

February 3, 2010

Ms. Ann Seiler, Environmental Specialist
Florida Department of Environmental Protection
Siting Coordination Office
3900 Commonwealth Boulevard MS 48
Tallahassee, FL 32399

SUBJECT: Proposed Florida Power & Light Company *EnergySecure Line Natural Gas Transmission Pipeline* (Siting Act Application NG09-2, 2009)

Dear Ms. Seiler:

In accordance with Chapter 403, Section 941(1), Florida Statutes, we are submitting the enclosed Seminole County Agency Report relating to the *EnergySecure Line Natural Gas Transmission Pipeline Project* (Pipeline Siting Act Application NG09-2, 2009).

Seminole County met with representatives from FPL on several occasions in 2009 to discuss the proposed Project. These meetings resulted in the identification of a list of issues regarding the potential impacts to the County from the proposed Project. The County provided an initial list of preliminary issues to FPL on October 5, 2009 (see enclosed report). Any revisions to the preliminary issues resulting from these meetings are incorporated into the enclosed report.

Seminole County has prepared this agency report as provided for in *Sections 403.9401-403.9425* of the Act. *Section 9411(4)(a)7* of the Act provides that local governments in which the natural gas pipeline is located are declared to be a "party" to the proceedings.

The County conducted an informational public meeting on October 1, 2009, regarding the proposed Project and has also requested a local public hearing (see enclosed report).

A copy of this transmittal is available for public review in the Seminole County Planning and Development Division Office, 1101 East First Street, Sanford, Florida, Room 2201, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

The County's contact regarding this report is Alison Stettner, AICP, Acting Growth Management Director. You may reach Ms. Stettner at the above address or telephone 407-665-7339, FAX 407-665-7385, or by email at AStettner@seminolecountyfl.gov. The alternate contact is Tony Matthews, Principal Planner, telephone 407-665-7936, FAX 407-665-7385, or by email at TMatthews@seminolecountyfl.gov.

We appreciate the several meetings with FPL staff to discuss this important matter and look forward to continued involvement with FPL regarding the *EnergySecure* Project.

If you have any questions or if we can be of further assistance, please contact Alison Stettner or Tony Matthews.

Sincerely,



Joseph A. Forte
Acting County Manager

JAF:tm

Enclosure: Seminole County Agency Report

Distribution List:

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- Lucy Schneider, Assistant General Counsel, Department of Health
- Matthew G. Davis, Assistant General Counsel, Department of Community Affairs
- Kimberly Menchion, Assistant General Counsel, Florida Department of Transportation
- Gail Hankinson, Assistant General Counsel, St. Johns River Water Management District

- Ruth Holmes, Senior Attorney, South Florida Water Management District
- Thomas W. Brown, Esquire, Suwannee River Water Management District

Regional Planning Councils

- Phil Laurien, Executive Director, East Central Florida Regional Planning Council
- Gerald S. Livingston, Esquire, East Central Florida Regional Planning Council
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- J. Norman White, Esquire, Central Florida Regional Planning Council
- Jonathan Wershow, Esquire, North Central Florida Regional Planning Council
- Brian D. Steeple, CEO, Northeast Florida Regional Planning Council
- Michael J. Busha, Executive Director, Treasure Coast Regional Planning Council
- Peter Merritt, Regional Ecologist, Treasure Coast Regional Planning Council
- Roger Saberson, Esquire, Treasure Coast Regional Planning Council

Local Governments

- Terrance M. Brown, Esquire, Bradford County
- Christine Lepore, Brevard County Attorney's Office
- Scott Knox, Brevard County Attorney's Office
- Rebecca Lavie, Assistant County Attorney, Clay County
- Al Hadeed, Assistant County Attorney, Flagler County
- William G. Collins, II, County Attorney, Indian River County
- Stephen Fry, County Attorney, Martin County
- John Cassels, Esquire, Okeechobee County
- Tom Drage, County Attorney, Orange County
- Jo Thacker, County Attorney, Osceola County
- Robert Banks, Palm Beach County Attorney's Office
- Denise Neiman, Palm Beach County Attorney's Office
- Russ Castleberry, Assistant County Attorney, Putman County
- Daniel S. McIntyre, County Attorney, St. Lucie County
- Daniel Eckert, County Attorney, Volusia County
- Sid Nowell, Esquire, City of Bunnell
- Anthony Garganese, City Attorney, City of Cocoa
- Jane Hall, City Manager, City of Hampton
- Don Holmes, Esquire, City of Palatka
- William E. Reishmann, Jr., Esquire, City of Palm Coast
- Pamala H. Ryan, City Attorney, City of Riviera Beach
- Jamie E. Seamans, Deputy County Attorney, Volusia County

