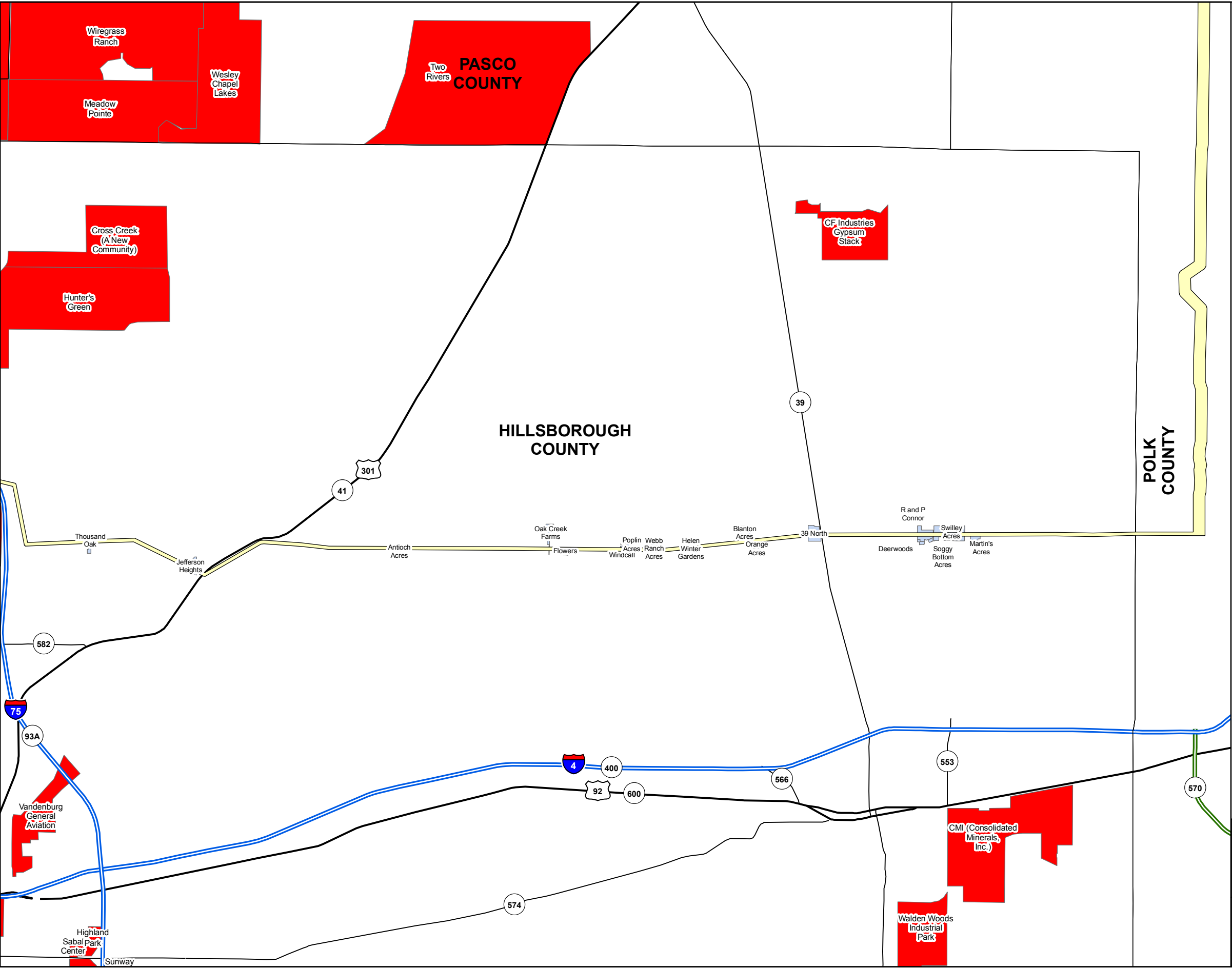
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

PHP in Hillsborough County &  
Developments of Regional Impact with  
Subdivisions

