

**COUNTY COMMISSIONERS
LEVY COUNTY, FLORIDA**



GOVERNMENT
SERVING
CITIZENS

Tony Parker
District 1

Nancy Bell
District 2

Sammy Yearty
District 3

Lilly Rooks
District 4

Danny Stevens
District 5

September 17, 2008

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

**VIA ELECTRONIC MAIL ONLY
HARD COPY WILL NOT**

Re: Site/Transmission Line Certification Application Units 1 & 2
Progress Energy Florida B Levy Nuclear Project
PPSA No. PA08-51/DOAH Case No. 08-2727/DEP Case No. 08-1621

Dear Mr. Halpin:

Levy County has reviewed the portions of the above-referenced application related to the transmission lines proposed to be located in Levy County. As a result of its review, and pursuant to Section 403.526, Fla.Stat., the County prepared its Final Agency Report relating to the certification of those transmission lines. That report is enclosed with this letter.

If you have any questions or concerns, please do not hesitate to contact me at the number listed above, or Anne Bast Brown, County Attorney, at (352) 486-3389.

Sincerely,

s/W. S. Yearty
W. S. Yearty
Chair, Board of County Commissioners

cc: Attached service list
Enc.

legal/ProgressEnergy/letter.finalreport.lines
LR2006-233

Douglas S. Roberts, Esquire
Carolyn Raepple, Esquire
Virginia Dailey, Esquire
Hopping Green & Sams, P.A.
P. O. Box 6526
Tallahassee, FL 32314
craepple@hgslaw.com
droberts@hgslaw.com
vdailey@hsglaw.com

R. Alex Glenn, Esquire
Suzanne Ennis, Esquire
Progress Energy Florida, LLC
P. O. Box 14042
St. Petersburg, FL 33733
mailto:glenn@pgnmail.comAlex.glenn@pgnmail.com
Suzanne.Ennis@pgnmail.com

Emily Norton, Asst. General Counsel
Fish and Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, FL 32399-1600
emily.norton@myfwc.com

Kelly Martinson, Asst. General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
kelly.martinson@dca.state.fl.us

Kimberly Menchion, Asst. Gen. Counsel
Department of Transportation
605 Suwannee Street, MS 58
Tallahassee, FL 32399-0450
Kimberly.Menchion@dot.state.fl.us

Katherine Fleming, Asst. Gen. Counsel
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
keflem@psc.state.fl.us

Josefina Tamayo, General Counsel
4052 Bald Cypress Way -Bin A02
Tallahassee, FL 32399-1703
josefina_tamayo@doh.state.fl.us
mailto:schneider@doh.state.fl.us

Kealy West, Asst. Gen. Counsel
St. Johns River Water Management
District
4049 Reid Street
Palatka, FL 32178-2529
Kwest@sjrwmd.com

Martha A. Moore, Asst. Gen. Counsel
Southwest Florida Water Management
District
2379 Broad Street
Brooksville, FL 34604-6899
martha.moore@swfwmd.state.fl.us

Fred Landt, Esquire
Counsel for Withlacoochee Regional
Planning Council
P. O. Box 2045
Ocala, FL 34478-2045
fl3swim47@aol.com

Gerald Livingston, Esquire
Counsel for East Central Florida
Regional Planning Council
Pennington, Moore et al.,
215 S. Monroe St., Floor 2
Tallahassee, FL 32301
jerry@penningtonlaw.com

Donald D. Conn, Esquire
Counsel for Tampa Bay
Regional Planning Council
4000 Gateway Centre Blvd., Suite 100
Pinellas Park, FL 33782
dconn@penningtonlaw.com

Robert Battista, County Attorney
Peter Aare, Asst. Co. Attorney
Office of the Citrus County Attorney
110 North Apopka Avenue
Inverness, FL 34450
cheryl.clamer@bocc.citrus.fl.us
peter.aare@bocc.citrus.fl.us

Garth C. Collier, County Attorney
Kent L. Weissinger, Asst. Co. Attorney
Office of the Hernando County Attorney
20 North Main Street, Suite 462
Brooksville, FL 34601
kentw@co.hernando.fl.us
cao@co.hernando.fl.us