Seminole County

- Board of County Commissioners
- Sabrina O'Bryan, Assistant County Manager
- Robert McMillan, Esquire, County Attorney
- Alison Stettner, AICP, Acting Growth Management Director

- Gary Johnson, P.E., Public Works Director
- Tina Williamson, AICP, Assistant Planning and Development Division Manager
- Arnold Schneider, Assistant County Attorney
- Joe Abel, CPRP, Leisure Services Director
- Bryan Nipe, ASLA, LEED-AP, Greenways and Natural Lands Manger
- Jim Duby, Leisure Services Program Manager
- Randy Williams, Project Coordinator, Public Works Department

Other

- Richard Brightman, Esquire, Hopping Green & Sams, P.A.

Source: FPL *EnergySecure Line* Project Service List and Seminole County Growth Management Department.

Seminole County
Agency Report on Florida Power and Light Company
EnergySecure Natural Gas Transmission Pipeline
Siting Application NG09-2, 2009
February 2010

Section A - Background

1. Proposal

The Florida Power and Light Company (FPL) is proposing construction of a new natural gas pipeline to meet the state's demand for clean energy resources while diversifying and securing Florida's access to natural gas supplies. It is the intent of the Legislature that the location of natural gas transmission pipelines produces minimal adverse effect on the environment, public health, safety, and welfare. The proposed pipeline is expected to provide jobs and significant tax revenues.

2. Corridor

FPL will install the proposed transmission pipeline [the "*Florida EnergySecure Natural Gas Transmission Pipeline Project* (the "Project")] within a 1/3 mile wide corridor (**see attached location map**). The anticipated operational date is 2014. The location and operational date are subject to the natural gas pipeline certification process, pursuant to *Section 403.9401 to 403.9425, Florida Statutes (FS)* the "Natural Gas Transmission Pipeline Siting Act" (the "Act").

3. Authorization

Section 403.941(2)(a)5 of the Act (Preliminary statements of issues, reports, and studies) provides that each local government shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, evaluating the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to *Section 403.182, FS*, or by other means.

Seminole County has prepared this agency report as provided for in *Sections 403.9401-403.9425 of the Act*. *Section 9411(4)(a)7 of the Act* provides that local governments in which the natural gas pipeline is located are declared to be a "party" to the proceedings.

Section B - Seminole County Issues and FPL Responses

The proposed pipeline will traverse north-south through Seminole County, extending through the County's designated East Rural Area. This area is characterized by agricultural uses, natural vegetation, and large lot low density (5 acres or greater) residential uses, occasional rural villages, and an abundance of environmentally sensitive lands (**see attached Seminole County Future Land Use Map**). The proposed corridor also crosses property that includes the County Landfill buffer. FPL shall identify these areas to avoid accidental impacts from future landfill operations. Environmentally sensitive lands, depicted on the enclosed map exhibits, likely affected by the proposed pipeline, include:

- Preservation/Managed Lands (PML) (Natural Lands)
- Geneva Freshwater Lens
- Wetlands Crossings
- Econlockhatchee River Basin and Protection Area
- Major Trails
- Areas of High Archaeological Potential

Seminole County met with representatives from FPL on several occasions in 2009 to discuss the proposed Project. These meetings resulted in identification of a list of issues from Seminole County regarding the potential impacts to the County from the proposed Project. The County provided an initial list of preliminary issues to FPL on October 5, 2009.

Section 403.941(1) of the Act, provides for submittal of a preliminary statement of issues. These issues, as amended via the several meetings, are incorporated into this report.

1. Apply Best Management Practices, including details regarding applicability.

FPL shall develop details regarding applicability of Best Management Practices (BMP) to reduce and/or eliminate impacts to properties within Seminole County based on the final location of the construction right-of-way, field surveys, site-specific conditions and detailed engineering.

FPL will develop this information at post-certification.

2. Address potential impacts/mitigation to Preservation/Managed Lands areas.

a. Prohibit pulling water from or discharged into any Natural Lands areas.