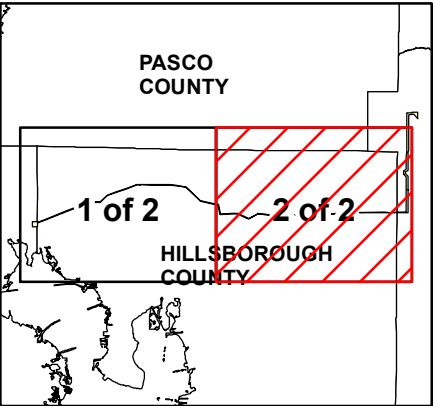
**FIGURE 9C 1 of 2**

Rev 0



**LEGEND**

- Interstate
- Toll Road
- US Road
- State Road
- PHP Corridor
- Developments of Regional Impact
- Subdivisions
- County Boundaries



**Sources**

1. PHP Corridor - Golder Associates Inc. & Progress Energy Florida
2. Roads - Florida Department of Transportation
3. Developments of Regional Impact - Tampa Bay Regional Planning Council
4. Subdivisions - Hillsborough County Property Appraiser
5. County Boundaries - US Census Bureau



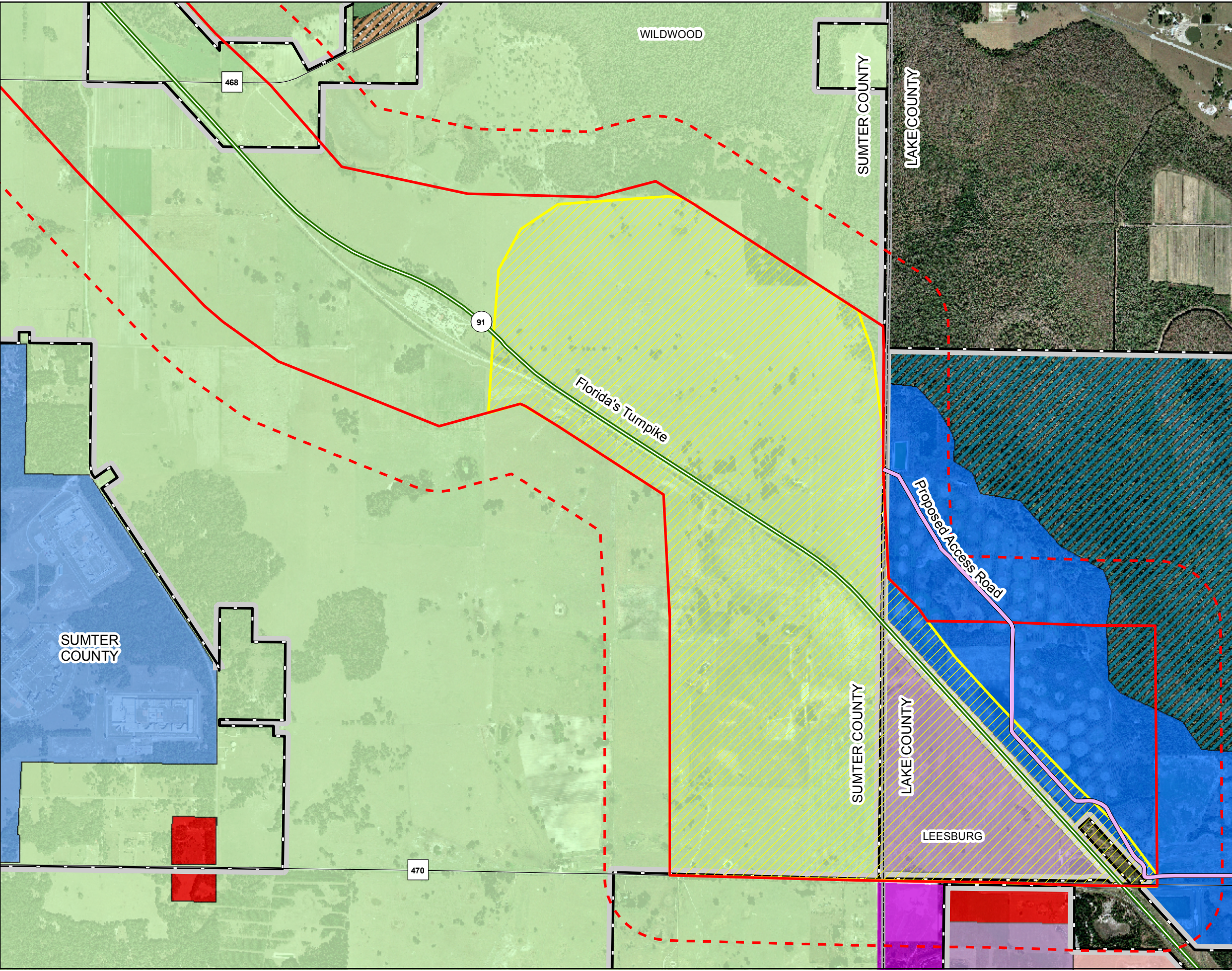
Progress Energy Florida

**Levy Nuclear Plant Unit 1 and 2  
Site Certification Application  
Completeness Response**

PHP in Hillsborough County &  
Developments of Regional Impact with  
Subdivisions

FIGURE 9C 2 of 2

Rev 0

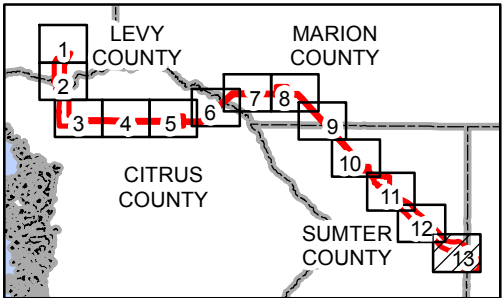


**LEGEND**

- Substations
- Interstate
- Toll Roads
- US Roads
- State Roads
- County Roads
- Railroad
- Corridor Boundary
- Corridor Boundary 0.25-mile Buffer
- General Area of Proposed Substation
- Proposed Levy Nuclear Plant
- County Boundary
- Municipalities



**MAP KEY**

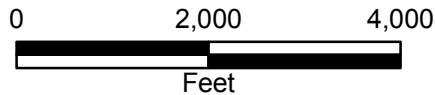


**Note**

1. See Figure 11C for Future Land Use legend
2. Please note that municipality boundaries are approximate
3. Town of Inglis Future Land Use data obtained from the Withlacoochee Regional Planning Council (WRPC)

**Sources**

Substations: Progress Energy Florida, 2007  