Renee Lee, County Attorney
Marva M. Taylor, Asst. County Attorney
Robert Brazel, Asst. County Attorney
Office of the Hillsborough County Attorney
P. O. Box 1110
Tampa, FL 33601-1110
leer@hillsboroughcounty.org
taylormm@hillsboroughcounty.org
brazelr@hillsboroughcounty.org

Sanford A. Minkoff, County Attorney
Office of the Lake County Attorney
P. O. Box 7800
Tavares, FL 32778-7800
sminkoff@lakecountyfl.gov

Thomas L. Wright, County Attorney
Office of the Marion County Attorney
601 S. E. 25th Avenue
Ocala, FL 34471-9109
tom.wright@marioncountyfl.org

Donald S. Crowell, County Attorney
Jewell White Cole, Managing Assistant
County Attorney
Pinellas County Attorney's Office
315 Court Street, 6th Floor
Clearwater, FL 33756-5165
jcole@pinellascounty.org

Michael Craig, County Attorney
Michael E. Duclos, Asst. County Attorney
Polk County Attorney's Office
P. O. Box 9005
Bartow, FL 33803-9005
michaelcraig@polk-county.net
michaelduclos@polk-county.net

Derrill McAteer, Esquire
Attorney for Sumter County
The Hogan Law Firm
P. O. Box 485
Brooksville, FL 34605
derrill@hoganlawfirm.com

George O'Brier,
Building & Zoning Official, City of Inglis
P. O. Box 429
Inglis, FL 34449-0429
ingliszoning@bellsouth.net

Fred Morrison, City Attorney
City of Leesburg
P. O. Box 491357
Leesburg, FL 34740-1357
fredm@mclinburnsed.com

Thomas Trask, Esquire
City Attorney for the City of Oldsmar
Frazer, Hubbard, Brandt, Trask & Yacavone
595 Main Street
Dunedin, FL 34698
ttrask@fhbty.com

Kenneth Buchman, City Attorney
City of Plant City
1012 Redbud Circle
Plant City, FL 33563
kbuchman@plantcitygov.com

Janice McLean, Asst. City Attorney
Office of the City Attorney - City of
Tampa
Old City Hall, 5th Floor
315 East Kennedy Boulevard
Tampa, FL 33602
jan.mclean@ci.tampa.fl.us

Jerry A. Blair, Esquire
City Attorney for the City of Wildwood
P. O. Box 130
131 West Main Street
Tavares, FL 32778-0130
jblair710@aol.com

Richard T. Tschantz, General Counsel
Andrew Zodrow, Asst. Counsel
Environmental Protection Commission
of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619
tschantz@epchc.org
zodrow@epchc.org

Toni L. Sturtevant, Asst. Gen. Counsel
W. Douglas Beason, Asst. Gen.
Counsel
Department of Environmental Protection
3900 Commonwealth Boulevard, M.S.
35
Tallahassee, FL 32399-3000
toni.sturtevant@dep.state.fl.us
Doug.beason@dep.state.fl.us

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

J. Norman White, Esq.
Counsel for Central Florida RPC
2632 Eagle Court
Lake Wales, FL 33898
gatorwhite@aol.com

Steven H. Gray
Timothy D. Haines
Gray, Ackerman & Haines, P.A.
125 N. E. 1st Avenue, Suite 1
Ocala, FL 34470-6675
sgray@gahlaw.com
(Cool Springs Farm, LLC)
(Rainbow IV Investments, RLLP)

Robert W. Brinkman, Chair
Suwannee-St. John's Group of the
Sierra Club Florida
915 NE 20th Avenue
Gainesville, FL 32609-3850
RobBrinkman@cox.net

Forrest Watson
Florida Division of Forestry
Department of Agriculture & Consumer
Services
3125 Conner Boulevard
Tallahassee, FL 32399-1650
watsonf@doacs.state.fl.us

Barton Bibler, P.E.
Department of Health
Environmental Engineering
4042 Bald Cypress Way
Tallahassee, FL 32399-1742
bart_bibler@doh.state.fl.us