FPL understands "Natural Lands" specifically to be referencing the Lake Proctor Wilderness Area and the Chuluota Wilderness Area in Seminole County.

Siting criteria for the construction right-of-way and the permanent right-of-way will take into consideration reduction and elimination of impacts. In addition, construction of the Project will employ BMPs to reduce and/or eliminate impacts to Natural Lands areas.

FPL will develop details on sources of water and discharge locations at post-certification.

b. Prohibit storage in Natural Lands outside of FPL corridor right-of-way.

FPL has no plans to locate construction wareyards or pipe storage yards in Natural Lands areas. Generally, the construction wareyard or pipe storage yard sites would consist of commercial, agricultural, or industrial-use sites with ready access to stockpile materials and would provide equipment storage and contractor parking.

FPL will require the construction contractor to locate pipe storage yards and construction vehicles in upland areas to the greatest extent possible and to mitigate any temporary impacts. Any temporary impacts associated with pipe storage yards, construction vehicles and construction wareyards will be mitigated in accordance with applicable regulations.

The exact location of the temporary storage yards and construction wareyards and pipe storage yards necessary for the Project will be determined post-certification.

c. Prohibit dewatering outside of FPL corridor right-of-way onto Natural Lands areas.

The location of the construction right-of-way, site specific conditions, and associated detailed engineering will determine the details on dewatering, if necessary. FPL will develop Best Management Practices to address any potential impacts from dewatering should it be necessary.

d. Prohibit pig launching facilities in corridors adjacent to Natural Lands areas.

FPL shall not locate pig launching facilities in Seminole County Natural Lands areas.

e. Prohibit mainline block valves adjacent to Natural Lands areas.

Mainline block valves installed in conjunction with the Project shall comply with the US Department of Transportation (USDOT) regulations regarding natural gas pipelines. The distance between mainline block valves would be equal to or less than the maximum allowed by USDOT pipeline safety regulations. Based on required distance between mainline block valves and final detailed engineering, the final location of the mainline block valves will be determined.

FPL will take into consideration minimization and reduction of potential impacts to natural resources to the extent possible.

f. Prohibit additional access roads in/on Natural Lands properties.

FPL shall determine the exact location of the pipeline and the associated numbers and types of access roads necessary to complete the Project at post-certification once the construction right-of-way has been identified. Existing highways and roads, including logging roads and the existing FPL transmission right-of-way are anticipated to be the principal means of accessing the construction area.

The Project shall apply BMPs during construction to eliminate and reduce any potential impacts to County facilities or natural resources.

g. Prohibit introduction and/or establishment of exotic/invasive plant species on the disturbed areas and include a provision for the control of exotics via a commitment from FPL to manage and treat species or alternatively a donation to the County's Endowment Fund for the purpose of exotic invasive species treatment/management.

FPL will develop an Erosion Control, Restoration, and Maintenance Plan and an Invasive Species Management Plan based on final selection of the construction right-of-way post-certification.

FPL will consider the option of donation to the Seminole County Endowment Fund as plans are developed.

h. All work shall be done inside existing FPL right-of-way corridor with no encroachment, staging or other construction activities in Natural Lands areas.

FPL will confine pipeline construction activities to the construction right-of-way identified through the post-certification process.

As stated in Section 3 of the FPL application (not included in this report), FPL will use siting criteria to identify the right-of-way within the corridor to avoid and minimize impacts, including specifically consideration of state and county-owned lands. The selection of the right-of-way within the certified corridor will be reviewed post-certification by regulatory agencies for compliance with conditions of certification.

i. Provide notice to the County if FPL plans to acquire additional right-of-way (and corridor realignment) beyond the existing right-of-way where pipeline construction may occur (corridor variations).

FPL will notify the County in advance of acquisition of lands outside of the existing FPL transmission right-of-way in Seminole County Natural Lands areas.

j. Any tree loss outside of the right-of-way corridor shall result in a contribution from FPL to Endowment Fund or County Tree Fund.

Any tree loss would only occur within the authorized pipeline construction or permanent right-of-way. FPL will comply with applicable nonprocedural requirements except as waived by the Siting Board based on a recommendation of the Administrative Law Judge in the certification process.

FPL will consider the option of donation to the Seminole County Endowment Fund or County Tree Fund in the development of Erosion Control, Restoration, and Maintenance Plan and an Invasive Species Management Plan at post-certification.

k. Provide documentation regarding dewatering and discharging of hydrostatic testing water if either of these occur outside the FPL right-of-way.