Future Land Use: Citrus County, Lake County, Levy County, Marion County, Sumter County, Town of Inglis, City of Leesburg, and City of Wildwood Planning Departments and Withlacoochee Regional Planning Council, 2008  
Aerials: Aerials Express, 2007  
Florida County Boundaries: US Census Bureau, 2003  
Roads: Florida Department of Transportation, 2007  
Corridors & General Areas of Proposed Substations: Golder Associates Inc. & Progress Energy Florida, 2008  
Railroads: Florida Geographic Data Library, 1992  
Municipalities: University of Florida GeoPlan Center, 2005 with Golder update 2008



Progress Energy Florida  
**Levy Nuclear Plant  
Units 1 and 2  
Site Certification Application  
Completeness Response**  
LCFS  
Revised Future Land Use  
Near General Area of Proposed Substation  
**FIGURE 10C**  
Rev 0

Levy County FLU

- City or Town
  - Forestry / Rural Residential
  - Low Density Residential
  - Natural Reservation
  - Public
  - Rural Residential
- Citrus County FLU
- Agriculture
  - City
  - Low Intensity Coastal and Lakes
  - Coastal Lakes Commercial
  - Conservation
  - Central Ridge Residential
  - Extractive
  - General Commercial
  - High Density Residential
  - Industrial
  - Low Density Residential
  - Medium Density Residential
  - Mobile Home Park
  - Public/Semi-Public, Institutional
  - Professional Services/Office
  - Rural Activity Center
  - Recreation
  - Residential Mixed Use
  - Rural Residential
  - Recreational Vehicle Park
  - Transportation, Communication and Utilities