William T. and Shirley J. Medlin
Rainbow River Railroad Committee
Association Co-Chairpersons
9769 S. W. 206 Circle
Dunnellon, FL 34431
shirley1943@bellsouth.net

Dan Hilliard, President
Withlacoochee Area Residents, Inc.
P.O. Box 350
inglis, FL 34449-0350
2buntings@comcast.net

Harold A. Horne
Community Development Director
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431
hhorne@dunnellon.org
cc: wjespersen@dunnellon.org

Robert Frankenfield, President
Rainbow Springs Property Owners
Assn., Inc.
9911 s. 189th Circle
Dunnellon, FL 34432-4254
Bobrspoa@aol.com

E. Leon Jacobs, Jr.
Williams & Jacobs

1720 S. Gadsden Street, MS 14
Suite 201
Tallahassee, FL 32301
Ljacobs50@comcast.net

Bureus Wayne Argo
Weiner & Argo, P.A.
50 S. E. First Avenue
Ocala, FL 34471
(Attorney for Partin Family)
bwargo@weinerargolaw.com

Ann Seiler
Florida Dept. of Environmental
Protection
2600 Blair Stone Road, MS 48
Tallahassee, FL 32399-2400
ann.seiler@dep.state.fl.us

Cindy Mulkey
Florida Dept. of Environmental
Protection
2600 Blair Stone Road, MS 48
Tallahassee, FL 32399-2400
cindy.mulkey@dep.state.fl.us

Prepared 7/9/08; Revised 9/5/08
Progress Energy Cert of Service

LEVY COUNTY FINAL AGENCY REPORT

In accordance with Section 403.526, Fla.Stat., Levy County (the “County”) hereby presents its Final Agency Report related to the certification of the transmission lines and corridor proposed to be located in Levy County in connection with the application (“Application”) filed by Progress Energy Florida, Inc. (“Applicant”), in the administrative proceeding styled Progress Energy Florida – Levy Nuclear Projects 1 & 2, PPSA No. PA08-51, DOAH Case No. 08-2727, DEP Case No. 08-1621. The County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed transmission line corridor to be certified. The County recommends the approval of the certification of the transmission line corridor proposed to be located in Levy County, subject to the following conditions:

Condition 1: Concurrent with submittal to the applicable state agencies, the Applicant will provide copies of the following documents to the County for informational purposes (if not already previously submitted with the Application): 1) documents submitted for review and approval of the ERP; 2) final ERP when approved; 3) documents submitted for approval of plans for proposed clearing and/or burning of transmission line corridors; 4) final approval document, including final plans, for clearing and/or burning submitted in connection with item 3; 5) documents relating to compliance with any condition relating to post-construction reclamation activities, including plans for proper removal and disposal of debris, dismantling of temporary facilities, and erosion control measures including any mulching, reseeding, or resodding; 6) final approval document, including final plans, for items referred to in item 5; 7) documents required for development and approval of an avian protection plan, including proposed plan and any other submittals made to Florida Fish and Wildlife Conservation Commission in connection therewith; 8) final approval document, including final plan, for avian protection submitted in connection with item 7.

Supporting County Regulations:

Objective 1, Conservation Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Objective 6, Conservation Element, Levy County Comprehensive Plan

Policy 6.14, Conservation Element, Levy County Comprehensive Plan

Objective 7, Future Land Use Element, Levy County Comprehensive Plan

Policy 3.5, Recreation and Open Space Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Condition 2: Prior to construction of the transmission lines, the Applicant will provide studies or other analysis of potential noise anticipated from construction activities for transmission lines. In addition, the Applicant will provide studies or analysis of potential

noise from operation of the transmission lines. Noise levels from construction or operation of the transmission lines shall not exceed the requirements of the provisions of Division 2., Article VIII., Chapter 50, Levy County Code, as the same may be amended.