FPL will identify locations for discharge of hydrostatic test water and a dewatering plan post-certification based on the final location of the construction right-of-way and detailed engineering. FPL must provide the County with documentation regarding dewatering and hydrostatic test water discharge locations post-certification.

3. Address potential impacts/mitigation to the Geneva Freshwater Lens, including techniques for spill prevention.

FPL has met with the St. Johns River Water Management District (SJRWMD) and discussed the Geneva Freshwater Lens. The District representatives did not have concerns about impacts from the Project on the Lens.

The pipeline trench will be approximately seven (7) feet to eight (8) feet deep and the Lens depth varies from 10 feet to several hundred feet below ground surface.

At post-certification, FPL will develop a Spill Prevention and Control Plan for the construction phase of the project.

4. Evaluate impacts regarding wetland crossings.

FPL will develop wetland and waterbody crossing plans based on final selection of the construction right-of-way and detailed engineering post-certification. FPL will conduct field surveys to specifically evaluate impacts.

FPL will eliminate and reduce impacts through construction and permanent right-of-way selection and use of BMPs for construction.

5. Evaluate the potential for possible trail along FPL easement.

Recreational trails may generally be considered a compatible use with FPL's transmission and pipeline right-of-way, however, any such trail must be in compliance with the following conditions:

1. Requires a Right-of-Way Use Consent Agreement.
2. FPL must maintain the capability at all times to construct, operate, and maintain its transmission and distribution and pipeline facilities now located, or to be located, within its right-of-way.
3. The trails must be a minimum of 50 feet from all Transmission structures.
4. No trails between a Transmission structure and its associated down guys.
5. Additional trees shall not be permitted to be planted in the easement.
6. No hunting or firearm activities.
7. No light poles.
8. Any changes in existing ground elevation must be in compliance with National Electric Safety Code clearance requirements and DOT pipeline safety requirements and approved by FPL.

FPL will work with Seminole County on a site-specific basis to evaluate the potential for a trail.

6. Evaluate impacts to crossing of the Econlockhatchee River

Appendix L of the siting application (not included in this report) identifies horizontal directional drilling as the proposed method to cross the Econlockhatchee River. Based on final selection of the right-of-way and detailed engineering based on site conditions post-certification, a site specific Horizontal Directional Drilling plan will be developed.

7. A Special Exception is required for any staging area(s) outside of the FPL right-of-way within Seminole County.

Section 2.5.3 of the siting application (not included in this report) states that FPL or FPL's contractor will identify and gain approval for pipe storage yards and construction wareyards either through the NGPSA as a post-certification submittal, if within the certified corridor, or through individual permitting if outside the certified corridor.

Specifically, FPL will comply with applicable Seminole County land use requirements to the extent that any pipe storage yards, construction wareyards, including construction vehicle parking areas are located outside of the certified corridor.

8. A Right-of-way Permit from Public Works is required for all crossings of County roads and drainage facilities

Based on detailed engineering and design post-certification, FPL will develop road crossing drawings. FPL will comply with the County's applicable nonprocedural standards and provide the information required by the County for a right-of-way permit. All paved road crossings will require Soil Tracking Prevention Devices (FDOT Index #106).

9. FPL staff to meet with County staff regarding location of staging areas

FPL will meet with County staff if pipe storage yards and/or construction wareyards are determined to be necessary within Seminole County. FPL shall work with Seminole County to identify possible desired locations within the County for pipe storage yards, and construction wareyards, including construction vehicle parking areas.

10. Provide estimate of date when construction plans will be available for review

FPL currently estimates that design plans will be available for review in 2011, subject to regulatory approvals.

11. Provide estimated of date when construction will begin in Seminole County

FPL currently estimates that construction would occur in late 2012 or early 2013.

12. Describe procedures for responding to a catastrophic event

Section 2.7.3 of the application (not included in this report) states: FPL maintains 24-hour emergency response capabilities, including an emergency-only toll-free phone number. The number is included in informational mail-outs, and on the following website: <http://www.fpl.com/pipelinesafety> (Spanish version: www.fpl.com/seguridadtuberias). The number will be posted on all pipeline markers and provided to local emergency agencies in the vicinity of the pipeline.