Marion County FLU

- Commercial
- Conservation
- Commercial Recreation
- DRI Boundaries
- High Density Residential
- Industrial
- Low Density Residential
- Limited Commercial
- Medium Density Residential
- Multi-Family MDR
- Multi-Family HDR
- Natural Reservation
- Professional Office
- Public
- Rural Activity Center
- Recreation
- Rural Lands
- Rural Preservation
- Rural Village District
- Specialized Commerce District
- Urban Commerce District
- Urban Neighborhood District
- Urban Reserve

Sumter County FLU

- Agricultural: one unit per ten acres
  - Conservation
  - Lakes
  - Rural Residential: one unit per acre
  - Low Density Residential: Two units per acre
  - Medium Density Residential: Four units per acre
  - Medium Density Residential Overlay: subject to restrictions
  - High Density Residential: Six units per acre
  - Commercial
  - Commercial Overlay: subject to restrictions
  - Industrial
  - Municipalities
  - Public, Institutional, Educational
  - Recreational
  - Mixed Use
  - Mixed Use: subject to Development Order
  - Mixed Use Overlay: subject to restrictions;
- Lake County FLU
- Public Resource Lands
  - UCN Non-Wekiva
  - Rural
  - Rural Village
  - Urban
  - Urban Expansion
  - Suburban
  - Vested DRI

Lake County Employment Center Overlay

- Employment Center

Town of Inglis FLU \*

- Commercial
- Conservation
- Educational/Public Buildings & Grounds/Other
- Existing Wellhead Protection Area
- Mobile Home Parks
- Recreational
- Single Family Residential - Low Density (site built or manufactured homes, schools)
- Single Family Residential - Low Density (site built, manufactured homes,schools)
- Timber (Silviculture)
- Utility

City of Wildwood FLU

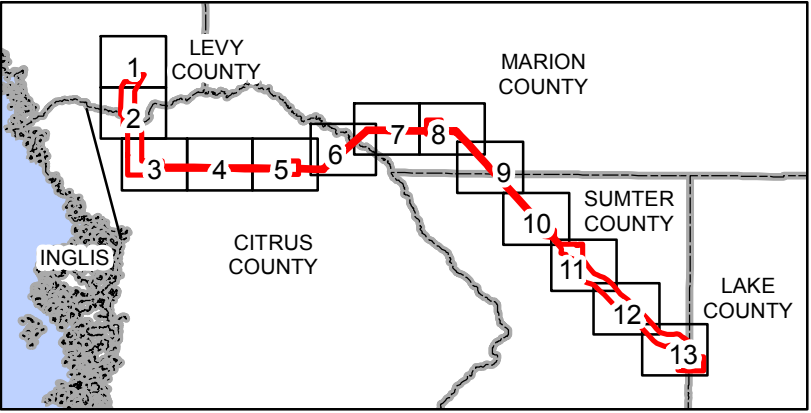
- Agriculture
- Recreational
- Institutional
- Government Use
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential - Institutional - Office
- Residential Mixed Use
- Mobile Home Park
- General Mixed Use
- Commercial
- Industrial

City of Leesburg LFU

- Commerce
- Conservation
- General Commercial
- Industrial
- Institutional
- Public Resource Lands
- Rights-of-Way
- Water

Sources

Legend keys - county and municipal future land use data identified from applicable Comprehensive Plans  
\* Town of Inglis information was obtained from Withlacoochee Regional Planning Council



Progress Energy Florida  
Levy Nuclear Plant  
Units 1 and 2  
Site Certification Application  
Completeness Response

LCFS  
Revised Future Land Use Legend Keys

FIGURE 11C