Supporting County Regulations:

Division 2., Article VIII., Chapter 50, Levy County Code

Condition 3: In the event the Applicant proposes any access to CR 40 for access to the transmission line corridor or the Applicant's adjacent property for any purpose, and such access will not concurrently or later act as the heavy haul road (herein "driveway access"), at least thirty (30) days prior to any construction activities related to such driveway access, the Applicant shall provide the following items to the County: a completed County driveway permit form; a detailed description of the proposed uses for such driveway access, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access; engineering and construction plans for such driveway access; maintenance of traffic plans for maintenance of traffic during construction of such driveway access; and any other documentation or information required by the County Road Department for its review of the use and construction of the driveway access. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department and County Engineer, the Applicant may construct the driveway access in accordance with such approved plans. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access, as provided in Levy County Resolution 2007-24. No use of the driveway access for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

After final inspection approval, the use of the driveway access shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access previously submitted for review. Unless the driveway access is proposed to also act as the heavy haul road, and the provisions of Condition 4 for the heavy haul road have been met, the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR 40 as posted or that were not contemplated or addressed in the description of the proposed uses of the driveway access previously submitted for review. In addition, unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans. The Applicant shall maintain the driveway

access in good condition and shall make any repairs to CR 40 caused by use of such driveway access.

Supporting County Regulations:

Objective 1, Transportation Element, Levy County Comprehensive Plan

Policy 4.2, Transportation Element, Levy County Comprehensive Plan

Section 50-381, Levy County Code

Section 50-715, Levy County Code

Levy County Resolution 2007-24

Condition 4: At least sixty (60) days prior to any activities in the transmission line corridor, the power plant site, or any of the Applicant's adjacent property, that may utilize the heavy haul road, or any other use of the heavy haul road across CR 40, the Applicant shall provide the following to the County for its review and approval: a completed County driveway permit form; a detailed description of the proposed uses for such heavy haul road across CR 40 and adjacent right-of-way, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the heavy haul road; engineering and construction plans providing for the design and construction of the heavy haul road within County right-of-way; engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Applicant's proposed use of the heavy haul road; engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 Applicant proposes to use for the heavy haul road; maintenance of traffic plans for use during construction of both the heavy haul road and any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40; maintenance of traffic plans for use during the Applicant's proposed use of the heavy haul road for construction of the transmission lines and the power plant site; and any other documentation or information required by the County Road Department, Development Department, or County Engineer for review of the Applicant's use and construction of the heavy haul road and any related improvements to CR 40. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department, Development Department and County Engineer. After review and approval of the engineering and construction plans and maintenance of traffic plans by the County through its Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Applicant may construct the heavy haul road, any structural improvements required to maintain the integrity of CR 40 and the adjacent right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with the approved plans. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. Prior to final approval by the County, the Applicant shall be required to pay

the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the heavy haul road, as provided in Levy County Resolution 2007-24. No use of the heavy haul road for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

After final inspection approval, the use of the heavy haul road shall be limited to the uses contemplated and addressed in the engineering plans submitted for prior review. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

Prior to use of the heavy haul road, the Applicant also shall provide a schedule for the loads that Applicant proposes to transport across CR 40 using the heavy haul road that will exceed the weight capacity of CR 40 as posted. The Applicant may amend such schedule upon 48 hours notice to the County of any such amendment.

Throughout the Applicant's use of the heavy haul road, the Applicant shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. The Applicant shall pay all of the County's costs for staff time and other costs incurred in connection with any such inspections upon request for payment by the County. In the event that the rolling straight edge requirements are not being met on that portion of CR 40 traversed by the heavy haul road at any time, the County shall have the ability to suspend the Applicant's use of the heavy haul road until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

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

NOTE: As an alternative to compliance with this Condition 4, the Applicant may enter into a development agreement with the County to provide for the provision of plans, construction and operation of the heavy haul road. Any such agreement shall be entered into and fully executed by both the Applicant and the County prior to any use of the heavy haul road.

Supporting County Regulations:

Objective 1, Transportation Element, Levy County Comprehensive Plan
Policy 4.2, Transportation Element, Levy County Comprehensive Plan
Section 50-381, Levy County Code
Section 50-715, Levy County Code
Levy County Resolution 2007-24