FPL representatives will meet with the emergency responders and public officials of the municipalities and counties along its pipeline facilities. FPL personnel and local emergency responders are trained in response procedures. FPL personnel consult with local fire departments and emergency response agencies to determine if additional equipment, training, and support are needed.

FPL shall provide these departments with the 24-hour emergency numbers and verbal, written, and mapping descriptions of the pipeline system. FPL representatives meet with all local emergency responders and public officials on an on-going basis.

13. Address the issue of wholesaling of natural gas

All gas delivered on the pipeline will be consumed in the state of Florida. Initially, the Florida EnergySecure Line will serve primarily the natural gas transportation needs of FPL's Cape Canaveral and Riviera Beach Clean Energy Centers, with these facilities requiring approximately two thirds of the pipeline's initial capacity. The remaining capacity will be delivered to FPL's Martin Plant for reliability purposes but will also be offered to other entities within the state. FPL will use the gas for power generation.

- a. Mitigation Bank Locations - Figure 5-6* shows Colbert Cameron Mitigation as within Seminole County Table 5-3 states it is located in Volusia County

Colbert-Cameron Mitigation Bank is located in Volusia and Seminole Counties. The majority of the mitigation bank occurs in Volusia County but a small amount crosses into Seminole County. This correction has been noted in this response **(see attached Figure SeminoleCo-1-F1 for the location of Colbert-Cameron Mitigation Bank)**.

- b. Appendix D – Easements, Titles, & Agency Work table; page 6 of 10 “Potential change in impact to property”

This is a very loose statement that could leave properties exposed to potential additional impacts.

FPL has identified the existing condition and potential impacts of the corridor in Sections 4 and 5 of the application*.

*Not included in this report.

14. Address installation of underground utilities

Any final order of certification shall provide as a condition of certification that FPL shall install all underground utilities in steel casing pipes bored in place the total width of public rights-of-way and the trail corridor. Furthermore, these areas are not to be used for storing material, construction equipment or vehicle parking

FPL shall install all underground utilities, if any not related to the gas transmission line, such as fiber optic systems, in steel casing pipes bored in place the total width of public rights-of-way and the trail corridor. These areas are not to be used for storing material, construction equipment or vehicle parking.

15. Application and Permitting Fees

FPL shall be subject to County fees for applications and permitting, as allowed by law.

The proposed natural gas pipeline project will be subject to County regulations that can be applied to non-development activities, such as those related to impacts to wetlands or use of public rights-of-way.

FPL will be required to comply with all other relevant non-procedural requirements of Seminole County, including environmental or other regulations that apply to non-development activities, through the Natural Gas Pipeline Siting Act, *Section. 403.9401 et.seq.*, of the Act.

Section C - Local Informational Public Meeting

On October 1, 2009, Seminole County conducted a local Informational public meeting regarding the proposed Project, pursuant to *Section 403.9424* of the Act. The purpose of the meeting was to obtain comments from the public with respect to the proposed natural gas transmission pipeline (**see attached notice, agenda, and sign in sheet**).

Section D - Local Public Meeting

On September 21, 2009, Seminole County filed a request for a local public hearing to be held at a date and time convenient to the Administrative Law Judge, as a part of the certification process pursuant to *Section 403.9411(2)* of the Act (**see attached hearing request**).

Section E - Alternate Corridor(s)

This report addresses the issues solely related to the proposed corridor contained in the EnergySecure Natural Gas Transmission Pipeline Siting Application NG09-2, 2009, received by Seminole County in July 2009.

Section F - Comprehensive Plan and Land Development Regulations

Seminole County acknowledges that the proposed natural gas transmission pipeline is not subject to the definition of "development" as provided for in Section 380.04, Florida Statutes, providing that pipeline construction is within the existing identified corridor.

The County also finds that the pipeline, as proposed, would be consistent with the Seminole County Comprehensive Plan and Land Development Code within the established right-of-way. The County further understands that consistency with the

County's Comprehensive Plan and Land Development Code may be subject to the final disposition of the application as provided for in *Section 403.9415* of the Act, and may also be a finding of the Florida Department of Community Affairs, *Section 403.941* of the Act.

The proposed Project must comply with applicable nonprocedural regulations of Seminole County, including provisions of the Land Development Code of Seminole County.

Seminole County believes that the concerns and issues addressed in this report should be imposed upon FPL as part of the mandatory conditions of any final certification order for this Project.

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